JANUARY 3, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 3, 2011 with Chairman John Martin, Commissioner Tresi Houpt and Commissioner Samson being present. Also present were County Manager Ed Green, County Attorney Don DeFord, Carolyn Dahlgren, and Jean Alberico Clerk & Recorder.

Expanded Minutes are available upon request – jalberico@garfield-county.com.

CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
CITIZENS NOT ON THE AGENDA
Carl McWilliams asked the Commissioners to not approve the PDC injection well today stating new technologies are available to protect citizens. He requested that these injection wells, north of Parachute, not be approved today, rather let the public have input; there are technologies that are emerging right now that can eliminate the need for injection wells. These technologies are available to protect the environment. He read the article that John Colson wrote re: Silt Mesa and pleaded with the Board to slow down, this requires full and fair disclosure and due diligence. He referred to an oxygenation facing technology that eliminates chemicals. His request is to do a full-blown environmental assessment.
Beth Strudley – Submitted a photo of her son's rash and explained in detail the health issues her family is experiencing. A Dr. Wezensky has suggested they move from the area. She blames all of the negative effects on Antero Resources and on a well behind her house on Silt Mesa.
Dave Pegg – The Commissioners will see an offer by Antero to settle and compromise. He read this in the Glenwood Springs Post Independent but was unaware of who released it to the paper.
Scott Balcomb explained how the oil and gas industry plays a huge part in Garfield County. He cautioned the BOCC not to be involved in aspects of daily life and every business in the County. The regulatory environment in Garfield County is more aggressive than eight years ago.
Commissioner Houpt stated as Commission we are charged with protecting the health, safety and welfare of our citizens.
Scott Balcomb – I understand why you wouldn't want to take the blame for it but I don't understand why you're not willing to step up and share the blame because the increased regulatory activity both on the part of the state and the county is a part of this. You can argue about whether it's a small part of a large part. The point that I'm trying to make is not that we ought to have any particular industry favored over any other industry. The point I'm trying to make is when the County gets involved and over regulates that's the effect of what you do is picking out an industry to favor over another industry and you should let market forces do it. The County regulator process is inherently inefficient like every other level of government. And the other point I want to make is that the welfare of Garfield County depends upon an economy that produces jobs. You no longer have a basis of a real economy left in this County, you have some government employees, some social security, a swimming pool that you can see on cold days and virtually no other industry left. It's gone and it's not coming back especially if we continue to over regulate. That's the end of my statement.
Dave Pegg labeled Scott Balcomb's remarks as disingenuous and hearing the industry will go somewhere else. However, he pointed out the oil and gas is here in Garfield County. He submitted various letters. The first letter is from Gary Slaven, a resident of Silt Mesa.
Carl McWilliams – Gas trading is at $4.00 a unit, a simple supply and demand. In his opinion, it doesn't make economic sense for Antero to drill in Silt Mesa and Peach Valley. All industries are in the tank due to the general economy its simple economics, gas is trading right now on the open market at less than $4 a unit. It's supply and demand. There's no market to man right now for their product. It's better for them to leave the gas in the well because there's nothing to sell. It quite frankly doesn't make economic sense for Antero to drill in Silt Mesa or Peach Valley.
Keith and Vicki Goddard – *Hunter Mesa pipeline location*. It is 100 feet from our water well. Without water, our property would be lower in value.
Chairman Martin – Fred, do you know if there's an excavation or a grading permit issued to EnCana on this particular issue?
Commissioner Houpt – Fred, we talked about this several weeks ago.
Chairman Martin – Keith, have you talked to the planning department in reference to this.
Keith – They received this letter and I talked to Gale over there and he was forwarding this letter to the Board plus I've given you a copy.
Commissioner Houpt – We did receive a letter. Do you know the status of this because it seems to be a real concern and I am wondering what role we can play in making sure in the correct position?
Fred – Let me tell you what I know and see if there's a cross link there. My understanding is that EnCana is putting a gas line in and they're into the County with a permit and it is an administrative permit. I believe on Thursday you received an email from my office probably that said we have a permit in and the Goddard's are adjacent property owners to the line that is going in and now there is this 14 day period where you as the Board have your opportunity, should you want to call it up, if you want to have a public hearing – that's where the process is. So the next step would be for you all to say let's schedule this as a public meeting so you can actually decide yes let's hold a public hearing and do the noticing and get that squared away and that provides you the opportunity.
Chairman Martin – That would be for the adjacent property owners as well.
Commissioner Houpt – I think we should call that up. This has been a concern that hasn't been resolved in the administrative process so…
Chairman Martin – Even though it's not on the agenda.
Commissioner Houpt – We can just call it up right now and you can schedule it.
Fred – Yes, we can set the public hearing and provide the notice so it will be a 30-day timeframe.
Chairman Martin – Then you will have a chance to discuss that in a public meeting and present your concerns. If there was no concern and the adjacent property owners had no concern with it, but you have that right.
Commissioner Samson – Do you have an idea when this will be on the agenda?
Keith – The pipeline isn't on our property, it's on the Shaffer property but I mean it's adjacent.
Chairman Martin – And at that point because it is an adjacent issue, you have the right to go ahead and ask the questions and have the information presented.
Vicki Goddard – It's actually Benzyl's property.
COUNTY MANAGER UPDATE – ED GREEN
A. 2011 AMBULANCE LICENSING – DALE HANCOCK
Dale Hancock submitted the following ambulance licenses for 2011:
Inspections and operating licenses – Trans Care Inc., Rifle Fire Protection District, Grand Valley Fire Protection District, Carbondale and Rural Fire Protection District, Burning Mountain Fire Protection District and Glenwood spring Fire Department. I would ask that the Chairman be authorized to sign and the Clerk to attest to those licenses. I would further ask that the Chairman be authorized to

sign in subsequent meetings licenses for Western Eagle County Ambulance District and the DeBeque Ambulance Service, they're licenses are not at the first of the year, they are staggered – first and second quarter.

Motion

Commissioner Samson – I would move that we authorize the Chair to sign the 2011 ambulance licensing with 8 in total ambulance districts. Commissioner Houpt – Second.

Carolyn – My question would be do you want those other two to be on your consent agenda or are you going to include them in the motion today.

Commissioner Samson – Put them all in the motion today and be done with it.

Chairman Martin – And that is acceptable to the second.

Commissioner Houpt – Yes. In favor: Houpt – aye Martin – aye Samson – aye

B. FAIR BOARD INTRODUCTIONS - LISA DAWSON (KIP COSTANZO, FAIR BOARD PRESIDENT AND KRISTA DEHERRERA, FAIR EVENT COORDINATOR)

Lisa Dawson provided the introductions and stated that Krista DeHerrera is the new Fair Event Coordinator.

Krista DeHerrera was present.

2011 Fair which will be on August 2 – 7 and Kip Castanzo is elected as the Fair Board Chairman and unfortunately he was not able to make it this morning, but we also have Krista DeHerrera here and we have hired her as an event coordinator and she is going to work with the fair board and the County to make this event happen.

C. DESIGNATION OF MARY BAYDARIAN AS HUMAN SERVICE DIRECTOR – ED GREEN

Ed Green presented Mary Baydarian LCSW as the new Human Service Director replacing retiring Lynn Renick. Ed elaborated that Mary has been the Human Services Direction for Park County for approximately nine years and comes to Garfield County with extensive experience. Lynn Renick will end her tenure with the County tomorrow, January 4, 2010 and Mary will be officially the director.

Motion

Commissioner Houpt – I'll make a motion to appoint effective Mary Baydarian as the Human Service Direction of Garfield County effective January 5, 2011. Commissioner Samson – Second. In favor: Houpt – aye Martin – aye Samson – aye

D. TREASURER REQUEST TO CARRY FORWARD CAPITAL BUDGET FROM 2010 – GEORGIA CHAMBERLAIN

Georgia requested the money in the capital budget for her office remodel be carried forward into the 2011 budget in order to get the project completed. We have approximately $14,000 so the carry forward would be approximately $86,000.

Chairman Martin – You would share with Jean just in case she needed room for elections.

Georgia – Yes, with Jean.

Chairman Martin – That was one of the considerations. I heard there was a lot of discussion going on about that little room there. That's great so thanks for sharing.

Georgia thanked Richard for his assistance throughout and was very appreciative.

Carolyn – This requires a formal budget supplement.

Chairman Martin – Yes it does.

Commissioner Houpt – So we can just direct staff to bring a budget supplement forward to carry that over.

Chairman Martin – That would be to Lisa and her staff and Mr. Green to make sure it follows what we are doing and then we will put it on our agenda to approve that.

E. AIRPORT SOLAR LEASE – MARK BOYER AND BRIAN CONDIE

Ed received a letter that Mark Boyer was going to be a bit late.

Mark Boyer with Clean Energy Collective. We brought forward a letter concerning the airport lease to solar lease and some of the terms in that lease. The US Treasury was extended for an additional year. We're requesting that we amend the lease to match that time period because that was the original timeframe.

Carolyn – I've spoken with the airport director and he has no problem. What Mark said is accurate that we put those timelines in because of IRS regulations so Brian has no problem with it, I have no problem with it; I will just create the document and get Mark's employer signature and put it on the consent agenda if you approve.

Motion

Commissioner Houpt – I'll make a motion to amend the ground lease with Clean Energy Collective to extend the completion date to December 31, 2011 and have staff put the amended contract on consent agenda. Commissioner Samson – Second.

In favor: Houpt – aye Martin – aye Samson – aye

F. RENEWAL OF SNOW REMOVAL CONTRACT WITH CONSOLIDATED DIVISION, INC. – JIM HACKETT

Jim Hackett submitted the snow removal contract with Consolidated Divisions, Inc. The necessary Board action is to discuss and either approve or disapprove the award of the renewal in a not-to-exceed amount of $250,000.00 and authorize the Chair to sign the renewal contract if approved. In 2009 it was $75,000, last year it was $300,000, and this is year it is $250,000.00 so this is the last year on our renewals. This covers Battlement Mesa, West Glenwood and Panorama.

Ed – This is part of the process improvement study by Road and Bridge to optimize the use of existing resources.

Commissioner Houpt – And how is that working out?

Ed – It is working great.

Commissioner Houpt – This was a huge jump from $75,000 to $300,000 is that just because the first year we under estimated what we needed.

Jim explained the jump in cost was due to expanding the process and Battlement Mesa.

Motion

Commissioner Houpt – I'll make a motion we renew the contract with Consolidated Division, Inc. in an amount of $250,000 for snow removal services. Commissioner Samson – Second. In favor: Houpt – aye Martin – aye Samson – aye

G. CONTRACT FOR BETTER BUILDING GRANT (DOE EECBG-C GRANT) FOR 2011 WITH CLEER- JIM HACKETT

Jim Hackett submitted the renewal with CLEER for EECBG-C in accordance to Rule 5.3 of the Garfield County Procurement Code; we're asking the BOCC to renew the contract with CLEER for the EECBG-C Better Building Grant for 2011. This is a continuation of the grant that was approved in 2010 in the September timeframe.

Motion

Commissioner Houpt – I'll make a motion we approve the award of renewal for the contract with CLEER in an amount not-to-exceed $545,000 to provide EECBC-C – Better Building Grant management.

Chairman Martin – For clarification Jim, the EECBC grant is the federal stimulus money.

Jim – Yes it is.

Carolyn – Before you vote is this actually a renewal or is it a new contract for 2011.

Jim – It would be a new contract for 2011 just for the fact that we lapsed on getting it on the last Board meeting.

Carolyn – Then the motion should be to approve a new contract.

Commissioner Houpt – I'll amend my motion. Commissioner Samson – Second.

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

H. CONTRACT FOR GARFIELD CLEAN ENERGY ADVISORY BOARD PARTICIPATION AND TRANSPORTATION EFFICIENCY STUDY AWARD TO CLEER- JIM HACKETT

Jim Hackett presented the renewal of contract with CLEER for Garfield County's piece of the 2011 IGA in an amount not-to-exceed $150,000 to CLEER and authorize the Chair to sign if approved.

Motion

Commissioner Houpt – I'll make a motion we award a contract to CLEER in an amount not-to-exceed $150,000 for the Garfield County portion of the 2011 IGA. Commissioner Samson – Second.

Chairman Martin – The identification of the $150,000 coming from general fund.

In favor: Houpt – aye Samson – aye Martin – aye

Carolyn – I just want to update you that the IGA's did get drafted in accordance with your last meeting and the motions that were made and they are on the street.

I. MAMM CREEK HYDROLOGICAL STUDY CONTINUATION FOR 2011- JIM HACKETT

Jim Hackett presented the renewal or it's actually a new contract with Geo Trans, Inc. to continue the study at Mamm Creek for Hydrological Study for 2011 in an amount not-to-exceed $118,225.41 and authorize the Chair to sign that contract if approved.

Judy Jordan – As you know there have been three phases of the Hydrological study in the Mamm Creek area and this is the third phase. This is the third new contractor and one of the things they were going to do is to install monitoring wells in different locations.

Commissioner Samson – And the timeline when we might get final results.

Judy –I think June probably. They have to do two rounds of samplings, one sample is to do the ground water sampling seasonally. In this case, we are going to do a semiannual. Originally, we were hoping to get the first run samples in the fall but at least you want to do a water sample when the water table is lower and do a sample when it tends to be higher, so there's a seasonal division between the time they collect their samples. They will start collecting samples this month and the water table will be depressed and then hopefully when it comes up higher in the spring, they will give us a different sort of perspective and we'll get a new set of samples in the spring and then they will go through all that data and that's when we get the report.

Chairman Martin – It's in the budget – this is the continuation of the analysis of West Divide and the recommendations that were made and posted on our website. This is part of the agreement with the oil and gas conservation folks, the local land people in Garfield County and the protection of the citizens that has been going on and will continue to go on. Because it is also part of the recommendation made by Dr. Thyne and we are monitoring that as it goes on.

Motion

Commissioner Houpt – I'll make a motion that we award a contract to Geo Trans, Inc. in an amount not-to-exceed $118,225.41 to provide for the ongoing Mamm Creek Hydrological study. Commissioner Samson – Second.

In favor: Houpt – aye Martin – aye Samson – aye

COUNTY ATTORNEY UPDATE: CAROLYN DAHLGREN

EXECUTIVE SESSION – LITIGATION UPDATE AND LEGAL ADVICE – We have two things that are likely going to require public action – the consideration and possible action on the settlement proposal on Antero and the direction on potential appeal of Sun Dog Enterprises which is a BOE/BAA case. Do you want to put this item forward before the 10:15 agenda and do you want legal advice?

Chairman Martin – That is the real question, is there a need for legal advice on this particular issue of intervention.

Carolyn – You have been given a confidential settlement document. The applicant, for well spacing, has request that they be able to present personally that offer to you and obviously, that would make it no longer confidential.

Chairman Martin – It wasn't anyway, it's been in the newspapers.

Carolyn – It's been in the newspaper but I don't think….

Chairman Martin – I do have one legal question in reference to process on this particular issue so I would like to call for an executive session for that purpose only.

Commissioner Houpt – And the rest of it we will be discussed in public fashion. And it seems to me, we would have to ask Mr. Pegg but it seems to me that we could combine these agenda items.

Carolyn – The only question; are there people who are not here yet because it was on the 10:15 agenda?

Dave Pegg – That is a separate issue attached to all of this, which is the inadequate communication between the County Attorney's office and the people of Silt Mesa in regard to the intervention.

Commissioner Houpt – And do you have other people coming for the 10:15 meeting or is everybody here?

Dave Pegg – I believe we may have other people coming to the 10:15 meeting.

Chairman Martin – I believe everything else will be relatively short and we will get his out of the way and bring it back.

Carolyn – I also left one item off, we need to talk to you about Berkley in executive session and no public action is required. Antero, Sun Dog and Berkley.

Commissioner Houpt – Mr. Pegg, we could combine these agenda items

Motion

Commissioner Houpt – I'll make a motion we go into Executive Session to discuss the items stated by the County Attorney.

Commissioner Samson – Second. In favor: Houpt – aye Martin – aye Samson – aye

Motion

Commissioner Houpt – I'll make a motion to come out of Executive Session. Commissioner Samson – Second.

In favor: Houpt – aye Martin – aye Samson – aye

Antero – If the Board decides to make this public then I will make copies.

Action taken:

Chairman Martin - No action, only procedural issues that were discussed.

Carolyn – What the County Attorney's office is asking is that you take action on what is now a confidential settlement offer to either accept it, continue negotiation or to instruct your staff to present a counter proposal.

B. CONSIDERATION OF AND POSSIBLE ACTION ON SETTLEMENT PROPOSAL FROM ANTERO IN COGCC INTERVENTION – CASSIE COLEMAN

John Black from Antero Resources, Brian White from the Denver office and Ken Wezneal were present.

Chairman Martin – Who is going to be your spokes person?

Brian White discussed the settlement offer. He stated there were no objections to having the settlement offer discussed in a public session.

Ken – We submitted this settlement offer on December 17 for your review. Essentially, where I would like to start is to clarify a couple of misconceptions that we've seen publically over and over. One of these is the assertion that we are going to be putting a well pad every 40-acres.

Chairman Martin – That was the Williams pilot project down in Parachute and Battlement Mesa area.

Ken– Barrett and Williams. So because of that misconception what we decided to do was offer as one of our settlement offers, or part of it anyway, was to limit our well pads to one well pad for every 160 acres so essentially cutting it back from what was a hypothetical maximum well pads in this area of 16 to hypothetical maximum of four but that doesn't necessarily mean that we are going to use all four. We just think to be able to adequately develop the resources under a 10-acre density program – we might need up to four well

pads. He clarified stating they would be 500 foot setbacks, however, those aren't the COGCC rules, it is 150 feet from the well head or facility to any occupied structure or 1 ½ times the rig height depending upon which is more. Now if it was a high density well pad the set back would be 350 feet from the well head or the facilities to any occupied structure.
Commissioner Houpt – I think the confusion there was that in the Community Development Plan 500 feet is already listed and so maybe there was miscommunication on whether that was COGCC or the agreement that had been put in place in 2006.
Ken –The Community Development Plan is a non-binding document. We submitted the conditions of approval for the Fenno Ranch "A" pad and we would like to use that a model. We voluntarily implement all of these best management practices in the area and some of those have become conditions of approval. What we would like to see the County do in this matter is not necessarily step in the down hole spacing issue, which is where we are not; but instead consult with us on the Form 2 and 2A process, which is the permit because although at the intervention the County intervened in the down hole spacing application.
Commissioner Houpt – My concern is there is this gap between state regulation and county regulation. That gap creates a void in being able to respond to cumulative impacts, so if you respond to the Form 2 and 2A, you're not really looking at the area impact.
Brian – Well and I think our initial upfront conversation was actually the Community Development Plan the Rifle/Silt/New Castle Community Development Plan, which was our intent for addressing all of those issues before the rules even changed. We voluntarily met with the members of the community and tried to line out a lot of these issues.
Commissioner Houpt –It is a great process and it's been held up for years but as I read through it again I think maybe where that process fell short was that it was shelved.
Ken - Where we are with this four well program on Silt Mesa was we had to go up there and actually test to actually figure out how much gas is up there, how much water it produces you know, all the different parameters and dictating how much pipe you need to put in, what size pipe, which water take away capacity needs to be so a lot of these cumulative impacts are contemplated in the Community Development Plan. But until we can really assess the nature of the reservoir in that area it's difficult for us to just go out there and just start throwing pipe.
Commissioner Houpt –And I completely agree with you and I understand that it's very difficult when you are trying to assess a field and move forward. What I have found though and it's what was made in 2006 made this plan so successful. I found when you're at the table with people and you're not coming in and saying we're going to move in tomorrow and drill in your backyard type of approach but you're sitting down with people and you're saying, okay, we own these leases, we are going to be accessing this resource and let's figure out how to do this together. But you don't end up in scenarios like this where we are talking about intervening at the state application.
Ken – One supplement I might make to your comments Ms. Houpt is I think these were expressed to you in a letter from Mr. Neslin on November 8th is that the Form 2A process is actually designed to address cumulative impacts and that was specifically stated in the statement basis that you adopted as part of the Oil and Gas Commission rule making. I'll just repeat the last sentence "that we want information associated with Form 2A will help the COGCC to monitor surface disturbance, extent of number of locations of equipment and approve the ability of the Commission to access the cumulative impacts associated with oil and gas development." That assessment process happens in the Form 2A consideration then can result in conditions of approval like the Fenno Ranch, which are exactly designed to address the so-called cumulative impacts.
Commissioner Houpt – Well, they are to a degree but if you have several different spacing applications next to each other you're going to have a scenario that you may not cover in the Form 2A process because you're going to be in the same area but outside of the …..
Ken – That is the appropriate process and a better process to….
Commissioner Houpt – Well, it's the historical process but I don't know if it's the better or worst process but historically.
Brian – It is a process the Oil and Gas Commission has adopted for these types of scenarios. I would just like to reiterate that I believe we have addressed many of these cumulative impacts in the Community Development Plan. It is our intention currently to submit a formal CDP through the COGCC, which is the more widespread formal way of addressing these cumulative impacts. In addition to that we have a letter from the CDPHE endorsing the approval of the application and also I would like to reference Exhibit G which when we were talking about informing the community of all or our activities. We have committed in the CDP to have an annual meeting to tell people what our plans are for the upcoming year. We have honored that commitment and those are explained in Exhibit G.
Cassie – I have a clarification question. Your proposal in your letter would mean that the County would withdraw our intervention from both applications correct? And then the ones going forward because you proposed a different process and let us continue to intervene in your well spacing applications.
Ken – That is correct.
Cassie – I just wanted to clarify it was not the first intervention that we had the whole Rifle meeting about but it is also our second intervention that was filed last week or the week before and then the ones going forward for this whole area, Peach Valley/Silt Mesa.
Chairman Martin – Thank you for that clarification.
Brian – We are proposing a consultative process with the County in each instance instead of an adversarial process at the Oil and Gas Commission.
Commissioner Houpt – It makes most sense for you and the and community to come to us and say we believe that we can work through this process by relying on this plan and we've set down all together and we all are on the same page on what it means and what kind of impact it is going to create and how we are going to go and the type of communication we are going to have and today we are receiving this from you and we'll hear from the community representative. But practically speaking this is a document that just isn't yours – this is a document that is yours and the landowners in that area. So it really needs to come from both parties.
Carolyn – Mr. Martin, as a follow up to what Ms. Houpt is saying, that I'd like to ask Antero representatives a question about the proposal. Is the consultative process with the County that you're proposing a public meeting process like we're involved in right now or are you talking about consulting with the oil and gas representative and the County's lawyers; what are you envisioning?
Brian – There will be two parts to that with respect to Antero particular applications. It would be a direct consultation pursuant to the LGD consultation rules under the oil and gas commission.
Commissioner Houpt - This morning that would be appropriate for at least this area of Piceance Basin. It does seem to be the issue raised with this particular square mile application are not limited to that square mile and that whether it's called a geographical area plan or a field wide order has had been adopted for example in LaPlata County and Weld County for those area rules. I think there is some interest at the staff level of looking at these issues from a bigger perspective and the oil and gas commission and that I think the industry would feel more comfortable that they would be properly addressed in that sort of setting as opposed to an adversary process focused on a particular small application. So I think we're not suggesting that's the only avenue available here but with respect to Antero's particular applications we would suggest that they be negotiated through the LGD process.
Brian – The gap under the rules COGCC 2.16 has not used to date so there still needs to be some parameters put on and I think a memorandum is coming to the Commissioners and I believe you were supposed to get it at the end of the year but I don't know if that has been send. But it is a rule making so it is a public process as an agency rule making subject to the administrative procedure and so it has all those aspects.
Commissioner Houpt – There are a couple areas in the state that are being looked at right now and those areas were actually done by the public to come forward so it would be a public process.

Carolyn – It is important for the citizens of Garfield County that they do have a possibility of giving input into that process.
Commissioner Houpt –Just for people's understanding the process creates different conditions to different areas after the basis geology activity in the area is studied, and the potential impacts are understood.
Brian – In addition, I would just like to say in the Form 2 and 2A process the permits are posted on line and open to the public for comment for anyone that feels like they may be adversely affected by a well pad and those comments are taking into account before the permits are issued. Occasionally they will lead to additional conditions of approval that are assigned to that permit.

- **DISCUSSION REGARDING INTERVENTION AT COGCC MEETING ON JANUARY 13TH – DAVID PEGG**

Dave Pegg – First of all I would like to give my heartfelt thanks for the Commissioners agreeing with this intervention. He thanked each of them personally and the County Attorney's office for the work they have done. The first point I would like to make is that the Commission is intervening on our behalf after the public meetings that we had because as citizens we do not have an individual right to file an intervention with the COGCC; you are acting as our representatives. We don't believe that you can accept this offer because it has or has not been made public to us, so we have a chance to comment on the offer.
Chairman Martin – We have a representative government, not a total democracy where everyone gets to vote on that particular issue so we have to take a risk and make decisions based upon what we feel as representing the entire county. Again there are some rules that apply to representative government making decisions, negotiations that we have to do as a body and other ideas about everyone needs to be informed and have a say and a vote that is total democracy which we do not live under. So again, there is a physiological difference. I understand where you are coming from but we have to take that risk as elected official
Dave Pegg – He noted the CDP stating that he didn't have time to read the Antero offer of settlement.
Commissioner Houpt – Well did you hear they committed to 160?
Chairman Martin – That's in the letter you have in front of you.
Dave – Essentially we would love to enter into this offer to compromise and settle and have a dialogue about this and come up with some plans. You must either reject their offer or you must have the COGCC meeting postponed.
Chairman Martin – That is up to the COGCC as they are the schedule maker. What we are trying to do today is gather information to see if we wish to have acceptance of this one, rejection of this one or a continuation of negotiation. So that is what we would like to narrow our focus on and I understand that's there is a whole bunch of other stuff going on here, personal preference, political issues, pro and con oil and gas development and all kinds of other stuff. Give us the information that we will need to either continue, reject or to accept this particular settlement and go forth because the burden of proof is on this County on that day even you are endorsed as a witness and will be again interviewed as a witness to present it or not present it based upon the attorney because the attorney represents this Commission, this Board and you have to have your own legal advice there usually. You present your information and are interviewed as a witness and then go from there. That's the way the procedure is set up so we have some kind of consistency and conformity to the rules and regulations, etc.
Dave – We had a public meeting which the Commissioners agreed to intervene. I believe that this body can un-agree to intervene and we should have another public meeting.
Chairman Martin – That's your request.
Dave – That is my request. Dave submitted some letters from Bob Elderkin and Gary Slaven. We would welcome the opportunity and the spirit of the Community Development Plan to have a dialogue with Antero about this and the people of Silt Mesa feel that in terms of this confidential offer, we have been cut out of that process.
Chairman Martin – Now identify we.
Dave – People of Silt Mesa. The people who live in the sections and the adjacent people to the sections.
Chairman Martin – Which would include me.
Commissioner Houpt – Which would not because you are a Commissioner.
Chairman Martin – No because I'm a property owner so anyway… I'm there twice a day, but anyway I'm closer than you are I think, but anyway understand the situation involving the entire what 1000 people that are there, is that what you are saying "we" every person that lives in Peach Valley, Silt Mesa…
Dave – At least every person in those sections should have been, I know when I applied to the Planning Commission to build an additional dwelling unit I had sent a registered letter to all my neighbors in that vicinity might have been in the spirit of the ….
Chairman Martin – Within 200 feet, that's the rule of what the activity is what you are saying. That is a land use regulation that we have in place and notification in reference to the Oil and Gas Commission is also posting and notification, representative back to the representative government, Judy Jordan receives those on a daily basis on what's going to happen and if there is an issue that comes up to the neighborhoods or an issue that is there, she brings it to our attention and we have the ability to call it up or discuss it, that's….I understand that you want to have more involvement.
Dave – We would like more information before we can say, hey, we would love to settle and compromise with Antero, we need to know what that plan is and that Community Development Plan says very specifically they will work with the community well in advance of drilling to develop the drilling plan.
Chairman Martin reiterated that the burden of proof is on the county.
Commissioner Houpt stated that because of the technicalities these guys are not the party but the County.
Nicki Fender lives on Silt Mesa and her children are 5th generation in this Roaring Fork. I'm from an agricultural family; cattle and hay is the main focus. So, I feel like if this industry walked away right now, as I don't feel like they employ that many local people anyway. They did put a fraction of their money into this local economy but we need to build this county on the people that are going to raise their kids here for many generations. The industry maintains, if you over regulate this industry you're just going to push them out. I'm asking for more regulation. Somebody needs to hold their hands to the fire and make sure they are not doing things they are not supposed to do. She suggested air quality monitors and water testing. I realize that this industry needs to be here, we're going to harvest that energy but in appropriate places. A density populated residential area such as Silt Mesa is not the appropriate place.
Chairman Martin defended Scott Balcomb's comments pointing out that 80% of all revenue that the County receives based upon almost $3 billion dollars worth of evaluation is energy companies. I think that is what he was trying to say is economically speaking based on this industry, even though they are not even drilling wells, they are still paying the taxes and 87.5% interest on the actual value versus the deductions that they have where on property taxes it is 7.91% and I think that is the coloration that he was looking at. And, again if you look at the overall dollars coming in to the County, 80% to 82% are coming from energy companies and I think if you stop, look back and that goes to school districts, municipalities, fire districts, ambulances, water conservatives on and on not just the County but everyone.
Nicki – Now how were we paying for all of that 15 to 20 years ago.
Chairman Martin – We weren't, we were just barely making it by and again you have to look ….
Nicki – I don't buy into that… well I know you like the $200 something million dollars in the coffers that the oil and gas presents but why would we sell our soul to that industry when they are not going to be here in 30 years.
Chairman Martin – We are not selling anything to anyone.
Nicki – This County has been since 1880's when my husband's great grandmother came into Garfield County, we need to focus on what really matters for many generations to come so, I want you to take that into consideration.
Chairman Martin – One of the first debates that took place in the 1896 was energy development on oil shale and they produced 2,000 plus barrels a year plus in reference to Rulison by retort. Again, it was a concern then 100 plus years ago and it still is a concern.

Nicki – As a resident I just want to make sure you guys stand by your promise to intervene and look out for the best interest of the residents of Garfield County.
Chairman Martin – Well, that you and that is the first direct answer we requested is either to stand by it, accept it, or do away with it.
Carl McWilliams reminding the Commissioners back in October, Beth Strudley and other mothers came in here and claimed their rights under the Constitution of the United States of America and Beth Strudley was specific in that she has an inalienable right, God given fundamental rights of due process that are in the 5th and 14th Amendments. I would also add to that the 9th Amendment is my and everyone's American citizens in good standing inalienable rights of the consent of the government. Frankly, I have been online for three weeks trying to find the permits, it's a maze, you need a bachelors of science and IT to work through that gas commission website down there – that is not full disclosure. I was on the rigs out there on a swabbing rig for a year. Hydro and sulfide gas killed my partner put me in 90 days of workers compensation – I had double vision like I had a stroke. The fundamentally rights that we the people of Garfield County have that was given to us by the Constitution that allows people like Beth Strudley to defend her home to protect the health of her children and so her property values aren't diminished because now she has to haul water. Thank you so much. Continue with vigor; continue with vigor, thank you.
Jack Pretti – I live at 238 Parkson Avenue and I'm speaking on behalf of my mother Dottie Pretti who is here; who lives at 213 CR 238 which is also Pretti Lane. I want to make one thing perfectly clear before we get too far along the line of this that Mr. Pegg and citizens that's he's advocating for on this do not represent all the members and residents on Silt Mesa and Peach Valley. There's a certain group of people that have entered into lease agreements with Antero Energy Resources for the lease of their mineral rights and for the development and the consideration of those mineral rights. There is a right for that due process as well and that needs to honored and acknowledged. Colorado has just gone through the adoption of the most stringent rules and regulations in the nation bar none and that is what those rules and regulations are there for is to help protect the citizenry, the values of compliments of our environment. So, most of the comments that I have seen and heard echo exactly the hot points that are in all the rules and regulations the concerns of impacts on wildlife, air quality, water resources, transportation, road right of ways, infringement on personal rights throughout the community. The impacts of those industries in that, but that is also what the regulations are there to help monitor and you guys have a great resource in the oil and gas conservation commission to enforce those. Ms. Houpt has been instrumental in developing those rules and has had a very good handle on them all the way through, so they are there and meant for the enforcement of it. I do want to touch on just one of the comments that has been brought forth from earlier comments as the economic impacts that this energy brings to our community, the taxes that they pay, the benefits that all of the citizenry of Garfield County enjoy and realize the benefits of, the very generous contributions that Antero and the other operators in the area provide to this County through donations, those don't and shouldn't go unnoticed. The jobs that are created as a result of this is probably the shortest path to economic recovery in Garfield County and that is not something that anybody should take lightly. For every job that's created the payroll process out of that gets circulated back through the community 7 to 10 times, that has been demonstrated over and over and time and time again. And as we are able to start any kind of recovery out of this economic doldrums that we've been on and believe me from my perspective it is a doldrums, we need to have that economic engine generator to provide us with that direction and assistance. I would like to take this opportunity to suggest to you that you give very strong considerations to the recommendation of Antero and their willingness to make a settlement offer with you as the designated representatives of our local government and the citizens involved in the group behind, I understand their positions and their emotions and involvement in it and I understand also that everything they feel that they have is at risk, there's no benefit on their side. What is the benefit, well short of the economic recovery possibilities they do stand to have a greater risk than maybe the mineral right holder interests that have whole interest in the community.
Chairman Martin – We are going to take commentators first and then we are going to try and wrap this up because we have a full agenda as well.
Sandy Pickard –I would just like to ask the Commissioners to please reject this offer. I think our county attorney's are putting together a good case of why 10 acre spacing is not warranted in this area. Mr. Pretti thinks that the rules and regulations of this COGCC are backing them up with this 10-acre spacing and I disagree with that totally. I would ask that you please continue with intervention.
Beth Strudley - About the rules and regulations of the COGCC that the State of Colorado has that are so called so great, if they are so great then why is my water compromised now. We have to haul water now and when we purchased our property we called the COGCC and asked them directly if it was safe to buy property on Silt Mesa and they said absolutely. We got a letter from the COGCC saying if we want to get rid of the rotten eggs smell, we need to replace some certain pipes on our hot water cylinder. Well, we didn't do that, all we did was cut off the water supply to our well and we're not hauling water from Glenwood.
Commissioner Houpt – I don't know the water situation as I haven't seen the reports but the rules we have in place, I worked on them and I would probably be the last person to say that they are perfect but they are better than we have ever had in the State of Colorado and they are better than some of the other states. Your question is really difficult to answer because we haven't seen the paper work from your test.
Beth Strudley –The majority of us didn't know about the drilling activities in Silt Mesa. Now I have a question about the so-called taxes that Antero pays, now they fly their crews in from Canada and they hot bed them. Dr. Theo Coulter gave us a detailed speech on what they do and they hot bed their guys, they have two gentlemen in a bed, one's working 12 hours, one has access to the bed. They fly them in for 30-days at a time. Are they paying their income taxes here or in Canada?
Chairman Martin – Both probably because they have to report it to the State of Colorado for expenditures and I'm sure that Canada would like to know the income as well. So I'm saying that they probably do both.
Beth – And who regulates that?
Chairman Martin – The IRS and Department of Revenue.
Beth – I just want to ask you to please continue your intervention that you said you would when you came up to me at the Silt meeting and promised me that you would carry on with the intervention and I would also, I don't even want 160 acre spacing, I want it all gone off Silt Mesa, it's too close to families and people's homes.
Leslie Robinson representing the Grand Valley Citizens Alliance and stated it is interesting about Antero's recent offer. The County should go ahead with the intervention because Antero said they are going ahead with their 10-acre spacing request despite their offer. I'm sure that towns of Rifle/Silt/New Castle were part of the members of the Community Development Plan (CDP) would like to sit down and work with Antero and the County, the Energy Advisory Board, the stakeholders and revisit the CDP. Let's look at all Western Garfield County as a unit and how development is going to impact Western Garfield County.
Dave – There are four points in their offer, he explained each one, and how the offer was originally made in 2006.
Ken Walstole – The County initiated an adversarial proceeding by filing an intervention. The original offer settlement was made on December 17, 2010, 17 days ago. We offered a week and we extended at the request of your attorney until today – that's the end of it. Tomorrow, the County is obligated to provide us a list of exhibits and witnesses within the adjudicatory process and going forward. Just so you know, Garfield County did make a motion to continue the hearing and it was denied. So we are going on January 13, 2011.
Cassie – It was emailed to me the 17th, I received it on Monday the 20th but it is in email. I just wanted to clarify we're only here to discuss Antero's settlement offer which is made to the Commission today or before. Antero discussions with the citizens are a separate issue because Antero's requesting our part of the settlement would be that you dismiss your motion to intervene on both applications. They are requesting the BOCC withdraw its motion to intervene based upon these agreed upon terms. The Board can

either accept their offer, reject their offer or instruct staff to continue negotiations or something else that staff needs to do to resolve the intervention issues.
Commissioner Houpt –The Community Development Plan was brought into Antero's letter so that does bring the community into this discussion. And so, as I would say, I would not support a settlement unless the negotiations continued but continued with the landowners and Antero, so that everybody could come back to us and together say we want you to withdraw this intervention.
Cassie – And that certainly your policy decision. We believe that's not required, but you are the politicians and policy makers to make that decision. All forms of litigation are continued along both tracks, we are conditions and continuing settlement discussion just like you had discussed at the Rifle meeting that we would continue and hopefully resolve the issue short of a public hearing or a hearing, but if that is what is necessary we are going along two tracks and I think all litigation encourages settlement and compromise while having the idea that there is a pending public hearing coming.
Commissioner Houpt – We're in this intervention because a group of property owners came to us and asked us to intervene as a party that is capable of doing that through the state regulations and for that reason and because of the unique situation of this area with the Community Development plan, doesn't make sense to me to negotiate settlement in a vacuum. It makes it different from your typical process, because usually it would be the two immediate parties negotiating.
Ken –Mr. Martin, can I make one clarifying statement, perhaps this is something that is not said in the settlement proposal it ought to be kept in mind, why we are talking about a consultative process on the spacing orders hopefully on the 2A's when they come forward for the well pads. We're not asking in this settlement that you forgo your rights if the conditions of approval on the 2A are unsatisfactory to you as a representative of the citizens, to take that 2A to a hearing. So you have another bite at the apple so to speak on every well pad application that would be made. We're not asking you to forgo that right. We're saying we don't think the spacing application is a proper place to have these discussion to a process that's designed to have these discussions and we hope we can work those out with you through the consultative process but at the end of the day you retain the right to take that 2A to hearing and suspend the withdrawing. Ms. Houpt – I'm sorry this has been on the table since the 17th and the offer expired today.
Mr. Wade – For the record, there is the annual meeting that we are about to host.
Ken – Did you hear Mr. Wade say they held 3 meetings and 160 people came to them?
Mr. Wade –And I think that if the issue is just communication, we take many steps to communicate with people. John was at the EAB, I don't know how often they meet but he's there almost every time if not every time, they are both available by phone, cell phone even at any given point and so if it's just a matter of communication, I would gladly start a list right now with some of these people get their names on it and we'll make sure they are notified for the next meeting and we can discuss some of these issues. But as far as it goes with the technical down hole issue that we have actual contractual obligations relying on, that's why Ken is saying that the offer expires today because at this point we have to prepare our exhibits and we have to go to a full hearing and the door is closed.
Carl – Just one more please, there is really a disingenuous state of mind coming from Mr. Wade. What Antero is proposing here is to create out of thin air, out of whole cloth some kind of a County permit public review process at the county level that the county doesn't have regulations or statutes, they are going to create something out of thin air here.
Chairman Martin – I don't think they are asking for regulations.
Carl – I think they are. Antero said we are going to come over and talk to you about how we're going to get this done and we're going to be communicating with the community and give you a full disclosure. Don't trust these guys.
Motion
Commissioner Samson –First of all I want to make a statement then I want to make a quite detailed and then I want to make a motion. The statement I want to start out with is there will be drilling on Silt Mesa. Mr. McWilliams makes quite a point consistently about the process and constitutional rights that is in the US Constitution as well as the State's Constitution. It is my understanding these Constitutions guarantee people who are mineral rights owners the right to drill, they have a right to harvest those minerals, obviously people who are mineral rights owners would want those enforced more than people who are just surface landowners, we all understand that I hope. Most people that are surface landowners and mineral rights owners; it has been my experience favor the harvest of those mineral rights. That's not always the case but I think the majority, regardless of that, there is still a right there. With that being said, the question always involves how do you go about that. Will there be 10-acre down hole spacing, how many well pads in a section, all of the technical details will have to be worked out. Along with that the health, safety and welfare of the people in the United States specifically in this situation Garfield County has to be taken into consideration. We as County Commissioners are doing our best to try to balance and it's a tough balancing act. But, I would submit to all of you that we're not going to be the final say, I hope you understand that. This Board will not be the final say. Drilling in an overall sense is controlled by the COGCC. Now, yes we do have certain things we can do at Battlement Mesa, there are certain things we can do on Form 2 and 2A and so on and so forth. But at the end of the day, it will be the State that decides these things. That was one of the main reasons why I favored the intervention, I felt is some ways that the people in Silt Mesa needed to be heard more and it was not just a handful of people, there were quite a few people that attended that meeting and stated in fact that they were concerned. I hope everyone understands a couple of things, if we're going to drill for natural gas, then obviously we have drilled for natural gas in Garfield County. There's going to be a lot of inconveniences, if you're going to complain constantly about the noise and the dust, I understand that but there is going to have to be some inconveniences. We're going to have to work together. Is there going to be some air pollution, well show me an industry such as the extraction of minerals and there isn't. I don't think it happens. It goes back to the point again how much, where do we draw the line, how much is acceptable. One of the main things that caught my eye when we decided to enter into the intervention was the number of wells on the north side. Water wells compared to the south side of the Colorado River. I know there's different geological structures, I don't know that we have all the answers to all of that. I don't know that we have all the answer to fracing. For every person that I find that tells me, Mike there's no problem with fracing and fracing fluids I find another one that says yes there is. I can't come up with a definitive answer on that – I don't know if anybody really can. For everyone that says there is, there's another one that says there isn't. I would like to commend Antero with them giving us this proposal. A way of introduction or explanation to this is this was received by our County staff I guess in written form on December 20. Now, as you all know because of the holiday season, many of us were out of town. I was one of those people. I did not see this until last night when I picked it up as I came back from my trip at my office and went home to begin studying it. I think that a lot of that is due because of the holidays and so on and so forth. I'm not here to point any fingers at anybody and say this or that or the other; I just want the general public to know that we as Commissioners haven't had a whole lot of time to digest all of this, all right. But I do commend Antero for their willingness to try and work this out a little bit more. One of the reasons that I wanted the intervention was as our attorney said earlier, we entered the intervention that gives us time hopefully for people to work together some more. And I guess this is one of the toughest things that I've had to deal with as a Commissioner. We have people way over to this side who do not want any drilling at all, period. That's hard to deal with those people because that isn't going to happen, then of course we want people over here that "drill baby drill" – we don't want any regulations at all, don't worry about it. I don't feel that's right either, I think we have to work together so I commend Antero one more time that they are willing to do that. I'm not particularly fond of this deadline of January 3rd, today at 4:00 p.m. because I think that puts a gun to my head and I don't like being pushed into something such as that. With that being said, I would move that we as a Board instruct our staff to continue negotiations with Antero, using this proposal as a basis to work from and see what we can come up with. I would encourage Antero very strongly because we have about 10-days to meet as much as possible with these landowners, surface rights owners, mineral rights owners, interested parties in the Silt, New Castle, Peach Valley area and see what common ground they can come together with. I don't think it would be prudent for us at this time to withdraw the intervention although that could be done, that

could be done at a special meeting January 12th at 7:00 p.m. as far as I'm concerned if it needed to be done for the purpose of withdrawing and I understand Antero will have to go on but we would not be a party to their application and so on before the COGCC. If that happens, if that works out I think that would be a great starting point for everybody in this County to start working together more so. If we don't learn to work together, if we don't learn to pull together a little bit more, all we're going to do is continually fight each other and yell and scream at each other and a bunch of bad blood. I don't see any good coming of that type of posturing and mentality or action. So with that, which is my motion.
Chairman Martin – That is quite a motion. Do I have a second?
Commissioner Houpt – Well, let me ask a question because that was a long motion, my expectation would be for the stakeholders who are covered by the Community Development Plan to come in front of us and say, yeah we support whatever negotiated settlement occurs in the next few days. Is that part of your motion?
Commissioner Samson – I would hope that would be the result if that doesn't happen then I guess the intervention goes forward but obviously many of the people that are here, we have Jack Pretti who spoke to us today that represents the mineral right owners, his mother specifically as well as others and they have a big stake in this and they should and they need to be part of that settlement and so on and so forth. Here's what I'd like to happen, I would like for Antero to come back to us, let's say next Monday, maybe it's next Wednesday, maybe it's next Thursday I don't know, and say you know what it worked out. 99% of it, there's some people who are still disgruntled; we really can't do much with them because they don't want drilling. All right, I understand that. Most of the people we have met with have said, here are our concerns, we've addressed those, we agree with those. The mineral rights owners if they have a representative, RSPVA they have a representative come to us and say yes, we've working out the vast majority of these things, we feel good about it and we don't have a problem, withdraw your intervention. That is what I would like to see happen. I think that's possible to do if not then I guess we go forward.
Commissioner Houpt – And I would want to see that from those various stakeholders and I can support your motion as long as that's part of the motion that we don't just listen to the Silt/Peach Valley people in the vacuum or we just listen to Antero in a vacuum, or we don't just listen to the royalty owners but we base our decision to move forward with the intervention on all of them coming together to us and saying yeah, this worked.
Commissioner Samson – I don't have a problem with that.
Commissioner Houpt – Okay, then I will second your motion.
Chairman Martin – And the motion is to go ahead and continue the intervention as is but continue negotiations with Antero if possible and include all the other stakeholders public wise and also included in your motion was to follow the guidelines of the Community Development Plan, is that correct.
Commissioner Samson – Yes. With an attachment to that, that encourages Antero to do so, to do their own work and meet with these people and get it worked out and I know time is short but there's a lot of motivation there.
Chairman Martin – The only one we can require do anything is our staff, the rest of it has to be optional.
In favor: Martin – aye Houpt – aye Samson – aye

Consent Agenda:

a) Approve Bills
b) Wire Transfers
c) Inter-Fund Transfers
d) Changes to Prior Warrant List
e) Authorize the Chair to sign the Land Use Change Permit for Family of Faith Outreach, Inc. (LIPA 6330), for a Place of Worship – Molly Orkild-Larson
f) Authorize the Chair to sign a resolution approving a 60-day extension of conditional approval granted for "Extraction and Processing of Natural Resources" related to well pad GV 82-5 within the Battlement Mesa PUD. Applicant is Williams Production RMT Company - Kathy Eastley
g) Authorize the Chair to sign a resolution approving a PUD Amendment for TCI Lane Ranch allowing the conversion of five (5) "employee" units to free-market units. Applicant is TCI Lane Ranch LLC - Kathy Eastley
h) Authorize the Chair to sign the Resolution for Eagle Ridge Investment Holdings, LLC, for a two (2) year extension to file a Final Plat for Eagle Ridge Townhome Subdivision – Molly Orkild-Larson
i) Liquor License Renewal – Nepal Restaurant – Jean Alberico
j) Liquor License Renewal – Glenwood Tramway – Jean Alberico

Motion
Commissioner Houpt – I'll make a motion we approve the Consent Agenda items a – j. Commissioner Samson – Second.
In favor: Houpt – aye Martin – aye Samson – aye

ASSESSOR'S UPDATE

JOHN C. RICHERT ET AL, C/O NET REAL ESTATE – ABATEMENT NO. 11-054 SCHEDULE NO. R080257

This is a public hearing, notice was made to the taxpayer, and that has been accomplished.
Maggie Bowker of the Garfield County Assessor's office – Yes. We have an abatement, 11- 054, Schedule No. R080257 that the taxes assessed against the property for tax year 2009 are incorrect due to an erroneous valuation. The 2010 assessment is $2,200,000.00 while the 2009 assessment is $2,597,650. With no physical changes to the property between 1/1/2009 and 1/1/2010, the assessments for these two years should be the same. Therefore, the abatement/refund should be $6,676.72 for 2010 only.

Motion

Commissioner Houpt – I will make a motion we close the public hearing. Commissioner Samson – Second. Motion carried.
Commissioner Samson – I will make a motion that we grant the abatement/refund of taxes for Schedule No. R080257 in the amount of $6,676.72. Commissioner Houpt – Second. In favor: Houpt – aye Martin – aye Samson – aye

REQUEST TO ASSIGN TO COTTONWOOD SPRINGS LLC COUNTY-HELD TAX LIEN SALE CERTIFICATE #20090295 M005371, SILVANO AND STEPHANIE PALACIOS – GEORGIA CHAMBERLAIN

Georgia submitted a letter from John R. Schenk as a request on behalf of Cottonwood Springs LLC. to assign a County held tax lien sale certificate, which the Board of County Commissioners can do. The history on this, the 2008 taxes were not paid on this mobile home so she took it to tax sale in 2009. No investor picked up the lien, so it became a County held lien, which meant the taxes to the different taxing authorities were not paid out because there was no money. Within a year, we write the owners of the mobile home a letter saying they have their one-year redemption period coming due. That letter was sent by certified mail and they did not pick it up. The County can either get the title on that property or in this case there's been a request to assign it to an entity and then they would pay us the same amount that would be paid if it were redeemed so then the money will go to the taxing authorities and also it will be put on the tax role again and the taxes would start being paid and distributed to the taxing authorities.
Commissioner Samson – So if I get this straight Georgia, the person buys the tax lien and in doing that they now have sole possession of the property. It's theirs.
Georgia – The next step would be that my office would issue – they would apply to may office for a certificate of ownership, I would, since the one year redemption period is up, I would issue that certificate of ownership, then they would take it into the Clerk and Recorder's office and get title to the mobile home.

Commissioner Samson – So they get the property for the cost of the back taxes.
Georgia – Yes. They are getting the property; but the Board assigns them the tax lien if they are given any privileges, as any investor would be.
Motion
Commissioner Samson – I would move that the Board sign the Certificate #20090295 for the tax lien certificate and assign it to Cottonwood Springs LLC. Commissioner Houpt – Second.
Georgia – The amount will be for the amount that it would cost to redeem it so the amount in this letter is for December, I will charge January 2011. In favor: Houpt – aye Martin – aye Samson - aye
C. DIRECTION ON POTENTIAL APPEAL OF SUN DOG ENTERPRISES
John Gorman, Carolyn Dahlgren and Cassie Coleman were present.
Carolyn – Commissioners as you know we're asking you whether or not you want to recommend the issue as a matter of statewide concern. I don't think you can make the finding that it has resulted in a significant decrease in the total valuation of the respond to County.
Cassie – I believe with Berkley and Sun Dog there are some matters and we are involved in the middle of litigation that maybe more properly discussed in executive session if you want this and then public direction on Sun Dog.
Chairman Martin – I think we've talked about it several times. The decision is overturned, brought back to us for settlement.
Cassie - My question is do you want to ask that this be certified as an issue of statewide concern and appeal this to the Colorado Court of Appeals for a determination as to the issue of conservation easements and their tax treatment.
Chairman Martin – It is a highly debated issue in the state legislature at the present time, open space versus vacant land; and having a conservation easement placed on holding them in perpetuity, agricultural valuation. Many people are discussing that issue and it probably will be a statewide issue but I don't think we need to go to the State Court of Appeals or anything else, Supreme Court, I think that we need to solve it otherwise.
John Gorman – I agree with you John that this may be a matter of statewide concern but it might be that it need not be certified such by the Court of Appeals because it's in the court of public opinion and likely will be an issue at the legislature. I don't know what that means about what Garfield County Board of County Commissioners ought to do to recognize that position.
Commissioner Houpt – I wouldn't support taking this forward.
Chairman Martin – I think it will be highly controversial and hotly debated in at least three different steering committees from CCI to tax and finance, land use and agricultural steering committees because it affects everyone of them so I really think it is going to be a hot topic.
Cassie – I would request a motion be made either to request certification of this issue as an issue of statewide concern or not to.
Motion
Commissioner Houpt – I'll make a motion not to take any further action on this matter. Commissioner Samson – Second.
In favor: Houpt – aye Martin – aye Samson – aye
Chairman Martin – We will not take it any further but let legislation handle it.
Berkley Matter
Commissioner Samson – I would move that we go into Executive Session to discuss the Berkley matter.
Commissioner Houpt – Second. Motion carried.
Commissioner Houpt made a motion to come out of Executive Session. Commissioner Samson – Second. Motion carried.
Chairman Martin – No direction to be taken in public session.
CONSIDER A REQUEST FOR A LAND USE CHANGE PERMIT FOR LIMITED IMPACT REVIEW OF THE BERRY PETROLEUM COMPANY AND MARATHON OIL COMPANY APPLICATION FOR MATERIAL HANDLING/WATER IMPOUNDMENT ON 16.881 ACRES (BERRY PETROLEUM) AND 29.246 ACRES (MARATHON OIL COMPANY) OF A 880 ACRE SITE LOCATED APPROXIMATELY 17 MILES NORTH OF THE TOWN OF PARACHUTE, CO OFF OF GARDEN GULCH ROAD (FILE NO. LIPA 6377). THE APPLICANTS ARE BERRY PETROLEUM COMPANY AND MARATHON OIL COMPANY. CONTINUED FROM NOVEMBER 1, 2010 – MOLLY ORKILD-LARSON
This was continued and was re-noticed due to an error in the original notice.
Carey verified the notification process with Mark Markus and stated the Board was entitled to proceed.
Molly Orkild-Larson, Carey Cagnon, Deputy County Attorney, Chris Freeman with Berry Petroleum, Chris Hudson with Marathon Oil Company, and Mike Markus and Lorene Prescott with Olsson Associates were present.
Chairman Martin swore in the speakers.
Molly presented the Exhibits: Exhibit A – N.
Chairman Martin entered Exhibits A – N into the record.
GENERAL PROJECT DESCRIPTION
The surface property owners are Marathon Oil Company (Marathon) and Berry Petroleum Company (Berry). Marathon Oil Company, on behalf of and in cooperation with Berry Petroleum Company requests approval of a Land Use Change Permit for "Materials Handling/Water Impoundment" for the construction and operation of five (5) water impoundments and permitting of two (2) existing water storage facilities to support the natural gas development activities of Marathon and Berry. Within this application Marathon and Berry have identified their own specific site for review, therefore Staff shall review each site separately. This will allow the Applicants to seek independent permitting approval by the Colorado Oil and Gas Conservation Commission (COGCC).
She continued to explain the proposal and provided the Board with information found in their books.
STAFF RECOMMENDATION
The Applicants have applied for a Land Use Change Permit for Material Handling/Water Impoundment. As conditioned, the request addresses the ULUR requirements for approving a Limited Impact Review and issuing a permit for this specific use. Staff recommends the Board of County Commissioners **approve with conditions** the request from the Applicants for a Land Use Change Permit for Material Handling/Water Impoundments on a property owned by the Applicants located in the SE¼ Section 32, T5S, R96W Garfield County, Colorado with the following conditions:
Marathon Conditions of Approval
That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
That the operation of the Marathon facility be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility.
Vibration generated: the Marathon facility shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
Emissions of smoke and particulate matter: the Marathon facility, generator, pump, or related driveway and parking area shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards, including CDPHE APCC Regulation 1 for dust.
The Applicant shall provide copies to the Garfield County Planning Department of the approved VOC emission control permits / other applicable site permits from CDPHE prior to the issuance of a Land Use Change Permit.
No site construction for this proposed produced water facility can begin until air quality permits are obtained.

Site operations shall not emit heat, glare, radiation, dust or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard.
All equipment and structures associated with this permit shall be painted with non-reflective paint in neutral colors to reduce glare and mitigate any visual impacts.
Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
All lighting associated with the property shall be directed inward and downward towards the interior of the property.
Flammable or explosive solids or gases shall be stored according to the manufacturer's standards and shall comply with the national, state and local fire codes and written recommendations from the appropriate local fire protection district.
Prior to the issuance of the Land Use Change Permit, the Applicant shall provide the County with a re-vegetation security bond of $68,160. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Weed Management Plan. It is the responsibility of the Applicant to contact the County, upon successful re-vegetation establishment, to request an inspection for security release consideration. The Reclamation Standards at the date of permit issuance are cited in Section(s) 4.06, 4.07 and 4.08 of the Garfield County Weed Management Plan (Resolution #2002-94).
Any straw or hay bales used in erosion shall be certified weed free.
Prior to the issuance of the Land Use Change Permit, the Applicant shall revise the Site Plan so that the flare is within the Marathon site and submitted to the County for review.
Marathon shall implement the West Water Engineering Marathon Oil Company and Berry Petroleum Company House Log Gulch Water Impoundment Facility Wildlife Assessment and Mitigation report's (dated December 2009) wildlife mitigation and management measures as identified in Exhibit A of any Land Use Change permit.
Pond netting over all the produced water ponds, or another method of mitigation acceptable to the Colorado Division of Wildlife, shall be installed to help prevent migratory birds from resting and/or foraging on the ponds.
Permits for the two (2) monitoring wells between the water impoundments and Home Log Gulch shall be obtained and wells constructed prior any construction on-site.
Prior to the issuance of a Land Use Change Permit, the Applicant shall provide a copy of the COGCC reclamation bond.
Prior to the issuance of the Land Use Change Permit, Marathon shall provide the County with proof of service by a certified wastewater/sewage hauler.
The Applicant shall notify the Town of Parachute in the event of any spills, large, or small.
Berry Conditions of Approval
That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
That the operation of the Berry facility be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility.
Vibration generated: the Berry facility shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
Emissions of smoke and particulate matter: the Berry facility, generator, pump, or related driveway and parking area shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards, including CDPHE APCC Regulation 1 for dust.
The Applicant shall provide copies to the Garfield County Planning Department of the approved VOC emission control permits / other applicable site permits from CDPHE prior to the issuance of a Land Use Change Permit.
No site construction for this proposed produced water facility can begin until air quality permits are obtained.
Site operations shall not emit heat, glare, radiation, dust or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard.
All equipment and structures associated with this permit shall be painted with non-reflective paint in neutral colors to reduce glare and mitigate any visual impacts.
Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
All lighting associated with the property shall be directed inward and downward towards the interior of the property.
Flammable or explosive solids or gases shall be stored according to the manufacturer's standards and shall comply with the national, state and local fire codes and written recommendations from the appropriate local fire protection district.
Prior to the issuance of a Land Use Change Permit, the Applicant shall provide a disturbed area calculation for the site to the Garfield County Planning Department for review by the County Vegetation Manager. Once a surface disturbance has been quantified in acres, the Applicant shall bond for the security as specified by the County Vegetation Manager. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Weed Management Plan. It is the responsibility of the applicant to contact the County, upon successful re-vegetation establishment, to request an inspection for security release consideration. The Reclamation Standards at the date of permit issuance are cited in Section(s) 4.06, 4.07 and 4.08 of the Garfield County Weed Management Plan (Resolution #2002-94).
Any straw or hay bales used in erosion shall be certified weed free.
Berry shall implement the West Water Engineering Marathon Oil Company and Berry Petroleum Company House Log Gulch Water Impoundment Facility Wildlife Assessment and Mitigation report's (dated December 2009) wildlife mitigation and management measures as identified in Exhibit A of any Land Use Change permit.
Pond netting over all the produced water ponds, or another method of mitigation acceptable to the Colorado Division of Wildlife, shall be installed to help prevent migratory birds from resting and/or foraging on the ponds.
Permits for the two (2) monitoring wells between the water impoundments and Home Log Gulch shall be obtained and wells constructed prior any of construction on-site.
Prior to the issuance of a Land Use Change Permit, Berry shall provide County staff with the anticipated VOC levels that shall be generated by the proposed produced water facility and narrative on how these levels comply with CDPHE levels**.**
Prior to the issuance of a Land Use Change Permit, the Applicant shall provide a copy of the COGCC reclamation bond.
Prior to the issuance of the Land Use Change Permit, Berry shall provide the County with proof of service by a certified wastewater/sewage hauler provider.
Commissioner Houpt – I did have a question. Just a follow up to the question that I had about the DOW letter, they had some very specific and detailed best management practices that they recommended to be followed and did you did consider putting that in as a condition of approval to make sure that those concerns were covered for the DOW.
Molly –West Water identified those issues.
Dorothea Farris – I'm on the Board with DOW, historically I know that write those conditions for different sites, those who put those lists together really spend a lot of time on the ground and they are usually very specific to the properties that we address. Those conditions the DOW has listed are very specific to a site usually and I would like to see them all included.
Lorene Prescott with Olsson –The comments from the agency, while they are broad and inclusive. However, the wildlife management plans are designed to accommodate the broker between the gas producer and the DOW.
Commissioner Houpt – Would you have a problem with including the BMP?

Lorene – I would prefer it not be included, what I would suggest is that given the fact that the issues addressed within the agency comments and the issues addressed within West Water are all intended to accommodate wildlife mitigation. I would suggest relying upon the wildlife mitigation plan and then get West Water to review the wildlife mitigation plan and make a determination as to the fact that it would be all of the appropriate concerns would be accommodated within the WMP.
Molly – And why not consider JT's comments too with the wildlife mitigation plan when West Water reviews it, that wildlife mitigation plan; they get a copy of what DOW.
Commissioner Houpt – Why not just include DOW and the wildlife mitigation plan?
Dorthea – I would just comment to either include the communication from DOW or have the DOW representative sign off on a management plan.
Chairman Martin gave an example of the netting over ponds, the DOW approved one sort but then said it wasn't working and it was actually determinable to remove it and do something else.
Lorene – I agree if they have the DOW look at the wildlife mitigation plan, within the context of the agency comments and if the DOW would agree that all their concerns were addressed within the WMP.
Molly –I would want something to be in place for the life of the facility.
Chairman Martin – What is good for today might not be good in 10 years is what it amounts to in reference to wildlife. Then we will go to Berry and Marathon for their presentation.
Applicant:
Mark Markus with Olsson Associates complimented Molly and the staff of Garfield County for working with them on frankly a detailed somewhat complex application. Our presentation will be very brief and to the point. We did want to point out that the remove nature of the facility does necessitate construction so that the water produced during the drilling completion and production of the natural gas wells in the area may be collected and stored in a central location for reuse in operations and disposal. The goal of this project is twofold: the first goal is to increase the ability to recycle produced water on the mesa for drilling and completion activities and secondly, to provide a consolidated system of water storage impoundments that Marathon and Berry would use to efficiently add safely transport water around their fields. Several benefits of this project, that we would be pleased to point out, one is to reduce trucking, improving safety since they will not be trucking the water, use of an engineer controlled transfer system. Our long range plan it to pipe the water. Mark described the benefits of their application.
Chris Hudson with Marathon – We met with the CDPHE and one of the key components of your air quality permit is to go through a rack analysis, which means reasonable acceptable control technology. Part of their discussion was looking at various technologies and trying to see which one would fit for their application. Currently Marathon is reviewing probably about five or six different technologies. More than likely Marathon and Berry will have independent systems; they will have independent systems and therefore they may have independent control technologies. Until they do more research, they will learn from one another and may use the same technology or they may not.
Mark Markus – CHPHE has previous granted Marathon approval to construct another large produced water impoundment prior to the issuance of the air quality permit. He thinks this demonstrates the very good working relationship that Marathon currently has with CDPHE. He went through some of their proposed modifications to the conditions of approval. Condition 12 is related to the reclamation requirement and there is a condition that is applied to Marathon and a condition that is applied to Berry. The condition of recommended COA applicable to Marathon is that based upon county regulations, the per acre reclamation cost that the re-vegetation security bond would be in the amount of $68,160.00. The Berry condition is the same analysis; however there was the actual reclamation bond has not yet been calculated and that is part of the condition of approval embedded with that COA is that the applicant would be required to provide a disturbed area calculation, so that amount can be calculated. Their comment and suggestion, modification to both reclamation requirements for Marathon and Berry is that the applicants will be required to secure a reclamation bond for the COGCC and that is part of the permit for the centralized EMP waste management facilities. Specifically form 28. Additionally that bond has an inflationary factor that's calculated into that. So if you assume the life of the project would be 20 years; your absolutely guarantee that the amount of that reclamation will far exceed $68,000.00 for Marathon and whatever the calculation is for Berry. Their proposed modification is that we are comfortable with that COA but they would just like some language added to that. And that would be "Unless the applicant provides demonstration that the appropriate COGCC reclamation bonding has been secured." He did have a brief conversation with Lorene and Steve Anthony this morning and he has given a good recommendation. They certainly understand the regulation to require bonding and if there's any gaps in that bonding that would come from COGCC; but they are very confident that the bonding that's required from the state would cover this issue.
Commissioner Houpt –We've always kept the county requirement in place and we've had this discussion on numerous applications. Because the timing is different between what the county requires and what the state requires we've always kept ours in place.
Fred talked about the reclamation bond or the act of reclamation versus total site. You secure an SIA with the developer that says okay you have to go in and put your public roads in, put public infrastructure in; all those areas that you are going to disturb will need to be re-vegetated. DRMS will hold a bond for $5 million dollars for a site for 30 years and then once the sites done, if the company reclaims that, removes all of its infrastructure and you get the $5 million bucks back. Where the Board has been concerned was to re-vegetate the disturbed areas. Steve Anthony's charge has always been with the Board. The applications typically have a site rehabilitation plan and it's an unsecured plan.
Chairman Martin –We don't want to get into the business of restoring it as it was at the very beginning. He thinks that is a little too restrictive.
Mark - Condition 14 is only applicable for Marathon and that is prior to the issuance of the land use change permit. The applicant shall revise the site plan so that the flare is within the Marathon site and submitted to the county for review. Marathon is actually looking at this and has not yet determined that the flare will actually be required to accommodate their operational activities. A final determination regarding the requirement for the flare is pending a ...internal review. Their proposed modification is if a flare is required to accommodate operational activity 30 days prior installation, Marathon will provide an updated site diagram to the Garfield County Planning Department that does reflect the location of that flare."
Molly – Presently the flare isn't showing in the site and that's why staff had recommended; either you want us to review it or not. It is not within the boundaries of Marathon's site.
Chairman Martin – So the wording itself that is being proposed would answer your question. If it is to be used; 30 day notice for review.
Molly – The flare is shown outside, east of the site. We'll have it on the site plan.
Chris Freeman – They would like to have that apply to Berry also if they could.
Molly – Berry doesn't show a flare at all.
Chris Freeman – We could include one on the site plan.
Molly – Okay.
Chairman Martin – On both sides.
Chris Freeman – Yes.
Mark - Condition 15 is something we had a previous discussion on. Marathon shall implement the West Water. Marathon/Berry water impoundment, wildlife assessment, wildlife mitigation management measures of any land use change permit. He pointed out that Marathon has worked extensively with the Division of Wildlife, and the wildlife mitigation plan is in place. Marathon believes

that all the agency comment details from the Division of Wildlife were addressed in greater detail in that WMP. Our proposed modification is that wildlife mitigation measures and best management practices embedded within the DOW approved mitigation plan shall be adhered to and considered specific conditions of approval. The wildlife mitigation plan was not made part of the initial submittal; however, once that information was made available that was provided to Molly.
Commissioner Houpt – And this is the mitigation plan that the DOW has signed off on?
Man – Yes it is.
Lorene – The wildlife mitigation plan is proprietary information embedded within them and the DOW has indicated that there should be some discretion regard to release of those individual wildlife mitigation plans.
Commissioner Houpt – What's really important is that we make sure that the DOW has signed off on what is in place for best managed, required conditions for that location and that project. She wants them to accomplish that in these conditions.
Chairman Martin – Method of mitigation acceptable to the Division of Wildlife shall be a condition of approval.
Molly - Prior to the issuance of the land use change.
Lorene - The concepts that are embedded within the concerns that the commission has and actually that they have; he thinks they can be addressed by the acknowledgment of the fact that there is a signed wildlife mitigation plan. That would represent the consummation of the dialogue between the DOW and the gas producer and secondly a document that would accompany that. That would indicate that the DOW had reviewed the wildlife mitigation for specific concerns associated with the individual land use.
Commissioner Houpt – And if they have specific conditions they want to pull out and emphasis; then they could do it in that document.
Lorene – Then we could accommodate this without having to release the wildlife mitigation plans. We could acknowledge the fact the document is there and signed and approved and then provide something tangible that would represent the fact that the DOW had looked at it yet again.
Dorothea – If the site-specific recommendation.
Commissioner Houpt – Right. It is a site-specific recommendation.
Dorothea – The concern is not the general wildlife mitigation practices. The site-specific needs of that particular are that needs to be signed off on. She thinks she hears everybody agreeing that's the wording and thinking sure the site specific. Because when she hears concerns stated by staff that always has to do with, well on that particular site, access is the issue or roads, or an endangered or threatened species is an issue. So it has to be identified specifically to that site.
Chairman Martin – Let me give a little wording; Marathon shall implement the West Water Engineering, Marathon Oil and Berry Petroleum, log Gulch water impound facility is wild life management and mitigation as of December, 2008, wildlife mitigation and management measures as identified in Exhibit A and any other method of mitigation acceptable to the Division Of Wildlife. Would that work?
Lorene – We prefer to have the reference to the; because we believe everything that's contained within the West Water report will be contained within a wildlife mitigation plan.
Commissioner Houpt – We can just add that because you produce that report as part of your packet. So let's just add the wildlife mitigation plan as part of that as well. And that way it's referenced.
Chairman Martin – Does that put you in a bind that way too?
Commissioner Houpt – That's what you produced is your wildlife report.
Lorene – The report has recommendations and some statements in there that might not be directly applicable to the site, or exclusive to this site. They talk about things in a broad way.
Commissioner Houpt – So does the wildlife mitigation.
Chairman Martin – Which is also identified as due to the lack of sustainable habitat some of these species do not have the potential of occurring within this particular area that have been identified. Then you go down through the ones that only the greater sage grouse is a candidate of listing. Through your mitigation of all these others species, the only thing that you're really identifying is the greater sage grouse.
Commissioner Houpt – We can just add wildlife mitigation plan to this, John's language that requires the Division of Wildlife to sign off on site-specific recommendations.
Lorene – If the DOW were to indicate that the concerns embodied within the report and any agency comments were captured within the wildlife mitigation plan; would that suffice to provide a document?
Chairman Martin – Yes because they can address any real issue that they have above and beyond that report. That's why he tried to put the other language in; another mitigation plan that needs to be considered.
Dorothea – It can't just be that we agree that what is included in your report is also addressed by us. There has to be some room for if there is a site specific concern that the DOW has it will be included in that and they sign off on that.
Chairman Martin thinks that language allows for that.
Commissioner Houpt thinks it does too. Tresi wanted to add wildlife mitigation plan to yours.
Chairman Martin – Marathon and Berry shall implement the West Water engineering wildlife management and mitigation report as of December 2009. Wildlife mitigation and management measures as identified in Exhibit "A" and any other method of mitigation acceptable to the Division of Wildlife.
Commissioner Houpt – Before that final statement of any other, she would add the wildlife mitigation plan; because they want that specifically called out.
Chairman Martin – Okay.
Lorene – Could we include and/or? He believes that the wildlife mitigation plan will represent…
Chairman Martin – And/or in reference to Division of Wildlife.
Lorene thinks the wildlife mitigation plan really represents the consummation.
Commissioner Houpt – I bet it does; she is sure it does.
Chairman Martin – Now back to the presentation.
Mark – Condition number 16 is applicable to Marathon and Condition number 15 is applicable to Berry; pond netting over all the produced water ponds or another method of mitigation acceptable to DOW shall be installed to help prevent migratory birds from rusting and or forging on the ponds. Our response and proposed modification is that the fencing and netted for the proposed impoundments will be finalized according to an ongoing dialogue and approval by the COGCC. Therefore, their proposed modification is that the proposed impoundments will be fenced and netted according to appropriate COGCC criteria.
Chairman Martin – The Division of Wildlife is part of that Oil and Gas Conservation Commission review process and setting those standards as well.
Commissioner Houpt – But by keeping the Division of Wildlife in there your staying consistent with the wildlife management mitigation plan and she would think the COGCC would look at the same thing with this DOW.
Chairman Martin – We have required netting on some and the Division of Wildlife came back and said please take them off. Also the high tinsel wire that makes noises they said to remove those as they are more of a hazard than a help. Again; Division of Wildlife, if they're going to make recommendations through oil and gas conservation, that's going to be a blanket maybe site specific and gives them out so they can come back and say wait a minute that doesn't work. That's the only thing he was looking at.

Commissioner Houpt thinks it's important for them to keep DOW in there just to show the COGCC that we really care about what DOW is recommending on this as well.
Mark – Could we change it to include COGCC and DOW criteria?
Chairman Martin – That would be great! Actually, you're getting both agencies in there even though the Division of Wildlife sits on the oil and gas conservation commission. It would be all right; because that gives the local field office maybe a chance to go up through the chain of command and say hey, wait a minute this isn't going to work.
Commissioner Houpt – You're right ultimately, that it's going to come through the COGCC; but she always likes to emphasis the importance of listening to the other agencies too.
Lorene has been in some of the dialogue associated with this and in preparing for 20 acres COGCC and the core of discussions that are taking place. It's interesting what's taking place and that there is a considerable amount of variability associated with the type of fencing that could be applied under any given circumstance and netting. He is very optimistic about the way the dialogue is going.
Chairman Martin – Also snow cover in reference to how high the snow gets up there in that particular little area and the fences don't really do much. They just step over them in the height of winter; there is so much snow up there.
Mark – Condition 19 applicable to both Marathon and Berry is that prior to the issuance to the land use change permit, the applicants will provide the county a proof of service by a certified wastewater and sewage hauler. With these projects, there will be a no wastewater or sewage stored on site. There will be a portable toilet that has already been installed as part of a previously permitted use. Their suggestion would be to remove that COA.
Commissioner Houpt – It actually says that we just want proof that you have somebody servicing your wastewater and sewage. So it should stay in there. We're talking about a portable toilet at this point because that's what's up there.
Molly – And that's what we ask in all applications is they provide proof of who your hauler is and that's all we want. Make sure that they are certified; that's all.
Chairman Martin – We get a statement from them; that's proof that you're getting service.
Mark – Finally Condition 20 applicable to both Marathon and Berry; the applicant shall notify the Town of Parachute of any spills large or small and specifically review the staff report. He knows that was a specific request from the Town of Parachute. Our response to that is try to address this in a more comprehensive manner; also including or considering the Town of Parachute's concerns is that we would request that the COA be modified to accommodate COGCC criteria for reporting. And those details are included in the 900 series of the regulations. The applicant will respond to spills according to the emergency response contact protocols and the response plan will include contact information for reporting those spills including the Town of Parachute. Their proposed modification is that any spills occurring on site will be assessed against those COGCC criteria, which is specifically rule 906.b.
Commissioner Houpt – This was an additional request from the Town of Parachute; they are very concerned about this type of activity being upstream from their water source and so she would argue that it makes a lot of sense for us to recognize that request from the town. Because there were situations, where they weren't contacted in a timely manner and she thinks they are very concerned about the type of activity up stream.
Lorene- The concern that came from our clients was associated with the fact that any spill; it mentions any spill and there could be a spill of a quart of oil and it wouldn't necessarily leave a three foot boundary. Is there some way we could accommodate the concerns for Parachutes to be a spill of transmission fluid, something relatively minor. Any spill is significant; but in terms of quantities, he was trying to frame it up within the context of the COGCC requirement for reporting.
Commissioner Houpt – What about specifically; it could just be added to the end of your language recognizing the Town of Parachute.
Lorene – Certainly.
Commissioner Houpt asked Molly if she was okay with that.
Molly asked her to say it again.
Commissioner Houpt – Just looking at their; if your okay with that language Molly she would look at the end of that sentence and say including the Town of Parachute.
Molly – And what they have in yellow.
Commissioner Houpt – Yes.
Chairman Martin – We're following protocol and they are probably also identifying the inspector here. Garfield County as well as the emergency services
Commissioner Houpt – There's a huge list.
Chairman Martin – And that would also include them; it's on that protocol list from dispatch etc., so that it actually is notified.
Commissioner Houpt – But they weren't notified on a couple of those, she remembers. So just calling them out would probably make them feel better.
Chairman Martin – That needs to go back again to the communications of the first responders and emergency management type folks, then you can include everyone around. And that's again within Garfield County's system. We need to tighten that up with the Sheriff and everyone else.
Commissioner Houpt – There just has been; because of some past occurrences, there is great concern about how you contain this produced water in the wintertime. As your plans were being put together, did you look at those past problems and accommodate for that over spill that occurred in the past?
Lorene – These ponds; both Marathon and Berry have invested a significant amount of time in assuring these ponds will be constructed according to the highest engineering standards and the things that have to be considered; in addition to is the two footer free port that is mandated is the potential for any type of a ….that could result in a release. It is a particularly sensitive area up there and we're talking about a significant volume.
Commissioner Houpt – It is significant and that's why she is concerned about containment and air quality.
Chairman Martin – There are a whole lot of things that are outlined in reference to the spill mitigation and storm water ranch that have all the contingencies in place. Identifying all of the tributaries, running and non-running and all the precautions and notifications that have already been, again, required that are in this book. He thinks there are plenty of security in reference to that; but notification was the only thing he saw. The notification at the end; at the criteria that was identified with your language Lorene. Anything else?
Now open to the public for any questions or any issues; and there was no one.
Carey had one item for the applicant. She understands that this is not a pipeline project per say; but you are using piping to take the produced water to and from the proposed site. I know it has been a question through the application process and I believe my understanding is that you have all the proper easements in place with all of the landowners that the pipeline is crossing to run produced water through those pipes.
Lorene and Mark – Yes we do. That is correct.
Chairman Martin – Motion to close public hearing. Commissioner Samson – So moved. Commissioner Houpt – Second.
All in Favor – Houpt – aye Samson – aye
Motion:
Chairman Martin – This will take two motions I believe; one for Marathon and one for Berry.
Commissioner Houpt – I'll make a motion that we approve the land use change permit for material handling water impoundment for Marathon with the twenty condition proposed by staff, a few changes, condition number 15, we added the wildlife mitigation plan

after, at the end of the sentence; well actually it was and/or the wildlife mitigation plan and then added after that as approved by the Division of Wildlife. Does that cover what you need to on that (Molly)?
Molly – Yes
Commissioner Houpt – And then number 16 would read pond netting over all produced water ponds or another method of mitigation acceptable to pursuant to COGCC regulations and approval of the Colorado Division of Wildlife shall be installed to help prevent migratory birds from rusting and/or foraging on ponds. And those were the only two changes I had.
Chairman Martin – The site location for flares; I believe that was in 14.
Commissioner Houpt – No they shall indicate; yes, that's going to stay the same.
Chairman Martin – For both of them.
Commissioner Houpt – It will stay the same for Marathon.
Chairman Martin – If you say it is to be…
Commissioner Houpt – And we are going to use on 20; there was one more change. We're going to use the applicant's language and at the end of the sentence their proposed condition we will add the language including the Town of Parachute.
Commissioner Samson – Second.
All in Favor: Houpt – aye Martin – aye Samson – aye
Second Motion:
Commissioner Houpt – I'll make a motion that we approve the land use change permit for Berry Petroleum Corporation as presented with condition one through, we're adding one. So it's 1 through 21; so how did they end up with one additional condition. I guess without reading through it.
Chairman Martin – I've got 20 on both.
Commissioner Houpt – Yeah but we're adding one because there was a request…
Molly – The spill on number 20 was added on Berry.
Commissioner Houpt – No we're adding the flare language, right?
Chairman Martin – That would be under 14, which is there, and they would indicate on the site.
Commissioner Houpt – No, there is something different about these conditions and I'm just wondering if there's; what the additional condition is for Berry or if I'm just…
Chairman Martin – You would add 21; which is the same as 14 on Marathon, but it would apply to Berry. Which is the flare and would be identified on the site?
Commissioner Houpt – Right so that'll be 21. So they have an additional condition.
Chairman Martin – That would be 21; the wordings would be the same on those changes.
Commissioner Samson – Why would we need 21; 14 covers…
Commissioner Houpt – Because we're adding; 14 wasn't on Berry.
Chairman Martin – 14 doesn't apply the same way; it's not identified.
Commissioner Houpt – They will end up with 21 conditions. The twenty-first condition will read prior to the issuance of the land use change permit the applicant shall revise the site plan so that the flare is within the Berry site and submitted to the county for review.
Commissioner Samson – Wouldn't you just keep 14 the same for your second motion, strike Marathon and put Berry?
Commissioner Houpt – That's what I just did. But it's number 21 because, anyway
Chairman Martin – 14 under Berry is a different wording and a different issue.
Commissioner Houpt – Let me finish; number 20 we will do the same as we did with Marathon and use the applicant's language and add at the end of that sentence including the Town of Parachute. Number 14, Berry conditions will be changed to read the same as number 15 of the Marathon conditions, and number15 of the Berry conditions will be changed to read the same as the change in Marathon condition number 16. And that's it.
Commissioner Samson – Second.
Commissioner Houpt – I just would like to comment, since we get a chance to comment before we vote. This is a pretty large facility and can have some huge impacts if not monitored really well. I appreciate the planning that went into this. I will appreciate even more the care that your companies will take in making sure that these are well contained. I think the idea of recycling of produced water and keeping it off the roads are really good goals. I really want to thank you in advance for making sure they are well contained.
In favor: Houpt – aye Martin – aye Samson – aye

CONSIDER A REQUEST FOR A LAND USE CHANGE PERMIT FOR MATERIAL HANDLING TO PERMIT TEN STORAGE TANKS AND AN INJECTION WELL FOR PRODUCED WATER TO BE LOCATED IN THE RESOURCE LANDS – PLATEAU ZONE DISTRICT. THE SUBJECT SITE IS 5,116-ACRES LOCATED NORTH OF THE TOWN OF PARACHUTE IN THE GARDEN GULCH AREA. APPLICANT IS PUCKETT LAND COMPANY, OPERATOR IS PETROLEUM DEVELOPMENT CORPORATION (PDC) – KATHY EASTLEY
Kathy Eastley, Carey Cagnon, Lorene Prescott and Mark Markus with Olsson Associates and Paul Whisenand and Wayne Anderson with PDC were present.
Carey reviewed the noticing requirements with Lorene Prescott and stated the board was entitled to proceed.
Chairman Martin swore in the speakers.
Kathy Eastley submitted the following exhibits: Exhibit A –N.
Chairman Martin entered Exhibits A – N into the record.
GENERAL PROJECT DESCRIPTION

> Applicant seeks a Land Use Change Permit to allow for the conversion of production well 12A-24D to an injection well, and for location of ten (10) tanks for storage of produced water prior to injection. Each storage tank has a capacity of 500 BBL's, which will hold fluids from PDC's natural gas production activities on Puckett Land. The fluids will be trucked to the site however; the produced water both originates and will be disposed of on the 5,116-acre site, resulting in a significant reduction in off-site traffic impacts. Currently the produced water is transported via water trucks down CR 215, transferred to tankers, which travel I-70 to Utah's Danish Flats facility for ultimate disposal.

STAFF RECOMMENDATION
Staff recommends the Board of County Commissioners **approve** the request for a Land Use Change Permit for Material Handling to allow conversion of 12A-24D into a produced water injection well, on property owned by and operated by Petroleum Development Corporation, with the following conditions:
That all representations made by the Applicant in the application and at the public hearing before the Board of County Commissioners, shall be conditions of approval unless specifically altered by the Board of County Commissioners.
Prior to issuance of the Land Use Change Permit, the Applicant shall obtain all required federal, state and local permits including, but not limited to, air emission permits that may be required from CDPHE. If CDPHE does not require emission permits, the Applicant shall provide information regarding the amount of VOC Emissions that will result from the use.
Prior to issuance of the Land Use Change Permit, the Applicant shall provide a list of equipment that will exist on the site in operation of this use, as well as permits that may be required for that equipment. This includes, but is not limited to, air permits.

Operation of the facility must be in accordance with all Federal, State and Local regulations and permits governing the operation of this facility.
Industrial activities shall be required to comply with the following standards:
(1) The volume of the sound generated shall be so operated that the volume of sound inherently and recurrently generated does not exceed the Statutory requirements;
(2) Vibration generated: every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property;
(3) Emissions of smoke and particulate matter: every use shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards;
(4) Every use shall be so operated that it does not emit heat, glare, radiation or fumes which substantially interfere with the existing use of the adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations, which may be required by law as safety or air pollution control measures shall be exempted from this provision.
Prior to issuance of a Land Use Change Permit, the Applicant shall provide information regarding stormwater and erosion control measures to the Building and Planning Department for review and acceptance.
Prior to issuance of a Land Use Change Permit the Applicant shall provide a Spill Prevention, Control and Countermeasure Plan that contains adequate information regarding containment of a minimum of 110% of the fluids proposed to be stored on the site. This plan shall be submitted to the Building and Planning Department for review and acceptance.
Wildlife mitigation measures recommended by the Division of Wildlife shall be adhered to and considered specific conditions of approval:
Wildlife mitigation measures recommended by WestWater Engineering in their report dated September 2010 shall be adhered to and considered specific conditions of approval, including the following table for timing and buffer.
All exterior lighting will be the minimum amount necessary and all exterior lighting will be directed inward and downward, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Prior to issuance of a Land Use Change Permit, the Applicant shall submit a dust mitigation plan to the Building and Planning Department for review and acceptance.

Kathy - Some of the same issue had to be with wildlife and as you discuss and approve this application, this proposal is located in the same area, so some of these same issues result. We did receive referral response letter from JT Romanske and staff did incorporate all of those comments as well as the WestWater Engineering comments as conditions of approval. The fact that we were just notified of a wildlife mitigation plan has not allowed us time to review it however; it hasn't been submitted so we don't have anything to review. I did speak with the DOW this morning and Michael Warren provided this Exhibit M, and one of the comments he makes in here is that the DOW will issue the wildlife mitigation plan and the information contained in this follow up email sufficiently address our concerns about wildlife impacts. So not only do we have the DOW concerns that we've addressed as a condition of approval but the applicant had in their submittal documentation a report from WestWater Engineering regarding wildlife issues. And WestWater recommended some mitigation measures that staff has included as a condition of approval. Given that we don't know what's in the wildlife mitigation plan, given that this recommendation are just that – recommendations in wildlife mitigation plan, staff would hold with the implemented conditions that are contained in the staff report with regard to the condition of DOW wildlife issues. So staff is recommending approval with conditions as itemized in the staff report and we have received additional documentation that we have not had time to review but we do feel that the conditions of approval make it possible at this time to move forward with a recommendation of approval. I do have one addition and one amendment to my conditions so Condition 2 I am recommending that we amend it and this is once again the whole timing issue that Molly has talked about in her application. CDPHE does not issues those emission permits until such time as the facility is up and running; however, a little bit different from Molly's staff on this one, we're requesting that the applicant provide us information regarding potential emission levels that will result from this activity. That certainly can be done prior to permits being issued. So, my recommended change is that "prior to issuance of the land use change permit, the applicant shall provide information regarding the potential levels of emissions that will result from this use to Building and Planning and any air emissions permits that may be required from CDPHE shall be provided once issues."
Chairman Martin – Questions on that? Hearing none, you can continue.
Kathy – And then an additional condition which I think ends up being No. 11, the wildlife mitigation measures are commended by WestWater Engineering and Condition 10 on exterior lighting.
Chairman Martin – The greater sage gross recommendation.
Kathy – So condition 10 is the exterior lighting and then Condition 11 will be regarding submittal of the dust mitigation plan for review and acceptance by the Building and Planning Department. Now the applicant has submitted a dust mitigation plan I believe it was on the 30th of December, however staff has not had a chance to review that yet. So we request that condition 11 be added and I am available for questions.
Discussion:
Commissioner Houpt – Well I have a question, it appears that the wildlife mitigation plans are not being made public. And so it becomes a challenge for you all and bringing your report forward.
Kathy – The DOW referral person is JT Romanske and he wasn't aware of the wildlife mitigation plan and it does not appear as if WestWater Engineering, the applicant's wildlife biologist, they were aware of a wildlife mitigation plan and supposedly from what I was told that this plan was just signed into effect in September. So it may be a timing issue as far as people not being aware of it.
Chairman Martin – We have a signature that saying that all their concerns are covered in reference to Best Management Practices, etc. and so that is Exhibit M that you presented so I think that is sufficient in reference to wildlife management plan.
Commissioner Houpt – It's concerning to me just from the board perspective that these wildlife management plans are proprietary. But I guess COGCC and DOW need to look at that. Okay, I have no questions.
Chairman Martin – Mr. Samson.
Commissioner Samson – No.
Applicant presentation:
Lorene – We have a power point presentation. I do appreciate all the effort that staff, Kathy has put into this, this has actually, you'd think that an injection well would be simple and straightforward especially given the fact it is being constructed on a previously disturbed location. But there has been a number of issues that we've had to go back and forth on and I really appreciate the effort that Kathy has put into this and it has required he to look at a number of things that we had to submit late in the game. She went over those last minute details.
Commissioner Houpt – So has there been any discussion of piping to the facility instead of trucking.
Paul – We've discussed it, it's something that we don't have in place like other operators, we'll continue to evaluate the viability of putting in water lines next to our existing gas lines.
Commissioner Houpt – How long do you expect this facility to be in operation.
Chris Feedman – 4 to 5 years, however, PDC has been in operation in this field since 1989 and at that time when we put in our pipeline infrastructure it wasn't common practice of any operator to put in water lines with their pipelines at that time, in which case we've had our pipeline infrastructure in for several years now and water lines were not put in at that time. Trucking is all internal to

the field so there's not trucks getting back out on county roads, on the interstate it goes from one well pad to this pad type trucking. We are requesting some modification to COA's based on the material that we received from staff in their staff report last week with regard to condition of approval No. 2 – I believe this has already been addressed by Kathy, and I appreciate the effort that she put into this and ultimately we are in agreement with changes she has recommended for No. 2. And I will defer to what she….
Kathy – The part addition is that all federal, state and local permits are required to be obtained by the applicant regardless of whether staff puts it down as a condition of approval or not.
Commissioner Houpt – He said that he would agree with you.
Chris - Condition 8 and 9 are back to the discussion of wildlife mitigation plans, and the original condition 8 and 9 were the mitigation measures recommendations shall be adhered to by and considered specific conditions of approval and then No. 9 was regarding mitigation measures recommended by WestWater Engineering. As we discussed earlier we believe it would be appropriate to modify condition 8 and 9 to represent COA such as this "mitigation measures and Best Management Practices embedded within DOW wildlife mitigation plan shall be adhered to and considered specific conditions of approval" and I believe that we might be able to accommodate some of the recommendations from the previous hearing.
Commissioner Houpt – Kathy was is your thought on that; we just received this new exhibit?
Kathy – I think you modify condition 8 –the DOW recommendations that based on the email that we received from Michael Warren, he is satisfied with that, I'm very hesitate to change No. 9 "which is the applicant wildlife mitigation measures" I think that until we receive some documentation from WestWater Engineering that they are satisfied their mitigation measures are included, then we would that fine.
Commissioner Houpt – So would you want to replace wording for 8 or would you just be …
Kathy – I think we could accept the applicant's amended condition for 8 the DOW mitigation measures but I would request that condition no. 9 remain. Talked to applicant and some language letter of acceptance from West Water engineers could go with that as well. And in fact I had talked to the applicant about condition 9 and we thought if some language could be crafted that applying a letter of acceptance from WestWater Engineering that the wildlife mitigation measures in the plan satisfied their concerns that we could go with that as well. I think that just the intent is that WestWater identify these mitigation measures so we want to make sure they are adequately addressed.
Commissioner Houpt – I don't even know if you have to amend the language because basically what you're saying is their recommendation would be followed, so if they followed up with a letter that should cover that condition.
Chris– Thank you Commissioner, so if we were to get a letter from WestWater indicated essentially the same concept with regard to DOW.
Commissioner Houpt – Yeah but they have to be pretty specific and you may have to review that plan.
Chris – So, we'll secure a letter from WestWater Engineering indicating that the details embedded in their report are effectively addressed in the within the wildlife mitigation plan.
Chairman Martin – Which would reword - No. 9.
Chris – Do we have to change No. 9 in order to accommodate that?
Commissioner Houpt – No.
Kathy – No I don't think so if WestWater's mitigation measures are incorporated into the wildlife mitigation plan, what does it matter if Condition 9 remains.
Commissioner Houpt – Are you concerned about the table.
Chris – Yes.
Kathy – But we are being told that those are part of the wildlife mitigation plan.
Chris – I believe that our concerns will be addressed if we get acceptable to the Commissioners if we get a letter from WestWater indicating that.
Commissioner Houpt – Is this table 9 the wildlife mitigation plan?
Chris – No, it's now at this point.
Chairman Martin – The other one is are all these species present.
Chris – The table itself is not in there but the concerns that embodied within that are in the wildlife mitigation plan as appropriate.
Commissioner Houpt – Well, if they are willing to write a detailed letter that represents to the staff that their concerns that they outlined are covered and they are comfortable with that. We cannot predict what's going to be written and this is what we're comfortable with right now so…
Fred – If I could just add a comment, at the end of the day for staff I think it's important, what I'm hearing from Lorene and his folks is that the wildlife mitigation plan is this document that has been blessed by the DOW and at the end of the day that is the DOW really is your lead birddog agency on matters of wildlife almost regardless and I don't mean to say this in disrespect of what WestWater provided you, end of the day we're looking to satisfy what that agency has provided to us and that is what we have referred to already. So I think it could be fine, ultimately from the DOW that says "these conditions, these things that have been identified are all covered in this wildlife mitigation plan".
Kathy – It certainly does but this is the applicants' representative that is making these mitigation recommendations, this is not an outside agency, this is the applicant's.
Commissioner Houpt – This is a standard chart so if you feel more comfortable putting language in there saying "until the letter is received from WestWater indicating that they fully support the …. I just want to honor Kathy's desire to recognize this report. But I think we can put language in there indicating that if WestWater Engineering brings a letter forward then this ….
Chairman Martin – Really what credence does it hold is the applicant's review process and they are making recommendations to them, the letter or the email we got from DOW states that the DOW believes that the wildlife management plan and the information contained in this follow up sufficiently addresses the concerns about wildlife impacts and will be significant to address Garfield County's permitting requirements. I think that pretty much covers what that should say. The DOW has covered just about everything and said we're happy. So we should accept that.
Kathy – I think that is probably fine. I think we all need to be aware that the information that is submitted by the applicant is for, we look at it, we breed it and we take it to heart. This is what their application is saying. Now since that time additional information has come about, we have kind of a blessing from DOW and I think that is probably sufficient.
Chairman Martin – It's like an applicant that submits a whole bunch of information, we don't always have to agree or to put in it our final decision. What it amount to is what we are up against here. If the DOW who controls the management practices in this area and they are satisfied, we should accept that and say all our concerns are addressed, instead of taking the applicant saying well, you could do this – they can do that internally if they want an answer.
Commissioner Houpt – That's fine and I'll go along with taking that condition out but I am not fine with the DOW working behind the curtain and not letting us know why it's okay and what they are saying.
Chairman Martin –I can remember hearing where we have requested and begged for conditions and impact statements, etc. and the DOW has said absolutely, positively no, we are not going to give you anything. Make your decision and then we'll tell you how bad it was. Well, we're in a different position right now, they are making recommendation and we should accept it. They may not be sharing but they didn't share before either.

Dorothea – We have a meeting on Wednesday and I will ask why this is information is proprietary. I have my own guesses as to why having to do with competition among companies with financial requirements. I will get an answer to that and I will see what I can find out.
Chairman Martin – Thank you very much and then we can have a sit down with the DOW and find out.
Commisioner Houpt – So Kathy is there language you want to put in here.
Kathy – I think we can delete condition 9 and insert the language but I think condition 8 will satisfy all of the wildlife mitigation concerns so; condition 9 can just go away.
Lorene – Thank you.
Commissioner Houpt – I do have questions, you started our your presentation saying this is simply an injection well, that's not simple an injection well you know that because you put up you map and your site plan and there are great number of tanks proposed for holding produced water and there will be a great deal of transporting about produced water via trucks and not pipeline which creates an additional hazard. How did you calculate the need for that large volume of storage?
Chris Freeman – It has to do with the amount of produced water that we have on our properties. Essentially, we have 8 storage tanks there which holds 4,000 barrels of produced fluid and right now our produced fluid for Puckett water is close to that number and we want to allow for growth as well.
Commissioner Houpt – So you are recommending 10 additional in addition to the 8 that you have.
Chris – No, there's 10 tanks in the site plan plus two, one which is a gun barrel tank and the other which is an oil storage tank just in the event that oil has made it past the previous two lines of separation that we have prior to being off loaded into this facility with the water.
Commissioner Houpt – May I ask why the information is so slow in coming to our staff for review.
Lorene – In the case of the swamp, because it was a previously disturbed location, we didn't believe there would be a significant amount of disturbance. I provided a copy of the permit and in the case of the SPCC typically those documents, the final versions did not arrive until later in the process. The air quality part of it has been an on-going dialogue between the Garfield County staff and me in particular with regards to the requirement. What exactly they needed to be provided in order to demonstrate that the CDPHE criteria for approval and appropriate permitting was being accomplished. It's been a process for us to determine what is too much to provide and what is enough with regard to that level of detail. We have been working with both Fred and the staff and I believe we have come up with a volume of information that wouldn't be too overwhelming but at the same time still be accurate to represent those emissions.
Commissioner Houpt – It seems to me that hearings may not scheduled in the future if there's a question of whether this information will be coming in a timely manner and you don't want to wrestle with applicants to get information, so I hope you have worked all of that out and it won't be a last minute issue in the future because it's a huge burden on staff. And we have to have conditions in place that allow for follow up then so they can review the documents.
Public comments
Chairman Martin – Back to staff, do you have everything in that you want to be considered.
Paul explained why some of the documents were turned in late.
Motions
Chairman Martin – Do I have a motion to close the public hearing.
Commisisoner Samson – So moved. Commissioner Houpt – Second. Motion carried.
Chairman Martin – We've supplied with conditions and we have hammered it to death, do you have a motion to either accept or deny.
Commisisoner Samson – I would move that we would accept the staff's recommendation approve the request for a land use change permit, permitting material handling to allow conversion of a 12A 14B into a produced water injection well and property owned and operated by PDC with the following conditions, 1 stands, condition 2 the changes made which we just basically if I understand correctly stuck the first portion to concerning federal, state and local permits, which are always taken care of.
Commissioner Houpt – We weren't using the applicant's recommendation, we were using the staff's language.
Chairman Martin – Which she amended.
Commissioner Samson – I thought you said to strike the first sentence. Did I misunderstand?
Kathy – I think maybe you did.
Paul – Can we see the example?
Commissioner Samson read what the amendment to Condition 2 would be, the rewording, "prior to issuance of the land use change permit, the applicant shall obtain all required federal, state and local permits.
Paul – Now my concern is that may conflict with the following sentence.
Commissioner Samson – I thought that was why we were striking it.
Kathy – No because they still have to require all required permits, if you go on to the second part it then says the emission permits will be provided when issued by CDPHE.
Paul – As long as that is acceptable to the Board, I just didn't want…
Commissioner Samson – I understand what you are saying. So, 1, 2,3,4,5, 6 & & stands. Now condition 8, the letter from we have from Mr. Warren here we need to reword that to reflect that.
Kathy – I think we can go with the applicant's recommended amended condition.
Commissioner Samson – Okay No. 8 will go with the recommended condition, for condition 9 we will strike because it is taken of and 10 will stand and condition 11, the staff's recommended change concerning dust mitigation plan.
Commissioner Houpt – Second.
Chairman Martin – Counselor you have a question.
Cassie – One point of clarification, your motion covers approval of the injection well conversion of production well and injection well and also the location of the 10 storage tanks.
Commissioner Samson – Yes.
Chairman Martin – She wanted a full motion, identifying all issues that were to be approved.
Commissioner Samson – Staff didn't put that in the recommendation.
Commissioner Houpt – And you're satisfied Kathy that all of the language in your conditions allows you to fully read and analysis the materials that you have now received.
Kathy – I am satisfied. All in favor: Houpt – aye Martin – aye Samson - aye

Recognition of Service to Garfield County for Tresi Houpt and John Gorman.
Both Tresi and John were presented with an antique ballot box and Tresi was given a present of cut glass from the Commissioners. Refreshments were provided.

ADJOURNMENT

The regular meeting was held in the Parachute Fire Station and began at 8:00 a.m. on January 10, 2010 with Chairman John Martin and Commissioners Tresi Houpt (late) and Mike Samson present. Also present were County Manager Ed Green, County Attorney Carolyn Dahlgren, Gene Duran, Betsy Suerth, Lisa Dawson, Fred Jarman, Randy Withee, Jim Hackett, Judy Jordan and Jean Alberico Clerk & Recorder.

Expanded Minutes are available upon request – jalberico@garfield-county.com

CALL TO ORDER

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

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Judith Hayward – Historical School House, I live in Parachute and serve on Town Council of Parachute and wanted to welcome the Board of County Commissioners as this is the first to have one of your formal meetings in our community. Judith passed out information about the Grand Valley Historical Society and for the last three years, I've done annual reports of this society and our Battlement Mesa School House, its 110-year-old Rock School that was used for Battlement for 47 years and then it was a community center for many years and then it went in disarray. It was given to the Historical Society, renovated, and is being used as a community meeting space. I want to thank you first of all, I remember a number of years ago when the society came to the Commissioners and you agreed to be sponsor for a DOLA grant to get the fundraising going for the renovation of the school house. We did not get the funding because we were a non-profit and non-profits don't get DOLA money. In the report you'll notice that our usage has doubled this year, we had like 120 times that groups anywhere from Pee Wee Wrestlers, end of the year picnic, to the society meetings, we do a quilt show and we do membership meetings; it's a great resource in our community and I want you to know about it. Also our income this year doubled over our expenses. Last summer, Williams Company moved a historical log cabin onto the property, renovated it and it is outfitted like a home in 1890's when pioneers came to this area. I want to thank the County for the Community Corrections crew. We've utilized them a number of times, excellent supervisors and really help with our 4-acre property and that takes a lot of work to keep the weeds down. As one of the special use permit obligation was that we were going to make sure that our property didn't have any weeds and beyond that we even invited Linda Steneman and she did a program for our community on native plants and noxious weeds. The Northwest Colorado Cultural Heritage tourism, the society, the Town of Parachute and the Chamber of Commerce have representing this area and I want to thank you for forgetting Garfield County involved, I think tourism is going to really expanded here in this area with working together and so thank you for that.

Chairman Martin – Thank you.

Traffic Concerns on the Roads in Battlement Mesa

Jay Haywood, I'm a property owner here and I have concerns about traffic issues existing and future particularly with the industrial development of our immediate area. On the map he displayed, there are 3 intersections at the top in that big circle with red flag indicators. These are the crucial intersections of our community. The top left one is down at the waterfall, CR 300 Battlement Parkway North and West. The next one as you come down is the River Bluff Road where they are projected to be a number of drilling pads; this intersection is on a curve and on a hill. Visibility is limited at best. The third intersection is Stone Quarry and Battlement Parkway and in the center of the map, this is along with the waterfall intersection, the busiest intersection in our community with existing residential traffic at a fairly medium to a high level. I'll not read word for word, you'll welcome to read on the back I have an analysis of these three top intersections I just mentioned and I particularly concerns. I will call attention to the fact that the intersection at the waterfall in my opinion and from everybody's opinion I have heard, should have a truck route sign directing traffic straight up the hill, not leased because we have buried utility lines in that very tight right corner. Every time a big truck jumps the curve, he's putting those utility lines plus our signs, the Battlement Mesa Parkway sign was recently crunched by a truck, in jeopardy. So the bottom line is – there are three lesser intersections with red diamonds these will become critical as industrial traffic increases. One is down by the satellite station at the top of the hill on Stone Quarry Road, one is up at the four corners intersection almost directly across from the new Grand Valley Middle School and one is the Morrisiana Road at the top of the hill on Battlement Parkway North. These enjoy a certain amount of activity already and will certainly increase as industrial operations spread in our immediate area. I have a rhetorically question at the bottom, what are Garfield County's plans to control and monitor traffic at these intersections and to monitor the impact of noise, dust, vibration and light on surrounding residential neighborhoods and residences. Rhetorical meeting I don't expect an answer here today but I would really appreciate it if the County at all levels would consider these issues and be pro-active. Thank you.

Chairman Martin – Thank you Jay.

COUNTY MANAGER UPDATE: ED GREEN

RELEASE OF LETTER OF CREDIT, XCEL ENERGY – MARVIN STEPHENS

Marvin Stephens submitted the satisfaction of permit and release of security for Xcel Energy stating that there are no longer any claims against CPCS-815060 permit. Therefore, he is requested the release. It is going into Apple Tree and comes out there at the River Road between Silt and Rifle, Garfield Creek and where it affected from Garfield County Creek east on the River road there and we've had it inspected and all the compaction tests on the ditches and they have r-vegetated, they have re-patched it and I'm okay with releasing this bond or letter of credit. No problems at all.

Motion

Commissioner Samson – I would move that we release the letter of credit to Xcel Energy for the amount of $100,000 which is letter of credit number CPCS – 815060.

Marvin stated if there is an issue public service will not go away and we've always had a good working relationship – I know where to find them and our permits are for two years on them. Commissioner Houpt – Second.

Chairman Martin – This is also the one that Commissioner Samson received many phone calls on because of the closure of the road.

Marvin – We did have issues on the closure.

Chairman Martin – We resolved those issues.

In favor: Houpt – aye Martin – aye Samson – aye

Commissioner Samson – While you're here can I ask you a question.

Concerns – Lettering of the County Roads

Commissioner Samson – I've been getting some phone calls and some concerns from people and what it is, is your lettering of the County roads. He explained and didn't know and needed to be informed, the mile marker A, B, C, D. Instead of in the past we've always had CR 325 1, 2, 3, but now we're going. So just so I understand correctly instead of 1 you have an A, what prompted that change. What people are telling me is in their estimation they would rather it be 1, 2, 3, because that's what they are used to and A, B, C tells them and people – I need to be educated.

Marvin – We started putting up mile markers and they didn't coincide with Building and Planning, dispatch and the Sheriff's Office. So a long of our roads starts into a city so we started putting mile marker signs up where the County Road started from the end of the city limits to wherever. We had a huge conflict with them because it didn't coincide with theirs and the reason I did it is so we can inventory and keep track of a program called Pub Works, so every mile that I have in that roadway, rather I spend money graveling or chip and seal, I didn't have any way to track it on a road, I would just say on County Road 245 we did whatever, because there was no mile markers. Therefore, we started mile markers but then a conflict with those people, so somehow I have to keep track of all the money I spend, so I came up with the deal of putting A, B, C on there for Road and Bridge so that we can track and know where we

spend our money. I didn't want to have the conflict with the dispatch, addressed on the houses, etc. so that is the reason and why we came up with the idea of A, B, C. I didn't bring it to the Commissioners, I talked to Ed about it a time or two and instead of having the conflict with the different agencies, this is what I did to monitoring what we do on our County Roads.
Commissioner Samson – Would it be possible to put the numbers with the letters?
Marvin – Yes, we could do that so they would have both. We can just put a plaque on the post.
Commissioner Houpt – So, would it confuse people more if we put those numbers back up if those mile markers don't coincide with everyone else.
Marvin – Somehow, I need to track what I'm doing and I just want to track County Roads and where we are on maintenance.
Commissioner Houpt – I've had a lot of questions on that as well.
Marvin – We've had questions in the office and people just wondering what – a concern. We have them on all of our County Roads and we are using them to for an inventory. GASPY you have to inventory everything and keep track of what you do on each road, so it's a simple way for us to start and wherever the County Road starts. I don't coincide if we start at Mile Marker 2 and it doesn't line up with addresses that Building and Planning has issued addresses to.
Commissioner Houpt – So would it even confuse more if we even thought of them as mile markers, they are actually inventory.
Marvin – This is specific for inventory so I can keep track of what we do out there. On this program I have, it will have a map there and if I go to A or B I can tell if I spent $100 graveling, installing a new culvert of what kind of culvert is there, what kind of sign is there. Chairman Martin – So, we'll call it Inventory Segments.
Marvin – It goes along with your HUTF, everything is in the inventory on the report that we have to do and submit to the state and it will be coming to you very quickly. If I go out there and somebody wants to know if we graded a County Road wherever, before I've never had any way to track it. Now I have a way to track it and I can look if it's public works and say, yes we did grading and it cost this much money, or whatever the case may be. It will provide storing historical information in the future and some way to look back and see what we have done on a specific road in the past.
Chairman Martin – It might be one of those educational program that you are going to have to advertise as well, so people stop their curiosity and understand.

Bridge Over the Colorado River - Parachute

Commissioner Samson – The southern part across of the bridge across the Colorado River, as the bridge ends and the road begins, there seems to be a dip and I've about three calls about that.
Marvin – Because the shoulder is too deep.
Commissioner Samson - I drove over it Saturday, and it looks to me like the road has collapsed down quite a bit and I don't know we if can do anything about it or not until the weather improves but if we can it would be good for us to do that.
Marvin – Yes, we can patch that, no problem. When you called before and I had sent some of my former down there and they couldn't find anything wrong with the bridge and our bridges are state inspected, so we go over what that state inspection says and we do have good reports.
Commissioner Samson – It wasn't the bridge.
Marvin – It's just a low spot and yes we can patch that, it is a common issues on bridges or overpasses or anything after a while, the traffic gets to be beat it down so it's not a big issue – it's just a maintenance issue.

AWARD OF CONTRACT TO VISUAL LEASE SERVICES, INC FOR 2011 SUPPORT TO ASSESSOR'S OFFICE- JIM HACKETT & SEAN MCCOURT

Jim Hackett – So with Rule 5.3 of the Garfield County Procurement Code we're asking the BOCC for approval on a contract between Visual Lease Services and Garfield County for continued Oil and Gas Equipment inspection so the necessary board action is to discuss and either approve or disapprove the award of sole source contract in an amount not to exceed $80,000. It's not actually a sole source, it's the final option of their contract to Visual Lease Services to provide for oil and gas equipment inspection and to authorize and sign that contract. The staff recommendation is exercise the final option of their contract. It has gone down a little bit from last year's amount. The scope of work is attached on the back.
Chairman Martin – The Assessors uses this to assist him.
Commissioner Samson – I would move that we approve the award of the contract to Visual Lease Services in an amount not to exceed $80,000 to provide services for the appraisals of oil and gas equipment inspection and authorize the Chair to sign. Commissioner Houpt – Second. In favor: Houpt – aye Martin – aye Samson – aye
Tour of the renovated Fire House we just completed.

COUNTY ATTORNEY OFFICE UPDATE: CAROLYN M. DAHLGREN

EXECUTIVE SESSION – LITIGATION UPDATE AND LEGAL ADVICE – No topics for Executive Session.
Carolyn continued saying I have not received a copy of an MOU for your 10:15 meeting and if you have, I haven't had a chance to review it.

ATTORNEY DELEGATION OF RESPONSIBILITIES DELEGATION OF DUTIES - ATTORNEYS - COUNTY ATTORNEY'S OFFICE AS OF 1/3/2011

Carolyn – The only issue is the draft of the delegation of duties in the County Attorney's office so you will see how the four of us have divided all of Don's responsibilities now that Don has retired. If you have any questions on that, it does show you who's doing the statutory responsibilities of the Office of the County Attorney and who's doing the administrative responsibilities and responsibilities for representing elected officials. Once this is final I will send it out to all of the elected officials and have a one on one meeting with each of the elected officials to let them know who in the office will be their primary legal representative.
This is still in draft form and there as some typos to correct. The Commissioners get me.

CAROLYN M. DAHLGREN

Airport (All Aspects Incl. FAA Advice to Attys)
Inter-governmental Relations (IGA's, State Agencies, Municipalities)
Eminent Domain (pre-litigation and Pet. filing)
Conveyance and Acquisition
HIPPA
State and Admin Litigation (Advisor)
Contracting
BOCC (authority, powers & action)
Elected Officials (BOCC, Clerk & Recorder, Treasurer); Powers, Duties, and Governmental Relationships
- Open Records
- Claims (Insurance)
- LID/PID/Title 32 Districts
- Open Meetings
- CAO Budget
- Finance (Advisor Finance Dept. on Budget, Audit, Fiscal Issues and Procurement)
- Doc Ret & ESI Policies and Litigation (Secondary)
- Public Health (Secondary)

Road Law (secondary)
Land Use (secondary)
Water law (secondary)
Elections (secondary)
Employment (ADA; HIPPA; FLSA; EEOC; and FMLA)(secondary)
Supervise LA, & training w/assistance from OM
Supervise OM

CASSIE COLEMAN

Child Support
Code Enforcement (Building & Zoning Code)

BOA - Board of Adjustment
Litigation (State and Administrative)
BAA - Board of Assessment Appeals
COGCC/Oil and Gas
106 appeals, Eminent Domain, Injunctions, Declaratory Judgments
Road litigation
Federal Litigation as Assigned (1st or 2nd Depending on Case)
Bankruptcy (Treasurer)
Public Trustee (Treasurer) Road Litigation

Claims (Litigation)(not insurance)
Public Benefits and Collections
Child Protection (Secondary**)**
Road law

18. Supervise LA & training w/assistance from OM

KATE JOHNSON

Child Protection & Juvenile Law
Mental Health
Adult Protection
Public Health (Enforce Regs, Incl. ISDS, Advise Nursing, Air and Water Quality) Weeds and Pests)
Child Support (Secondary)
Weeds and Pests
Landfill and Hazardous Materials/Solid Waste
Sheriff's Office (including criminal justice records requests/emergency management)
Coroner
Supervisor LA & training. w/ assistance from OM

CAREY GAGNON

1. Land Use

BOCC and Planning Commission
New Code Revisions
Comp. Plan
106 Appeals **(**Advisor**)**
Affordable Housing
Board of Adjustment (BOA) (secondary)

2. Water Law
3. Marijuana Grow Regulations
4. Assessor - including records request related to oil/gas valuation audits
5. Government and Attorney Ethics
6 Document Retention and ESI (Policies and Application of Policies)
7. LID/PID/Title 32 Districts (Secondary)
8. Emergency Management (BOCC RELATED not Sheriff) (ESF 14 - Legal advisor)(NWRETAC; EMTAC)
9. Elections - Clerk & Recorder
10. Liquor Code - Clerk & Recorder
11. Employment (ADA; HIPPA; FLSA; EEOC; and FMLA) (HR Open Records requests)

Board of Equalization (BOE)
Surveyor
Airport **(**Secondary)
Litigation (BAA/COGCC) (Secondary)
Code Enforcement **(**Secondary)
Oil & Gas (Advise O & G Liaison; COGCC Regs, Leasing, Pooling and Unitization; Field Rules) (Secondary)
Supervisor. LA & training. w/ assistance from OM

Consent Agenda:

a. Approve Bills
b. Changes to Prior Warrant List
c. Resolution establishing Garfield County Grant Fund

Motion

Chairman Martin – Do we have a motion to approve the Consent Agenda. Commissioner Houpt – So moved.
Commissioner Samson – Second. In favor: Houpt – aye Martin – aye Samson – aye

MOMENT OF SILENCE

Chairman Martin - By order of the President of the United States we would like to take one moment of silence for the tragedy that has happened in Tucson, Arizona and reflect upon that, remember words have a consequence, actions, we all live them so for a moment of silence please.
Thank you very much; the action that took place yesterday in Tucson took place in 15 seconds.

COMMENTS FROM CITIZENS

Richard Baca and I live at 19 Roller Creek here in Battlement Mesa and I simply want to **thank Tresi** for her service to the residents of the County and to the Colorado Oil and Gas Commission. Secondly, I would like to thank the Board for being here in Battlement Mesa today. We appreciate when you come way from Glenwood Springs occasionally to the hinder lands of the County, so thank you.

Chairman Martin – Well, don't be disappointed, it's not only once because we will be back down at the Parachute Library for another meeting.
Dave DeVanney, a resident in Battlement Mesa and I don't want this opportunity to pass since you are in our neighborhood. I wanted to address the **issue of chip sealing** the roads in Battlement Mesa. I feel that it is a terrible process, it may be appropriate out on ranch roads or other rural parts of the County, but it's a very nasty way, I feel, to pave our roads. You might notice the road right in front of the Fire Station here from here down to the Parkway has been chip sealed in the recent months last fall. There is also another road over in the Monument Creek Village that was chip sealed as well. As far as I know, it's a process of taking tar and putting on the road base and then small pebbles than were used previously but it's still that same process that I don't think works well. You can see where due to traffic, tire tracks where the traffic goes is worn bear, those stones are picked up and redistributed. There would be small stack of these pebbles down in the intersection with Parkway and Stone Quarry Road that had to be manually removed. I just think, I feel like you're punishing us for some reason when you do this because traditional asphalting process work well, they have been used down on the Parkway between the Colorado River bridge and the waterfall and it's what you do, it's what people are accustomed to is the asphalt roadway. So that would be my first comment is please, let's get away from this chip seal process and let's go back to paving our roads with asphalt the way we were accustomed to and we'd like to be accustomed to.
Also, Mike when you mentioned that the problem down at the bridge, the dip there, that was created a few months ago when the Town of Parachute had to do a repair project, the pipeline broke that was underneath that bridge so they had to do some repairs there and the repairs they had to dig up part of that road and when they finished it, they put some asphalt there but that's what's failed and that has caused the situation with the dip.
If I could get a sworn statement that you will never chip seal….
Chairman Martin – No.
Commissioner Houpt – I was going to ask you if the smaller stone had helped at all. Was that an improvement?
Dave – Not really. It is just smaller problems to deal with. Now they fit into your tire tread so when you're driving down the road you distribute them elsewhere, maybe in someone's windshield as you drive down I-70 but it was just an ugly process and it did not work well and then I hope I'm not the only voice that's telling you this, but if you could look at that and try to do something else and better serve the residents of Battlement Mesa it would be appreciated.
Commissioner Houpt – It could be the particular work that was done on your roads because it seems to work in other areas. But I really appreciate your comments and I know we've tried to accommodate multiple use by making the chips smaller but you are in a unique situation because this is really a residential area and unincorporated County boundaries so it is a different use than you see in other County roads.
Dave – Are there chip-sealed roads in Glenwood Springs?
Chairman Martin – Absolutely, right in front of my house, two different years in the middle of the summer and yes, it took me a while to get the black off my white cars.
Dave – So I have an ally then.
Chairman Martin – They do it everywhere.
Dave – Okay, thank you.

PUBLIC MEETINGS:

AGREEMENT BETWEEN ANTERO RESOURCES AND REPRESENTATIVES OF SILT MESA RESIDENTS REGARDING SPACING AND DRILLING PLAN – KEVIN KILSTROM, ANTERO RESOURCES, LESLIE ROBINSON, GVCA AND FIONA LLOYD, RSPN

Dave Stricklin of Antero Resources, Leslie Robinson of GVCA and Fiona Lloyd, RSPN were the speakers.
Chairman Martin - Leslie you wanted to know that Mike and I were at the airport and encouraged these folks to sit down and talk and come back with something but we didn't part in the meeting. Is that what you wanted to tell me?
Carolyn – Actually not, it was a mistake on Consent Agenda that I didn't catch. There was a phrase left out on the Resolution creating the grant fund so I would just like to make a public record that I had included that phase and given the Clerk and Recorder another copy for your signature because that grant fund doesn't cover all federal and state grants just the ones you guys designate. But yes, thanks for bringing that up.
Chairman Martin – I did want to do that to let everyone know that after Mike's motion last Monday, that the group of citizens and Antero agreed to have a meeting down at the Airport, we welcomed them, we gave them the facility and the facilitator and then we said, good luck and left. So we did not take part in the discussions in any way.
Leslie – We want to mention that it was a very productive meeting last Thursday with Antero and their representatives and we had representatives from the Grand Valley Citizens Alliance and the Rifle/Silt/Peach Valley/New Castle as well. You can sympathize with our situation that we are dealing with numerous homeowners and it is like herding cats it takes time. So we are coming today to say that we received Antero's revision, the last revisions at 8:00 p.m. last night and we're still going over the document. We are going to need at least another week but we're progressing and we want to thank the services of Betsy being the moderator of Thursdays. But what is important during these negotiations is that the County re-reconfirm that the 10-acre spacing intervention is not off the table because that is kind of the focus on the teeter tandem here with Antero and our groups to negotiate. That is what is bringing us to the table so we want to make sure that the County is still behind the intervention and not taking that off the table until we come to an agreement because it is that agreement that is making us keep coming to the table.
Chairman Martin – Well, it is going forward but I understand that there was a continuous upon Antero's request until February so that is going forward. Again, this agreement is not binding to the County, it is an agreement between two parties; I don't believe there's been a motion or attempt to withdraw any kind of intervention. We said that we would do that and the burden of proof is on the County, if the two folks come together and say that we request that you remove yourself from the intervention hearing, we'll consider that and we'll also do consultation with our attorney's to see if that's wise or not and then we make an official announcement if we are going to withdraw or continue. But this is not binding to the County, the burden of proof is still on the County to approve that the spacing order request is determinable to the health, safety and welfare. That is where the County is.
Commissioner Samson – I would agree with that. Just to reiterate what you're going for this, Leslie representing these people is that the intervention was going to stay until things hopefully are worked out and we'll assure you of that and I think I want to give a big thank you to everyone there and publically say thanks for all the people sitting down and talking – that's what it is all about and I'm glad that so many people – you started at 10:00 a.m. and finally got out when, I'm curious.
Audience responded – 3:30 p.m.
Commissioner Samson – You could have stayed until 6:00 or 8:00 p.m.
Leslie – That was just a meeting, we went back home and….
Commissioner Samson – And I would like to say thank you to Antero for their motion before the COGCC to postpone this until February 23, 2011 and that gives you more time to work on this and we were a little bit under the gun there but at least you all met and you have put something together and it says at the top there – it is a draft, it's something to start with and that's good and I know there are a lot of other details that need to be worked out but hopefully in the next 5-weeks and more meetings to be construed and we can start dealing. Thanks to everybody who did that. It was great.

Commissioner Houpt – Well and definitely take the time you need, when you started out you would only have next week but don't put that type of timeframe on yourselves I think that this takes a lot of discussion, thought and you should really take the time you need and the time Antero needs and the time the Silt Mesa folks need to make sure that you come to a good resolve.
Leslie – We'll make this a priority is what we want to advertise so we know we are under a time constraint and we're not just going to fiddle around. So, when we say we will do this in a week but definitely, we know that this is a priority and we'll get this agreement hashed out.
Commissioner Samson – Good.
Chairman Martin – Does anyone want to make any statements? Antero, any statement.
Leslie – We've been in contact with Antero to let them know we weren't coming to any agreement so we are still in communication with them to let them know where we are.
Chairman Martin – Anybody else that any other comment. Okay, nobody else. Okay, Fiona you have the floor.
Fiona – I do have a comment, yes. The RSPN is not an entity; it's a convenient label for a group of citizens in the area that we are talking about. The actual representative of the RSPN is the Board of County Commissioners. And although you said this was a two party agreement, the agreement ultimately has to be between the Board of County Commissioners and Antero.
ChairmanMartin – Then we would have to do the negotiation, we couldn't leave it to the citizens if we did that. So again, it may not be an entity but it was a request from a neighborhood and citizens and that agreement is going to be between the affected areas and the producer. Again, it is not binding at all to the County and you have to understand that. If we were an entity and negotiated directly then we would be representing you and then we would negotiate in the interests of everyone, so again that is the problem when you have neighborhood communities that want to negotiate with the producer, so that's another reason why you want to have more community meetings and why you have the community action plan from New Castle and Silt, which involved Antero and hopefully those kind of meetings will continue and Garfield County will be invited. Commissioner Houpt – Garfield County makes the decision. Request to move forward by not one single stakeholders and some level of consistency and rep from the BOCC – when you talk about an agreement – no one from silt Mesa – whoever that groups is – signs off – this commission is looking for this nod committal and making sure – move responsibility and open matter. But not an agreement, which is held – be at the table whether it's you or 5 – 10 other people and come to this commissioner – yes we think it is appropriate to withdraw or go forward. More than a week – a process – but not appropriate to negotiate terms for landowners to interface with Antero.
Commissioner Houpt – You know you're right, at the end of the day it's Garfield County that makes the decision of whether to intervene or not on this issue. But as a County Commission, we wanted to make sure that the request to withdraw or the request to move forward was not made by one single stakeholder. We wanted everyone to come together and come to some level of consensus on what this should look like and what the representation from this Commission should look like, so when you talk about an agreement, you're right, no one person from Silt Mesa can sign off on it, it has to be whoever that group is that signs off on it – everybody. But, what this Commission is looking for is that nod of approval and is that commitment to continue to work in good faith with the other stakeholders that are involved as well. So, at the beginning of the process of making sure that this activity in the area moves forward in responsible, open and transparent manner with all of the stakeholders involved. But you individually are not taking responsibility for signing an agreement that it will then be held over your head that is not what the Commission is asking you to do. This Commission is asking you to do, it to be at the table whether it's you, 5 or 10 other people from your community asking to be at the table and then be able to come to this Commission and say, either yes we think it's appropriate to withdraw the intervention or no, we really need to move forward. But this is a process and that's why it obviously needs to take more than a week, but it wouldn't be appropriate for this Commission to negotiation terms for you as landowners on how you want to interface with Antero.
Fiona – Thank you.
Leslie – Well, we thank you County Commissioners for your patience and we will work on this and we want to thank Antero for coming to the table with us as well. And, thank you Tresi for your years as a County Commissioner.
Commissioner Houpt – Thank you.
Citizens Not on the Agenda
Commissioner Samson asked Jay if he wanted to come and say what he wanted to say.
Jay Haygood, thank you Mr. Samson, I'm a homeowner here and I drive the streets all the time and I want to thank the County for responsible **snow removal** in this complicated season, I know that's been a challenge and we appreciate it.
Chairman Martin – And for everyone's knowledge, we also have employed a private contractor to assist us in Battlement Mesa in certain area and so it's a joint effort between the Road and Bridge group as well as the private entity under contract to provide those services. Now the next meeting we are going to hold in this area will be in March down at the Parachute Library, which is at the bottom of the hill next to the bridge, hopefully we will see all these faces out here and Bob, you're going to be there right.
Draft Proposal.
GVCA, CSPN and Antero agree to conduct a series of meetings over the course of the next 18 months to address impact and Best Management Practices to be considered for a possible large-scale oil and gas development in silt Mesa. The anticipated outcome is the eventual preparation of a Comprehensive Drilling Plan that will steer development in the area, taking into consideration issues raised in Garfield County Intervention listed under Section 1,2,3, and 4 of the county's intervention responded dated 12/22/20) such as potential cumulative effects of drilling on health, welfare, water and air quality and the environment. The parties acknowledge that Antero has in place the "Rifle Silt, New Castle Community Development Plan" to serve as a starting point, and that Antero will make good faith efforts to employ appropriate best management practices described in said plan in the interim.
The parties agree to work on communication channels to avoid surprises with regard to development proposals in the Silt Mesa area.
In light of the proposed change to Antero's COGCC applications in February, detailed below, namely to drop proposed 10-acre well density at this time. GVCA, RSPH and Antero agree that there is no need for Garfield County to maintain its interventions in Antero's application (Cause 191; Docket No's. 1010-SP-37 and 1101-/SP-02) at this time.
However, GVCA/RSPN members want to emphasis that this agreement does not negate their opposition to increased well density and other drilling practices in the Silt Mesa area.
Antero proposes that concurrently with Garfield County withdrawing its interventions, Antero will amend its application to include the following provisions:
Bottom-hole well density of no more than 16 wells per each 640 acres (40-acre equivalent well density.)
No more than 4 well sites (multi-well pads) per each 640 acres.
A minimum 500' offset from wellheads to occupied dwellings.
A requirement whereby subsequent Oil and Gas Location Assessment applications (Form 2!) for any well pad in these two applications area will propose conditions of approval similar to those used for the Fenno Ranch Pad A, such as extra measures to protect water wells, irrigation ditches, and other water resources.
Antero is not restricted from applying for 10-acre well density development in the future for the subject application areas, not any other development in the Silt Mesa area. Also, GVCA and RSPH members are not restricted in the future from advocating to the county to intervene in proposals calling for more density, proposed well pad locations, and other matters before the COGCC.
Bob, Dave and everybody's going to be here.
Commissioner Calendars
Commissioner Samson – Now tonight we have a meeting at the New Castle Fire Station open house.

Chairman Martin – I understand that the new one, station no. 3 at Castle Valley.
Commissioner Samson – Tomorrow the swearing in of the newly elected County officials.
Chairman Martin – There will be six different individuals who will be sworn in at 10:00 a.m. in Glenwood Springs.
Commissioner Samson - Then I have a meeting AGNC. Then Thursday night I will be leaving for Denver to attend the CTSI Seminar.
Chairman Martin – Liability and Risk.
Chairman Martin – Next Monday, January 17, we will reorganize the Board of County Commissioner, chose a Chair and Vice Chair or Chair Protem and then we will have a retreat. Then I have to be in Denver on Friday, January 21 so we will meet at 10:00 a.m.

ADJOURNMENT

JANUARY 17, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 17, 2011 with Chairman John Martin and Commissioner Mike Samson and Commissioner Tom Jankovsky being present. Also present were County Manager Ed Green, County Acting Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder and Marian Clayton Deputy Clerk to the Board.

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 A.M.
Commissioner Samson wanted to propose a couple of things since they are starting a new era here in Garfield County. He welcomed Mr. Jankovsky as their new Commissioner. He thinks starting this year he would like to suggest they begin their meetings with the Pledge of Allegiance and a prayer. In doing that he thinks it would be good for them to set-up some kind of a system whereas the administration could be notified of clergy or anyone throughout the county, or they don't have to be with the county, that would be interested in offering a prayer in their meetings and do that in an organized way. Of course, that would be open to anyone who would want to do that. He hopes the other two commissioners would agree with that.
Chairman Martin – As long as it is opened to everyone.
Commissioner Jankovsky is in agreement.
Commissioner Samson – After roll call every day that we meet in an official meeting, he is not saying work sessions and so on. That we all rise, say the Pledge of Allegiance and then someone say a prayer and then we go into our first order of business.
Chairman Martin – Then the first thing we will do; I'll lead us in the pledge and if you would give us a short prayer we will start our meeting.
The pledge and prayer were given.

REGULAR WORK SESSION

COUNTY MANAGER UPDATE – ED GREEN

- **A. River District Update – David Merritt**

David supplied the Board with an agenda for the upcoming River District Board meeting and he included a discussion item; the review of River District Policies. Snowpack; the Colorado Basin Snowpack and the statewide snowpack are running pretty well in spite of that fact that it seems pretty dry. About 125% statewide and the Colorado Basin itself is sitting at 134%. The warning and the caveat is, it's only the middle of January. Lake Powell is still about 80 feet down; it's been coming down since 1999. If you wish to come to board meeting tomorrow, the afternoon would be the best day to come. Tomorrow morning they take on administrative issue and then their executive session. They do expect to have a meeting with Mike King tomorrow afternoon. He is the Executive Director of DNR. They will then be discussing some revisions to their by-laws. In the afternoon, they will have their annual policy discussions.
One of the focus points will be Colorado's interest and Western Colorado should there be disagreements over the amount of water available under the compact in the future.
The other thing is the 100-year-old Shoshone Power Plant.
Chairman Martin asked David to elaborate of the drinking water issue.
David stated as the flows falls it's mainly attributed to keeping the Shoshone Plant running sufficiently. They had a call this winter that was influenced by the salt load from Glenwood. There are about 1500 tons of salt entering the river system in areas surrounding Glenwood. When it's down to about 1000 CRS's it is noticeable. The gage dropped to below 700 this winter.

- **B. Update on 1177 Water Round Table – Louis Meyer**

Louis presented the Board with a draft report for the 1177 Water Round Table, which was presented to Governor Ritter. The report is meant to summarize the status of discussion and accomplishment over the past five years. The Colorado Basin Roundtable is meeting on January 31st to provide review comments for the final draft. Louis wanted to summarize the key point in this report and how they may impact Garfield County.
Louis gave a summary and it was presented to Governor Hickenlooper. Louis explained in response to Commissioner Samson that between now and 2050 the Western Colorado River Basin is estimated that 50 to 77 thousand areas of Ag land will go by the wayside due to water taken from them to be productive Ad land. Municipalities do this by water rights locking Ag land from being irrigated. The reason for this is historically Ag land is now subdivisions with the water transferred from Ag to water providers. Therefore, by 2050 in order to make up the shortage Colorado Basin will be converted to Ag for municipally growth, which is projected 20 to 30% of Ag land be converted from Ag to municipal use. If this is the only tool used, 70% of the Ag will disappear on the Front Range and 60% on the West Slope.
Chairman Martin – There are three sources of water not looked at in the scenario. 1) Reclaiming, recovering and capturing sources from the abandoned mines and water going in Ouray County – Leadville and all other high mountain area, like putting bulk heads in, storing and forcing it out through other means, never looking at is as a resource on as a pollutant. The process is in place but we don't look at it – millions and millions barrels of water. 2) Energy production – technology is available to recycle water into distilled water and then drinking water. The Piceance Basin referring mines, energy, small impoundments based on the Forest Service. This is because of the rules and regulations of the Forest Service, public lands or federal lands. If those were to be revamped you would save as much water – the size of Ruedi. We need to think differently.
Louis agreed to get the message spoken by Chairman Martin back to the Water Round Table. The municipal writers buy Ag rights, let the land dry but keep Ag as a viable entity but you have to have it as sprinkled irrigation (rational fouling/leasing programs) where Ag stays. The water stays on the land and water freed up can be used for other purposes. Colorado Water Law has many constraints to do that.
Chairman Martin noted the downside that we've experienced in Garfield County, which is in the sprinkling as it dries up water below when doing flood irrigation. It doesn't recharge the ground water and puts a demand on surface water. The one good side is the Soil Conservation and recovery of salt, however, the other side you don't have any recharge so you lose water.
Louis – The constraints were site specific. He agrees with Chairman Martin that we need to think in different terms.
Chairman Martin – One mine in Leadville, however the Department of Reclamation stepped in and we had to spend millions to protect everyone. The trapped it and didn't use it so it's still there. We need to recover, recycle and refine it and put it into the diversion

program for Colorado Springs, Pueblo, etc. There are 4 or 5 technology people working on that issue but it takes legislation to create a nuisance into a water right to deliver that water to a municipal supply.
Louis – The final tool is the state to solve the gap in new water projects. A study was done last year to determine water conditions in the Colorado Basin. That came to a range of zero to a million acre feet. The difference was attributed to impacts from climate change and historical data. Louis named the projects.
They also looked at emergency needs, a huge impact to Garfield County – now it's closer to 120,000 acre feet, mostly for oil shale. With natural gas development there is very little consumptive use.
Chairman Martin – As for oil shale, we need to think new technology.
Louis – As is part of our culture and heritage, some tweaks are needed to Colorado Water Law for Ag to be a viable entity in Garfield County and south of the Colorado River. Louis continued giving a summary of projects of the Round Table. He will take comments raised by Chairman Martin to the Round Table.

- **Reorganization of the BOCC**

Chairman Martin was elected Chairman and Commissioner Samson as vice chair.
Motions
Commissioner Samson – Mr. Chairman I would say that I think it would be best for us to remain as we are with you as the Chair; you do a very good job at chairing the meetings. You have good experience and qualifications to do so, so with that in mind I would place the name of John Martin to be the Chairman of Garfield County Board of County Commissioners for the next two years.
Commissioner Jankovsky - I'll second that.
Chairman Martin – He does want it opened up that this is open to all. If anyone would like any other person to be chair, he is open to that as well. In favor: Samson – aye Jankovsky - aye
Commissioner Jankovsky – I'll make a motion that Mike Samson be Vice Chair for the Board of County Commissioners.
Chairman Martin – I'll second that motion.
Commissioner Samson – Well I guess that's the most logical but I would say that is not of great importance to me that I be the vice chair and if Tom would like to be the vice chair that's fine with me. I rather imagine he doesn't want to be the vice chair. With that being said, we'll go forward.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn submitted a resolution to assign and affirm numerous boards and commissions.
Chairman Martin stated this will be completed at the BOCC meeting on February 7, 2011.

- **C. Appointment of BOCC Representative to the Ruedi Water and Power Authority Board**

A letter was received from Mark Fuller, Ruedi Water and Power Authority, informing the Board of County Commissioners that due to change over on the Garfield BOCC and the Town of Snowmass Village Council, the Ruedi Water and Power Authority Board is losing its representatives from their jurisdictions. They are asking the Board to appoint new reps to replace Tresi and Reed on an appropriate future agenda.
Chairman Martin – We are not going to make that official announcement until they have their meeting and look at all boards and commissions.

- **D. Request for Funding of Search and Rescue Barn Remodel – Mike Alsdorf and Lou Vallario**

Lou gave a summary of the request saying Mike Alsdorf would like part of the Search and Rescue Barn for an established office for security. The estimated cost is $45,000 to $50,000.
Chairman Martin – A decision could be made in February or March. Legal would review the lease. At this point, we need to identify the source of funding and take action.
Direction
Chairman Martin – We are working still with Jim on the lease and bring that lease forward after legal review and then we will accept that lease. As long as it is acceptable to all parties and then take official action.
Lou – So the next piece is to actually flush out an exact or a not-to-exceed dollar amount with Randy and plug that into a lease.
Chairman Martin – And a final lease agreement; we'd like to see that go along with that expenditure as well.
Carolyn – Do you want this back when Theresa does the next budget supplement?
Chairman Martin – When we work out the lease agreement with Jim, identify the funds, the budget comes forward, and then we can take action on all items.
Lou asked if the next meeting was too soon.
Ed – We'll give it a try.
Chairman Martin – If not we will continue it.
Carolyn – Ed, when does the next budget supplement come up?
Lisa – Next one will be when it's needed probably the end of February.
Chairman Martin – The third week in February is usually when we would have it. That will give us a little bit of time instead of the 7th; so that is the direction. He thinks they will get everything accomplished.
Commissioner Samson – Move forward.

- **E. Recommendation to Award a Contract to Northwest Colorado Consultants to Provide Engineering Services at the Garfield County Landfill – Jim Hackett**

Staff recommendation is to approve the award of contract to North West Colorado Consultants, Inc. in an amount not-to-exceed $96,280.00 to provide engineering and environmental services at the landfill and to have the Chairman sign if approved. This will come back to the Board.

- **F. Update on Garfield Clean Energy Advisory Board – Jim Hackett**

Jim is working out the details to finalize the IGA for 2011. A work session is scheduled for February 9 at 11: a.m to 3:00 p.m. The framework of the contract was discussed.
Carolyn explained the IGA draft and it will be back before the Board in accordance with direction from the Board. More time was approved.

- **G. NECI: Retroactive Execution of MOU with GEO, Approved July 20, 2009**

Commissioner Jankovsky made a motion to attach the minutes with the execution of the MOU with the Governor's Energy Office.
Motion
Commissioner Jankovsky – I'll make a motion that we attach the minutes to the document and have a line there for the Chairman's signature. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **H. Oil and Gas Fourth (4th) Quarter Report – Judy Jordan**

Judy provided a Power Point and stated Weld County surpassed Garfield County, however Garfield County is the 3rd highest in permits with 2010 at 2,037. The COGCC changed the rules to allow permits to be active for 2 years. The number of active wells is 7,800. In the state, we are second to Weld County.

Judy explained for Commissioner Jankovsky how complaints are handled directly by contacting the operator and reports to the Board of County Commissioners the resolution of the complaint.
She continued saying Marcella in Pennsylvania is the only state with no severance
Geo Trans has completed the monitoring wells. They plan to sample this week, the first round of output done in last year.
At the BOCC's direction, she has been involved in intervention on the spacing requirements of Antero in Silt Mesa. The BOCC also asked her to keep watch and requested a hearing if permits were issued for 3 pads outside the Battlement Mesa PUD by Antero. That decision to issue permits was made on December 6, 2010 but they have not issued them yet.
Judy is seeing more regulations for water sampling and air monitoring. Judy was asked by COGCC to give residents their phone number to call directly for water samples. Judy stated it is common for water wells to contain bacteria and it can smell like rotten eggs; however, this causes residents to believe its contamination from oil and gas drilling, which is not the case. She suggested education about cleaning water wells at the EAB meetings. The cost to shock a well is the cost of a gallon of Clorox and the cost of electricity to keep pumping water to flush out the
Judy referred to the technologies used in oil shale; she attends the oil shale symposium every year in Golden and keeps updated.

CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. Changes to Prior Warrant List
e. Authorize the Chair to Sign the Resolution for Marathon Oil Company for Material Handling/Water Impoundment for Treatment and Storage of Produced Water in Three (3) Water Impoundments and Two Fresh Water Ponds – Molly Orkild-Larson
f. Authorize the Chair to Sign the Resolution for Berry Petroleum Company for Material Handling/Water Impoundment for the Treatment and Storage of Produced Water in Tow Water Impoundments – Molly Orkild-Larson

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to approve the Consent Agenda Items a - f; carried.

COUNTY ATTORNEY UPDATE – CAROLYN M. DAHLGREN

- **A. EXECUTIVE SESSION: LITIGATION UPDATE; LEGAL ADVICE -**

Carolyn has two items in executive session; each of these items requires the presentation of attorney client privileged information and discussion thereof. The first one has to do with potential litigation in the sheriff's office and the second is the ongoing Antero administrative litigation.

Motions

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to go into an Executive Session; motion carried.
A motion was made by Commissioner Jankovsky and seconded by Commissioner Samson to come out of Executive Session; motion carried.
In favor: Samson – aye Martin – aye Jankovsky - aye
Action Taken:
Carolyn – The county attorney's office is asking for the Boards authority to responds to an EEOC complaint coming out of the sheriff's office. She needs to ask the Board for public direction because we represent the Board of County Commissioners and the Elected Officials, only when the Board determines there is not a conflict of interest. That is the public direction she is looking for by motion.
Commissioner Samson – So you need a motion at this time that we as the Board of County Commissioners direct the legal staff to represent the sheriff in this case.
Carolyn – In this EEOC.
Commissioner Samson – I would so move. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

REGULAR AGENDA

Assessor's Update:

- **A. Claire Evan – Abatement No. 11-055 – Schedule No. R210765; Larry L. and Deaun McCown – Abatement No. 11-087 – Schedule No. R210378**

Chairman Martin determined adequate notice was given to the petitioner and swore in the speakers.
Lisa explained the reasons for the abatements in detail. She is asking for an abatement for 2009 of $3,505.56 and abatement for 2010 for $3,527.52.

Motions

Chairman Martin - Motion to close to close the public hearing?
Commissioner Samson - So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move that we grant the abatement amount for number 11-055, schedule R210765 for the tax year of 2009 of $8,600.88. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move that we grant the abatement for number 112-087, schedule number R2100378 for the year of 2009, $3,505.56 and for the tax year of 2010, $3,527.52.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Lisa wanted to let them know they have now been directed by the Division of Property Tax to begin using the $10,000.00 abatement amount that we did a resolution for in December. So you will probably be seeing less of us.

HUMAN SERVICES COMMISSION:

- **A. Discussion of Human Service Commission Awards Banquet – Cindy Fleming**
- **B. Introduction of New Members to Human Service Commission – Cindy Fleming**

Martha Fredendall with Literacy Outreach and a member of the Human Service Commission; Julie Olson with the Advocate Safehouse Project; Susan Ackerman, Director of Childhelp River Bridge and new Membership Chair and Dustin Dodson, Administrative Director of Extended Care and Services for Grand River Hospital District and incoming Chair for Human Services Commission were present.

Human Services By-Laws

Last year there was a lot of work done by Cindy Fleming and looking at the infrastructure of the Human Services Commission, and they first start off by reviewing the by-laws to make sure it was current and applicable to the new times. They did not make any substantive additions to the by-laws; however, they did make some changes on the language, grammar, syntax and typographical errors along the way. They reorganized the categories to be more subject orientated in the way it is displayed in the by-laws.

Posting of Meetings

Carolyn explained the Human Services Commission is subject to the open meetings act and the agenda should be posted starting February 22, 2011.

Human Service Commission Awarding Humanitarians
Dustin requested the Commissioners donate $5,000 for this event.
Ed – Clarified this would be taken out of the Board's discretionary funds.
Chairman Martin – Yes.
Carolyn – Is it already budgeted?
Chairman Martin – Yes, it is.
Motion
Commissioner Samson – I would move that we grant $5,000.00 to the Human Services Commission for the year of 2011 to be taken out of the Commissioner's discretionary fund. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn - Because of the dollar amount, that can easily go on a purchase order form.
Rural Mountain Philanthropy days
Martha – Rural Mountain Philanthropy days or Mountain Rural Philanthropy Days is coming up June 15th and 17th. This is an event that benefits every non-profit in the County and it's held every four years. There are seven counties involved; this year Garfield, Gilpin, Clear, Eagle, Pitkin, Summit and Lake counties are involved with it. This year it will be held in Eagle County in Edwards on June 15. She is asking for two things: 1) To participate in the event, particularly the evening of the 15th. And, the second thing she is asking for $500.00 to support the event.
Commissioner Jankovsky – What is the $500.00 for and who else is contributing?
Martha gave the amounts naming the Community Resource Center usually contributes about $7,500.00, Family Foundation $10,000.00, several other foundations will be approaching the Aspen Community Foundation and Summit Foundation $2,500.00. She explained that every county would be asked for a buy-in to contribute.
Appointment to the Board of Human Services
Chairman Martin said the Commissioner appointed to serve would be announced on February 7, 2011.
BOARD OF HUMAN SERVICES:

- **A. Approval of EBT/EFT Disbursements for December, 2010 – Mary Baydarian**

For the month of December 2010, client and provider disbursements for allocated programs totaled $285,218.35. Client benefits for food assistance and LEAP totaled $684,250.68. Total EFT/EBT disbursements for December totaled $969,469.03. The department is requesting board approval and signature.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **B. Consideration and Approval on 2011 Garfield County Senior Programs 9-Party Memorandum of Understanding - Mary Baydarian**

This approval is for the term of January 1, 2011 through December 31, 2011 and the total budget amount is $333,704.00. A couple of minor corrections, sending back to county attorney, but would like to ask the board for approval.
Motion
Commissioner Jankovsky – I'll make a motion to approve the nine party MOU and for Chairman Martin to sign that. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

- **C. Consideration and Signature Approval on 2011 Memorandum of Understanding Between Colorado Department of Human Services and Garfield County Department of Human Services - Mary Baydarian**

The Personal Responsibility Education Program (PREP) is a grant (100% federal funds) that will be administered through CDHS Colorado Works Division in cooperation with Garfield County DHS for implementation of an evidence-based program developed to reduce teen pregnancies and sexually transmitted infections. The MOU is intended to define the working relationship between CDHS and Garfield County for implementation.
Carolyn – It's clear from the TANF statute that this is one of the major goals of the TANF statute; she is having a little trouble following the paperwork because you are the lead agency; however, Family Visitor is going to be the program agent, so does that mean we have two more documents to come to the Commissioners, one a grant document and two a contract with Family Visitor?
Mary –You're absolutely right Carolyn this is a work in progress with the Family Visitors program, the county department would be the fiscal agents and her department would be monitoring the Family Visitor programs implementation of this grant.
Commissioner Jankovsky – This adds one FTE is that correct through this grant only.
Mary – Yes
Commissioner Jankovsky – If it continues, it will go through September 2013.
Mary – That is correct.
Commissioner Jankovsky – His only concern about these types of grants is that we add an FTE and then the money runs out and then it becomes our responsibility to some extent and he just wanted to express that, not that he has problems with the grant.
Mary – Absolutely and that would be addressed in the contract with the Family Visitor program because the FTE would actually come under their program.
Motion
Commissioner Samson – I would move that we would approve the 2011 memorandum of understanding between Colorado Department of Human Services, Garfield County Department of Human Services.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky – aye

- **Modification of Language, Purchase of Service Contract between BOCC and Childhelp – Mary Baydarian**

Mary – Next is the requested modification of language in the purchase of service contract by and between the Board of County Commissioners of Garfield County and Childhelp Inc. The proposed change is in your packet.
Motion
Commissioner Samson – I would move that we would approve the modification of language in the purchase of service contract between the Board of County Commissioners, ourselves and Childhelp as requested by our staff. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Program updates
Mary wanted to briefly comment, if you'll note the food assistance and LEAP are a pretty dramatic and steady increase in number of applications.
BOARD OF HEALTH:

- **A. Garfield County Public Health Year-End Report for 2010 – Mary Meisner**

PUBLIC HEARINGS:

- **A. Community Service Block Grant – Judy Martin**

Judy is here requesting Board approval and signature for the 2011/2012 Community Service Block Grant. She is requesting $ 44,500.00 for senior transportation. These funds will allow low-income seniors to remain self sufficient in their local communities by allowing them access to medical appointments, senior meal sites, employment, education of volunteer experiences and shopping. The grant will allow them to provide 400 rides, 100 rides to the senior nutrition meal sites; they have seven throughout the county, 100 to

employment volunteer educational events, 100 to medical appointments and 100 to shop throughout Garfield County. The seniors will complete a rider and commission sheet that will provide verification of their status for the CSPG Grant, and the rider logs, which she receives monthly, will show the number and the type of rides that each eligible senior takes. She will report this information back to the senior advisory board that meets monthly as well as to the CSPG and to the Board of County Commissioners on a regular basis.
Carolyn explained to Commissioner Jankovsky that the feds require notice of the hearing. The idea is that citizens can come and say to the Commissioners; no, we don't think Judy should use this for senior transport; we think Mary should use it for whatever, or we think DHS should use this for some other program. We have applied for this money out of both our Public Health Department and our Human Services Department. That's the reason why this is noticed
Dave Sturges spoke in favor of the Block Grant to the senior transportation.

Motions

Chairman Martin thinks that also goes along with the past commitment of this program, even if the grant doesn't go forward; someone in Garfield County will find a way to make it work. Which we have done in the past, this is only an attempt to tap into something.
Motion to close the public hearing?
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Judy – The request for Board signature approval?
Chairman Martin – We need a motion to approve or disapprove.
Commissioner Jankovsky – I'll make a motion to approve the grant application.
Commissioner Samson – For the Community Service Block Grant for 2011, second.
In favor: Samson – aye Martin – aye Jankovsky – aye

- **B. 1st Supplement to the 2011 Adopted Budget – Theresa Wagenman**

Theresa was in charge of the public notice. Carolyn – Notification is correct and it was published in the Citizen Telegram on January 13th. You may proceed.
Chairman Martin – Swore in the speakers.
Theresa – Exhibit A is the resolution to approve the supplement appropriation and these are changes to the existing 2011 budget.
Commissioner Jankovsky – In your request there is about $75,000.00, where do those funds come from if they are not in the budget.
Theresa explained they come from the general fund, the fund balance. For example, the first one for the general fund is the Sheriff's office that was a grant that was awarded in 2009. They have to show proof of expenditures before they receive reimbursement. Last year they paid about $36,000.00 in expenditures of the $49,000.00 that was approved for them. So they are asking to spend the remaining, almost $10,000.00. Those types of things don't always come in front of you; but it is technically a new request that they are adding to the 2011 budget.

Motions

Chairman Martin - Motion to close.
Commissioner Samson – I would move we close the public hearing. Commissioner Jankovsky - Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move that we approve the first supplement of the 2011 adopted budget as recommended by staff.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye

- **Leslie Robinson and Sandy Pickard were present to update the Commissioners on Discussions with Antero.**

Sandy Pickard, 1401 County Road 237, Silt gave an update to the Board letting them know one meeting was held with RSPN and Antero. It is a process and we have a meeting scheduled for Thursday with their group.
Leslie – We are proceeding as if Antero is still at the table regardless of what their recent decision has been with their letter over the weekend.
Chairman Martin – That letter, none of the three of them have seen. They have heard of it but it came well into the evening of Friday and they were gone. We will not open that up because we are here at the meeting today.
Commissioner Samson has one request to tell the people that we are working on the committees that they need to work within the scope you have there. You will have some really good things to report back to the Board on February 7th.
Sandy will pass that along Thursday night.
Chairman Martin – The recommendations from this committee are not binding to the County. That was a misconception that had been negotiated with Antero; you bring it to us and we would sign off on it. That is not the way it works. We just acknowledge it, accept that as part of the feedback and then we can make our decision.
Leslie understands what their directive is, can we all work together here.
Chairman Martin – What we are hoping for is that we have a joint request to do something; to move forward or as you know intervention is still in place and will continue according to date.
Commissioner Jankovsky – As the new Commissioner he just wanted to really back-up what Commissioner Samson has said as he ran on a platform and it's very important to work with the gas industry and yet be sensitive to the environment and neighborhood together. It is very important from his perspective that you work together and do whatever you can to work things out.
Leslie – They just want to make sure people homes and health aren't sacrificed.

Executive Session:

Carolyn needed to go back into executive session to continue the discussion of the Antero intervention, totally a privileged client discussion of witnesses and exhibits.

Motions

Commissioner Samson – I would move that we retire into Executive Session for the aforementioned topics. Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin - Motion to come out of executive session.
Commissioner Samson – I move that we come out of executive session.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – Ms. Dahlgren, I believe we have direction in reference to an item that we didn't identify which was an emergency that came to us.

Additional Item to Executive Session

Carolyn – There was a public health incident, which we discussed and we didn't know about it until we went into executive session. We are just asking the board to retroactively approve discussion in executive session of a public health incident.
Commissioner Samson – Does that require a motion?
Carolyn – It needs to be added to our executive session.

Motion

Commissioner Samson – I would move that the reason as to why we went into executive session be added.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – Any other direction or action to be taken?

Carolyn – That is totally up to you; we had discussions regarding a privileged attorney client discussion of use of witnesses and exhibits in the Antero interventions and it is up to you if you want to direct your legal staff today or if you want to wait until later after you have more information back from various meetings.
Commissioner Samson thinks they need to wait a little bit more. He doesn't think they need any action at this time for that.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – That will be the first meeting in February Ms. Dahlgren.
Carolyn – We will certainly have more information for the Board by then.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Constitution of the US

Betty Scranton from Glenwood Springs had several points to make and that is of free speech based on the US Constitution both in the letter and the spirit.

Green Energy

Her concerns are power, money and movement and how it affects us right here today. She has to say personally how thankful she is. Wherever the three of you Commissioners stand on that she has seen each of them come out with voices of reason with regard to what's going on and have actually kept the citizens appraised of it. She personally is very grateful to each one of them for their parts in that.

Planned Parenthood

Her concerns are abortions and fraud and she is very concerned about funding of Planned Parenthood. Abortions are on the menu when listening to their recorded topics.
Chairman Martin – Agree or disagree we have the duty to uphold your right to speak. As far as the Planned Parenthood program, this is a non-abortion type clinic. We do allow the sales tax dollars that come through the initiative that was passed by the citizens and a grant that goes to them; however it is very specific on what they are allowed to use those funds and there is an accounting of those dollars that go to certain services. That is very specific.

- **Letter of Support – Rowe Ranch**

Chairman Martin – We had one other item which was the letter of support in reference to the GoCo, which is the Rowe Ranch conservation easement and we have supported this in the past. This is a 700-acre ranch that the Division of Wildlife, the Natural Resources Conservation folks, the County and GoCo wish to go ahead and help preserve under an agreement with the property owner. And the state board needs a letter saying that we continue support in 2011. He would like to say if you haven't read it, he will present to the Board and they can make a determination at the end of the day if we wish to go ahead and do that or not. All three commissioners need to sign it if it is approved.

Motion

Commissioner Jankovsky – Has read it and would like to cut out one sentence in here. That is that "lastly while conservation easements can be unintended adverse affects on development patterns within a county"; he thinks they are making a policy statement. Which is one that he would probably agree with but he doesn't think it needs to be in this letter.
Commissioner Samson – So you would like to strike the…
Commissioner Jankovsky – It would be the first sentence in the last paragraph starting with "lastly".
Chairman Martin – Is that a motion?
Commissioner Jankovsky – That is a motion, yes. Commissioner Samson – Second.
Chairman Martin – Motion and a second with the editing as described.
In favor: Samson – aye Martin – aye Jankovsky – aye

PUBLIC MEETINGS

- **B. Battlement Mesa Incorporation Financial Feasibility Analysis Presentation – Ford Frick, BBC Research and Consulting and Tamra Allen, Long Range Planning**

Summary of the report:
This study addresses the financial feasibility and policy issues associated with the potential municipal incorporation of the community of Battlement Mesa. Battlement Mesa is an unincorporated subdivision of about 1,650 homes and was established in 1980 as a residential community largely intended to support the area's then burgeoning oil share industry. The County and a variety of Special Districts and Homeowners Associations currently provide public services to the planned unit development subdivision. Incorporation Issues and Study Objectives: Although financial feasibility and potential fiscal impact are the primary issue addressed in this study, there are a variety of policy and practical considerations in the discussion of Battlement Mesa incorporation. These ancillary issues include a determination of incorporation process: options for city boundaries; home rule versus statutory charter; implications for public entities currently serving the area, considerations for community governance structure, and impacts on local land use controls. In the analysis, he named 3 points: Revenue, appropriations, and would adding municipality powers help.
Battlement Mesa is a Planned Unit Development (PUD) encompassing approximately 3,300 acres and situated midway between Glenwood Springs and Grand Junction in unincorporated Garfield County, Colorado.

PUBLIC HEARINGS:

- **A. Consider a Request for a Land Use Change Permit for a Compressor Station to be Located Two Miles South of the Garfield County Airport on County Road 333 (Hunter Mesa Road) Applicant; B.J.M. LTD and Owner/Operator of the Facility is Valerus Compression Services, LP – Kathy Eastley**

Phil Vaughan, Aleta Powers, Chris Scheve, Glynn Waguespack, Quint Nichols, and Jeff Cerjan were present.
Carey reviewed the noticing requirements and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Planner Kathy Eastley submitted the following exhibits: Exhibit A – N.
Chairman Martin entered Exhibits A – O into the record.
Planner Kathy Eastley explained: The applicant seeks a Land Use Change Permit to allow for construction and operation of a compressor station for gathering natural gas in southern Garfield County. This facility would have a capacity of 50 mmcf/d (million cubic foot per day). Valerus will own and operate the facility and service the gathering system managed by Antero Resources. The compressor station would be comprised of five (5) natural gas compressor units, each with air-x-change cooler units, all of which would be housed in individual acoustical buildings approximately 32' x 28' with 18' eave height. Noise control equipment is proposed consisting of exhaust silencer packages, sound absorbing interior walls and sound-attenuated building ventilation openings. A Motor Control Center, Maintenance/Dehydrating Station and portable toilet facilities will also be located on the site. The compressor station and related facilities area would be enclosed within a 7' tall chain link fence.
STAFF RECOMMENDATION
Should the Board of County Commissioners approve the request for a Land Use Change Permit for a Compressor Station on property owned by B.J.M. LTD the following list of conditions could be applied to assure compliance with required regulations and standards:

- That all representations made by the Applicant in the application and at the public hearing before the Board of County Commissioners, shall be conditions of approval unless specifically altered by the Board of County Commissioners.

- Prior to issuance of the Land Use Change Permit, the Applicant shall obtain all required federal, state and local permits. This includes, but is not limited to, the Construction Permit from the Air Quality Control Division of Colorado Department of Public Health and Environment (CDPHE) prior to construction of the site.
- This Land Use Change Permit issued shall be limited to a compression facility consisting of five (5) natural gas compression units, each with air-x-change cooler units all of which will be housed in individual acoustical buildings with noise control equipment.
- The facility will also contain a Motor Control Center, Maintenance/Dehydrating Station and portable toilet facilities.
- The facility will be enclosed within a 7' tall chain link fence.
- Operation of the facility must be in accordance with all Federal, State and Local regulations and permits governing the operation of these types of facilities.
- All required building permits must be obtained for structures and fencing associated with the proposed compressor station.
- Industrial activities shall be required to comply with the following operational standards: The volume of the sound generated shall be so operated that the volume of sound inherently and recurrently generated does not exceed the standards set forth in the Series 800 rules of the Colorado Oil and Gas Conservation Commission (COGCC) for residential zones; Vibration generated: every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property; Emissions of smoke and particulate matter: every use shall be so operated so as to comply with all Federal, State and County air quality laws, regulations and standards; Every use shall be so operated that it does not emit heat, glare, radiation or fumes which substantially interfere with the existing use of the adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signals, reflective painting of storage tanks, or other such operations, which may be required by law as safety or air pollution control measures shall be exempted from this provision.
- Prior to issuance of a Land Use Change Permit the Applicant shall provide a re-vegetation bond in the amount of $5,480.00.
- Prior to issuance of the Land Use Change Permit the Applicant shall provide the Building and Planning Department with a letter from the Rifle Fire Protection District regarding resolution and/or completion of requested revisions to language contained in the Spill Prevention Plan (SPCC) and regarding satisfaction in provision of completed Hazardous Materials Declarations forms.
- The Applicant shall comply with the fire protection provisions included n the rules and regulations of the Colorado Oil and Gas Conservation Commission (COGCC) and the International Fire Code. All exterior lighting shall be the minimum amount necessary and shall be directed inward and downward, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Discussion:
Kathy – They have two revisions to the conditions explaining in detail.
Motions
Commissioner Samson – No questions so I move that we close the public hearing.
Commissioner Jankovsky did have a question for Miss Eastley. What item was it on here on vibration?
Kathy – Condition 6A is related to the COGCC noise standard. Condition two, was the other one regarding the acceptance of the construction air permit prior to operation at the facility.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Phil – Thanked everyone for their time. Hopefully, you have seen a very good process set forth by his client Valerus. He thinks they will find Valerus to be a very upstanding, honorable company to do business with and that is certainly what he found. He thinks they will make a good long-term partner.
Commissioner Samson felt this was very well put together and commends everyone who was involved in it especially the staff. He knows the area extensively and he thinks that is an excellent place to put a compressor station for many reasons; but one being that you have two companies, Merit and EnCana that already have compressor stations in the same area. With that, I would move that we approve the land use change permit for a compressor station to be located two miles south of Garfield County Airport on County Road 333 by the applicant with the conditions of approval recommended by the staff and the change as stated by Kathy; condition two, and the removal of the last three words on 6A.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
COMMISSIONER ISSUES:

- **A. Commissioner Reports –** Commissioner Samson and Commissioner Jankovsky attended the CTCI on Friday. They gave them a list of things to be aware of and he will bring it up to talk about it eventually of things that we as County Commissioners are responsible for. Some of those things he knows they do and some of those things he knows the staff does. He wanted to double check to make sure that is being done; but one thing he thought they could do today is make a motion that would be appropriate is they had a suggestion that of course, we have a chair and we have a vice chair, but they talked about how we should probably instruct our legal staff to construct a resolution that states that all three of us have the right to sign something, of course we would always have the chair sign it and if he is not available I would sign it. But if, for whatever reason both of them are out of town, or something in Rifle, Carbondale, needs to be signed instead of John or I going all the way up there Tom could sign it. He doesn't know if that needs a motion or just direction to the legal staff; you can probably call the gal and she could help.

Chairman Martin – The resolution to allow any officer of the board to sign. Carey – Why don't you instruct staff to do this, we'll bring it back and at that point if there is any further discussion we will entertain it. Commissioner Samson - You are so by instructed.
Chairman Martin – In reference in any decision or any direction taken on intervention; we have deferred that until the 7th. The staff is gathering more information, we are not deliberating until then. He explained they also told the representatives of the citizens group the same thing. He wanted to make sure that courtesy was sent to them. Hopefully, you will be able to work together and come up with a solution so that we can avoid litigation; but if not the motion is to go forward with the findings.
Does Dave Strickland have the intervention been expanded to include the three Battlement Mesa pads? Chairman Martin – Not to my awareness, no. It deals with the original intervention area, Silt and Peach Valley as well as the surrounding site that might have been in the same neighborhood.
Carey – She might be able to help clarify. There are different processes for dealing with the 2a as they came in on the Battlement Mesa or that were being anticipated to be on the Battlement Mesa pad. That is a different procedure separate from the intervention and it is not issued yet so no action has been taken.

- **B. Commissioner Calendars –** Commissioner Samson – Do we have anything on the calendar that we need to be aware of? The next official meeting is Monday Feb 7th correct?

Chairman Martin – Correct.
Commissioner Samson – On Tuesday Feb 5th he will be meeting with Glen Adams in Rifle concerning poor service. Just going to compare notes on various things, Glen will bring him up to speed on the forest service side. Concerning the RAC, he received a notice next that the next meeting will be April. He forwarded the correspondence to Tamara Allen as well as Steve Anthony. It said that Garfield County's portion of that money to be allotted in this next go around was $35,000.00. Everything is being cut down. He is working with them to get together for some proposals for a worthy project.

ADJOURNMENT

JANUARY 24, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Special meeting was held in Glenwood Springs at the Board of County Commissioner meeting Room 100 at 1:00 P.M. on January 24, 2011 with Chairman John Martin and Commissioners Tom Jankovsky and Mike Samson present. Also present were County Manager Ed Green, County Attorney Carolyn Dahlgren, Jim Hackett and Jean Alberico Clerk & Recorder.

CALL TO ORDER

Chairman Martin called the meeting to order at 1:00 P.M.
Pledge of Allegiance.

CONSIDERATIOIN AND ACTION ON ANTERO'S REQUEST FOR CONTINUANCE – COLORADO OIL AND GAS CONSERVATION COMMISSION HEARING, FEBRUARY 22 UNTIL APRIL 4, 2011. DOCKET NOS. 1010-SP-37 AND 1101-SP-02

MOTION

Carolyn Dahlgren and Cassie presented through the Oil and Gas - no formal request. Like to file a motion to continue their application and the BOCC's position. Intent to allow the citizens to have more time to meet with Antero to April 4, 2010. Not to oppose it, Antero would file either way. All we are asking you, ultimately the COGCC.
Fiona Lloyd – happy with more time to meet with Antero. Meetings have gone very well.
David Ludlum - Western Slope – would also support and compromise eventually.

Motion

Commissioner Samson for obviously reasons it would help both parties, things are progressing and very happy and would move we give no opposition to the idea to the April 4, 2011 COGCC meeting.
Commissioner Jankovsky – second.
Antero submitted a request for a continuance for consideration by the Board of County Commissioners.

CONSIDERATION OF PROPOSALS AND SELECTION OF RECRUITING FIRM FOR COUNTY ATTORNEY SEARCH

Katherine Ross - Two firms presented proposals.
Colin B - Florida
Phil McKenney – California
Direction
Commissioner Jankovsky made a motion for Phil McKenney as he has worked in Colorado and seems more comfortable. When Phil was there, he was good but most of the work will be handled by a second party.
Commissioner Samson – Second and agree with your thoughts. All in favor: Martin – aye Samson – aye Jankovsky - aye
Ed – not in the 2011 – have to do in February a budget supplement.
Put about $30,000 in there to have plenty.
Public action:
Contact today – Katherine, Phil will be in touch with you.
Commissioner Jankovsky – I'm looking forward to the process.

Tonight – Meeting in Silt at 7:00 P.M.

ADJOURN

FEBRUARY 7, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

Expanded Minutes are available upon request: jalberico@garfield-county.com

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 7, 2011 with Chairman John Martin, Commissioner Tom Jankovsky and Commissioner Samson present. Also present were County Manager Ed Green, County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.

CALL TO ORDER

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

ROLL CALL - Jean Alberico
PLEDGE OF ALLEGIANCE – Chairman Martin
INVOCATION - Pastor Daryl Reeves

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Jim Drolet – Glenwood Meadows Affordable Housing Project and CHAFA tax credits
Jim explained how upset he was and expressed his feelings reiterating the use of government subsidizes. This has a direct impact of free enterprise. Jim gave several examples and submitted a letter from Pat Fitzgerald voicing his objections to this project.
Jim concluded that the impact of this project would have a traumatic effect on small investors and the capacity to complete.
Jim – Essentially, I think Pat has more experience in local real estate than anybody I know of and he's been doing it for over 40-years, and he is very concerned about the impact that this has on his investors. He also works with a lot small time property investors he knows who are on the brink. A lot of them are already subsidizing the rents. So, an impact like this would have severe reaction in the community.
Commissioner Jankovsky – Thank you Jim for stepping forward and expressing your concerns.

CONSENT AGENDA:

a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. Changes to Prior Warrant List
e. Authorize the Chair to sign the Land Use Change Permit for EnCana Oil & Gas (USA) Inc. (LIPA 6385) for Storage of Supplies, Machinery, Equipment or Products – Molly Orkild-Larson
f. Authorize the Chair to sign the resolution and Land Use Change Permit for "Material Handling" to allow for conversion of 12A-24D production well to an injection well, and to allow for storage of ten (10) 500 BBL tanks on a property located six

(6) miles northwest of the Town of Parachute. Applicants are Puckett Land Company and Petroleum Development Corporation – Kathy Eastley

g. Authorize the Chair to sign the resolution and Land Use Change Permit for a "Compressor Station" to be located two (2) miles south of the Garfield County on land owned by B.J.M. LTD and operated by Valerus Compression Services, LP - Kathy Eastley

h. Authorize the Chair to sign the Dutton Exemption Plat, approved by the Director of Building and Planning through an administrative action. Applicant is Nathan Dutton - Kathy Eastley

Commissioner Samson moved to approve the Consent Agenda as outlined.
Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
County Sheriff Update: Lou Vallario

INCREASE IN CONTRACT SCOPE AND PRICE FOR DIVIDE CREEK ANIMAL SHELTER CONTRACT WITH SHERIFF'S OFFICE- JIM HACKETT & LOU VALLARIO

Kathy Redman and Jim Hackett presented the contract for the Divide Creek Animal Shelter contract of the Sheriff's office. We're requested the BOCC for the approval to increase the Divide Creek Animal Shelter for Veterinarian Services from $120,000 to $200,000 for the 2011 budget year. The amount of service provided by the Divide Creek Animal Shelter in way of veterinarian, spaying, neutering and boarding has increased to the point that $120,000 a year will be losing money. When Dr. Langegger was approached with this year's option for renewal he initially requested an increase to $300,000 per year and the Sheriff's office, skillful on negotiations, they were able to agree to a price for $200,000 that reflects a 67% increase. Since it is over 50% increase, the original offer of the Procurement Code and it is also over the $50,000, we need your approval. This is an increase of $80,000 and authorizes the Chair to sign that contract if approved. This is no additional increase to the Sheriff's budget and they are willing to take it out of theirs.
Chairman Martin – And they have identified the different budgetary line items to transfer. It does make a request to the Finance Department to go ahead and authorize that change.
Commissioner Samson – So you are not asking for additional funds, you are asking for permission to move funds so that it would be covered from other budgeted item.
Jim – And also an increase to the contract you guys have to approve the $80,000.
Kathy Redman – When that contract was first stated we weren't sure of the amount of volume that they were going to be at their facility, but now after about a year and three or four months time, they were able to reassess it.
Commissioner Jankovsky – I have one question and that is we have a contract with CARE and what's the dollar amount on that contract.
Kathy - $400,000.
Commissioner Jankovsky – Is there a lot more care….
Kathy – They are totally different, CARE does an adoption program which Divide Creek does not do. So Divide Creek mainly handles the other part, CARE does all adoption and the stray animals for the County program and health care, spay and neuter after so many days.
Commissioner Jankovsky – Do we have another contract with Rifle.
Kathy – No, we do not.

Motion

Commissioner Jankovsky – So this is the only contract down valley that we have. I make a recommendation that the Board approves the increase in the contract to $200,000 to Divide Creek Animal Shelter and the authorization for the Chairman to sign.
Commissioner Samson - Second. In favor: Martin – aye Samson – aye Jankovsky - aye

COUNTY MANAGER UPDATE: ED GREEN

PUBLIC MEETINGS:

GRAND JUNCTION THERMAL SYSTEMS, LLC – CHRIS GARCIA

Chairman Martin – We are going to give you some time to explain your process and why it is good for Garfield County.
Mike Sounders and Chris Garcia have a unique process, which has a patent and basically is to clean chemicals in the water by purifying it by fire. He presented a complete packet of information.

Note: A complete packet of information is available upon request: jalberio@garfield-county.com

AWARD OF SECOND OPTION TO WESTERN COLORADO CONSULTING SERVICES FOR LANDFILL ENGINEERING SUPPORT- JIM HACKETT & KRAIG KUBERRY

Kraig Kuberry and Jim Hackett presented. The last time was to the BOCC in January.
In summary, this is a proposed contract between North West Colorado Consultants, Inc for 2011 for Garfield County for continued Engineering and Environmental Services at the Landfill. This came up on the last BOCC meeting in January. So we are asking approval for a contract between North West Colorado Consultants, Inc and Garfield County for continued engineering and environmental services at landfill. They have agreed to remove any boilerplate language from the quote; this includes the 2% financing charge on the late payments beyond 30 days and the provision to cap liability at the cost of the contract. Staff recommends the Board approve the award in a not to exceed amount of $96,280.00 and authorize the Chair to sign that contract.
Carolyn –As long as they are willing to sign our form contract, it is all okay.
Ed – This was budgeted and part of this is going to be associated with methane mitigation. We have a letter from the State in agreement with our approach.
Kraig –Everybody is on board, this is not set in stone, this is the system we are going to put in place and it will work fully to meet the state but once we get it in, then it gives us guidelines or where we need to go next if it doesn't work. We are sure it is going to work; we just don't know how much gas it will get rid of.

Motion

Commissioner Samson – I would move that we as a Board the award the award of a contract with North West Colorado Consultants, Inc in an amount not to exceed $96,280.00 to provide engineering and environmental services at the landfill and authorize the Chair to sign the contract. Commissioner Jankovsky - Second.
In favor: Martin – aye Samson – aye Jankovsky - aye

AWARD OF CONTINUATION OF TRANSPORTATION IMPROVEMENT NEEDS ASSESSMENT TO SGM - JIM HACKETT & BETSY SUERTH

Betsy and Jim presented. In summary, this is a contract with Schmueser Gordon Meyer, Inc for transportation improvement needs assessment continuation and we're asking the BOCC for approval with SGM for continuation of the Transportation Improvements Needs Assessment for 2011 in an amount not to exceed $75,000 and to authorize the Chair to sign that contract if approved. This is included in the 2011 budget at this time.
Commissioner Samson – When is that supposed to be completed.
Betsy – We expect in April.

Chairman Martin – This is one of Commissioner Samson's projects in determining mass transit and alternatives for all of Garfield County as far west as well as the eastern side. Have you had any input with SGM on their initial findings after the interviews they did on…
Commissioner Samson – Just what they got some information as to what direction we kind of wanted to go, so….
Chairman Martin – What direction and priorities that you put in place.
Motion
Commissioner Samson – Well I think this is a good thing, I think this is something the County needs and continue to go forward with that so with that being said, I would move that we approve the award of the contract to SGM in the amount not to exceed $75,000 to provide continuation of transportation improvement needs assessment in 2011 and authorize Chair to sign the contract. Commissioner Jankovsky - Second.
Betsy – The Commissioners will receive an update on the project tomorrow at the work session. In favor: Martin – aye Samson – aye Jankovsky - aye
APPROVAL OF APPOINTMENT OF EILEEN SHEETS TO FAIR BOARD – LISA DAWSON
Update on 2011 County Fair – Lisa Dawson
Ed – We have Lisa here to present an appointment of a fair board member and also to give you an update on the County Fair.
Lisa Dawson – Eileen Sheets has been nominated to be a board member for the Fair Board and I request your approval of that nomination.
Motion
Commissioner Jankovsky made a motion that we accept Eileen Sheets to the Fairboard.
Commissioner Samson - Second. In favor: Martin – aye Samson – aye Jankovsky - aye
Lisa – Update on the County Fair 2011
Lisa –The Fair Board has been working diligently on planning the 2011 Garfield County Fair and I wanted to give you a heads up on the direction they are going and see if you had any comments or suggestions or concerns. We have a budget approved of approximately $144,000 for the Fair and the events that they have scheduled so far is on Thursday they have the professional bull riders, on Saturday they are going to have the demolition derby and then tomorrow night we are going to discuss events that will fit in the budget for Wednesday and Friday. Wednesday they are contemplating either a barn dance or possibly a local rodeo, and then Friday we were going to see what we can fit in with the budget.
Carolyn – I haven't had a chance to meet with Kip yet although we have indeed emailed with each other, so I just need to make sure that the Fair Board knows they need to post their meetings like any other public commission. Both here, the Courthouse and then at the building where they will meet.
Direction request on parking and camping
Lisa – There is one thing I need to ask your direction on, every year parking and camping on the Fairgrounds has been a dilemma, the staff has concerns about liability and also space but there has been a tradition of allowing parking and camping, so I'd like to ask you would you like to have the Fair Board review the issue and make recommendations to you or would you prefer to give the Fair Board direction regarding camping and parking.
Chairman Martin –Well, we did the improvement at the Fairground for camping, pads, electricity, etc and I know sometimes that is a hazel but it is also something that is necessary for those vendors and also like the stock providers are there with their animals and what have you and we need to allow the Fair Board to review that and make any kind of alternations if necessary but I don't think that we need to ban it.
Commissioner Samson – It would be very beneficial for them to give their recommendations, it would be under their scope of what they should be paying attention to and advising us on concerns. The Fairgrounds and so on and that's what we've said in the past, we will try to accommodate as many as we can, but obviously we can't take care of everybody so it's kind of a first come and first serve basis but I heard a lot of compliments from those people that they appreciate what we have done for them and they wish we had more but we're limited to how many, so I value their input, whatever they want to report to us.
The Event Coordinator is Krista Coffman. Krista is working with the board very well and they have some ideas on how to accommodate the camping, the parking and some other events, so we'll be talking about that tomorrow and then giving you regular updates on what we're planning.
Carolyn – I just also want to make sure Lisa and our contractor that last year the Fairgrounds manager worked out a standard agreement that is based on the form of use agreement that we have for the Fairgrounds so that he could manage the number of campers and have a way to communicate with them so there is that history already established.
FAIRGROUNDS ARTWORK – STATUTES AT THE MAIN GATE
Ed – The issue is that we have had for the last couple of years included in the Fairgrounds budget monies to place a couple of statutes that Tom and Sam's group had purchased for the County. Due to budgetary constraints, we eliminated that because it didn't appear that those were going to place any time soon, but according to Tom and Sam we now ready to do that. So, David tells me that the total is about $51,000 for the young boy that's roping the three chickens and the biggest reason for that is it is a very delicate statute and you have build a protective containment around it. Then there is another statue that will cost about $9,000 to place. The question is do you want to proceed with that and authorize Lisa to transfer money to make that happen.
Commissioner Samson – It is my understand and in discussions with Sam that this was a commitment made in years past to go forward and I feel we need to honor that commitment. I know it's not budgeted, it has but for various reasons it was pulled. So, I'm wondering should we take that from our discretionary funds.
Chairman Martin – I think that we need to limit the expenditures out of general fund if we have discretionary funds I think that's what it is because it is a benefit to the public, it is improving a public facility – it is a risk factor in reference to vandalism and other liability issues but we weigh that.
Commissioner Samson – And it will be there on the Railroad right at the main entrance so sculptures are going to be on each side of the entrance.
Commissioner Jankovsky – I don't have any comments other than I am a little bit concerned about how fast we're going through our discretionary funds but ….
Commissioner Samson – I don't think we've authorized anything out of there so far.
Ed – You're down to about $619,000 and the next two are going to take it down further.
Commissioner Jankovsky – If we've approved this before I'm fine. If the previous board has made a commitment then I'll back down.
Motion
Commissioner Samson – I would move that we approve not to exceed $60,000 for the completion of the Fairgrounds and that money to be taken from the Commissioners' discretionary funds. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Carolyn – I just want to know if there's a follow up contract, have someone accept the statues or is this something we are doing or in-house .
Ed – No, we'll have to contract it out.
Sponsorships

Carolyn – Then depending upon the dollar amount it will have to come back to Board for signature. One more question because I see a legal issue arising, can we have a discussion about that. On the document that titled, "sponsorship opportunities" I see in each category that there is an exclusive industry sponsorship and I don't know what that means. Does it mean each industry in Garfield County – oil and gas industry, hotel industry?
Ed – She went back to the original presentation.
Carolyn – what does an exclusive industry sponsorship mean, because exclusive has a legal definition and I don't want people fighting over whether or not they are the exclusive sponsor for the Fair Book or for the official truck or for the main event. And maybe that is understood by the Fair Board.
Chairman Martin – The concession, the ice cream, the wine tasting, wood cutting a few of those, there is only one entity that is sponsoring that.
Carolyn – So there are not multiple industries.
Lisa – Per event.
Carolyn – So it's really just an exclusive sponsorship.
Commissioner Samson – So what you are saying for each event there, there is one sponsor and have obtain their amount whatever it is and they have the exclusive to that sponsorship. Is there a problem with that?
Carolyn – No, I just wanted to know if there were multiple exclusives and I was going to have people calling the County Attorney's office and say wait a minute, the oil and gas folks got that sponsorship and the Grange got that sponsorship, now what about me – I'm a Hotel person.
Commissioner Samson – I assume this is the first come first serve.
Lisa – Yes and we're also working with sponsors to make sure that they sponsor event that is best fitted for them.

APPROVAL OF $500 GRANT FOR RURAL PHILANTHROPY DAYS – DUSTIN DODSON
Ed – The event will be in Eagle but it involves counties from all around. This is one of these that would come out of your discretionary funds.
Commissioner Samson – He made a pitch for this I remember and I have no problems with it.
Chairman Martin – That is for $500.00.
Motion
Commissioner Jankovsky – I'll make a motion that we support the Rural Philanthropy Days request for $500 to support this event.
Commissioner Samson - Second.
In favor: Martin – aye Samson – aye Jankovsky - aye
APPROVAL OF $5000 GRANT FOR HUMAN SERVICE COMMISSION HUMANITARIAN DINNER TO BE HELD APRIL 11, 2011- DUSTIN DODSON
Julie Olson for Dustin Dodson submitted a letter of request for $5,000 for the 2010 Garfield County Awards Humanitarian Dinner. The event will be held Monday, April 11, 2011 for the 2010 Garfield County Awards.
Commissioner Samson – It's a very nice – this request is not for the dinner, it's for the awards and everything that is presented to the people and we've taken part in that for the past couple of years that I've been a part of the Board. And, they are very many deserving people that are recognized in our community and I feel and I see no problem in continuing to support such.
Motion
Commissioner Samson – I would move that we approve a $5,000 grant out of the discretionary funds for the Human Services Commission awards dinner to be held on Monday, April 11, 2011. Commissioner Jankovsky - Second. I have been to this dinner as well and it's a very important dinner for the Human Services Commission but are we the only sponsor on this for $5000.00 or are there others. There's also a fee last time I went I paid a fee.
Ed – There are others. I think we buy a table.
Commissioner Samson – Just to let you know you'll probably be if like in the past, we'll be asked to present certain awards. In favor: Martin – aye Samson – aye Jankovsky - aye
SCOPE OF WORK AND COST ESTIMATE FOR SEARCH AND RESCUE FACILITY – RANDY WITHEE
Randy submitted the cost estimate of $35,000 to $45,000 to perform the work in the scope of work and suggested the Board consider a budget of $40,000. Down Valley Gutter Services, Mike Alsdorf, submitted a draft of the remodel. The drawing they put together should be in your packets. Basically, the work is looking at in regards to adding a wall, some dry wall and insulation, paint, drop ceiling, added to our electrical light fixtures, outlets, add some heat and plumbing. The Search and Rescue has presented the cost, I think it was between $35,000 and $45,000. I looked through it and my estimate was around $36,000, so that falls into the range of what the request and from there I guess it is up to the Board to consider if they want to go ahead with this project and then to do so, recommend to put it into the budget not to exceed $40,000 and you should be able to accomplish the task if you go for it.
Motion
Commissioner Samson – I would move that we approve the request for the Search and Rescue facility to be located at the existing Road and Bridge structure, should we put an amount there not to exceed $40,000 and that should be taken out of the capital improvements funds. Commissioner Jankovsky - Second.
In favor: Martin – aye Samson – aye Jankovsky - aye
DISTRIBUTION OF THE 2010 NATIONAL FOREST RESERVE PAYMENT – THERESA WAGENMAN
Chairman Martin – One more year and this is diminishing because of the Schools Resource Act, it's not the same level, it does drop. Theresa submitted the Resoltuion for the distribution of receipts and directing the Treasurer to make disbursements. Garfield County is in receipt of about $403,000 in National Reserve Funds that is also referred to as the Schools Rescue Rules Program. Back in November 8, 2010, you agreed to give the County's 25% share to the school districts with the expectation that this would be used for After School Programs. Then on October 11, 2010, you agreed to give the 42.4% portion, which was previously negotiated, between the schools in the County – give that portion of this to the schools as well. So, it was determined this year that the school districts whose receive all of the National Forest Reserve funds with the exception of Title II and Title III funds and today we are asking for your approval and signature to disburse those to the schools.
Motion
Commissioner Jankovsky – I'll make a motion that the Board of County Commissioners allows the Garfield County the Garfield County Treasurer to disburse these National Service Reserves payment funds in the amount of $373,446.11 to the school districts and to the County's general fund in the amount of $30,672.04 for Title III project. Commissioner Samson - Second. In favor: Martin – aye Samson – aye Jankovsky - aye
Chairman Martin – You'll have that honor to report back to the state in reference to the distribution.
BOCC APPROVAL OF 2010 HIGHWAY USERS TAX FUND (HUTF) REPORT – ROB HYKYS
Ed reported that every year we receive $2.9 million in Highway Users Tax Fund and in order to qualify for that we have to prepare a report, which Rob Hykys does for us, and he is here to present that.
Rob Hykys, GIS analysis in Garfield County IT Department, as a way of background, every year the state collects taxes at the gas pump as you know, it goes into a big pot and then it has to be fairly distributed by the Department of Transportation. They have a formula based on the data we give them, what we claim our roads are, the road surface, the road conditions whether they are

maintained or not, the number of passable lanes, etc and then they come up with a figure and depending upon what's in the pot we get our fair distribution from that pot. This is proposing for you to approve an inventory of our roads not a map perse but the listing I gave you, a table of road segments. Of course, for every line in that table there is a road segment on the map but we don't approve the map, we approve the table. In the document, I just outlined all of the surface improvements that Road and Bridge provided me.

Motion

Chairman Martin – We need to accept this particular report, you need to forward this one as well. You need a motion approving accepting it so we can forward it to CDOT.

Rob – Okay, I would like to submit the 2010 Highway Users Tax Fund report included in your documents for approval and submission to CDOT so we can recovery state taxes.

2010 tax fund report for approval and submission to CDOT

Commissioner Samson – So moved. Commissioner Jankovsky - Second.

In favor: Martin – aye Samson – aye Jankovsky - aye

TAMARISK REMOVAL ON CITY PROPERTY IN COOPERATION WITH COLORADO AND VEGETATION MANAGEMENT PROGRAM – JOHN MARTIN

Chairman Martin and Steve Anthony presented.

Steve explained the issue with Tamarisk saying the swift crew has been doing an acre per day. The property was identified and plans are to bring this to the Joint BOCC and City of Rifle Council meeting to be held 2/9/2011 at which time the Board will request a partnership.

Steve explained how the Tamarisk beetles eat the new growth once the old growth is cut. These beetles are grown in Palisade and were introduced. Last year we purchased 10,000 Tamarisk beetles and they are moving our way.

Chairman Martin – These insects have been released in Cisco and Moab 10-years ago and in 2 to 3 years they will hit Parachute and Rifle. Clarification was made that these beetles only eat the Tamarisk and no other vegetation.

Ed – What do they eat after the Tamarisk?

Chairman Martin – They die.

Steve – Well, they don't run out of Tamarisk.

MOVING A MEETING – MAY 2 TO MAY 23, 2011

Ed said this is so that we schedule the symposium in concert with EnCana.

Commissioner Samson – I'm still working with those entities so that hasn't been firmed up yet.

Chairman Martin - We need to firm that up because we will have noticed public hearings that will come up on the 2nd and they have to have a 30 day notice. The symposium we are talking about is the approach of Garfield County, Education, Facts, with other Commissioners.

Ed – Yes, this relates to Fred's agenda in the afternoon. We need to settle whether we are going to do it on the 2nd or the 23rd so he can schedule items.

Commissioner Samson – Dave Neslin said he would call me tomorrow.

Chairman Martin – We need a motion to move that from the 2nd to the 23rd please firm that up by next week.

Commissioner Samson - Agenda item – Firm up the March 3rd Town Hall Meeting.

COUNTY ATTORNEY Office – Carolyn M. Dahlgren

ANTERO SETTLEMENT OFFER; AUTHROIZE TO APPEAR FOR THE BOARD IN THE COURT ORDER MEDIATION IN THE PIEFER LITIGATION; ENCANA APPLICATIONS NEAR BATTLEMENT MESA PUD AND JUDY IS HERE TO LET YOU KNOW WHERE THOSE APPLICATIONS ARE IN THE COGCC PROCESS; MENTIONED HERE IS DIRECTION TO LEGAL STAFF ON THE GYPSUM RANCH LITIGATION WHICH IS LITIGATION THAT INVOLVES STATE HIGHWAYS ON WHICH WE WERE NAMED AND LASTLY THEN SINCE WE PUT THE AGENDA TOGETHER, THERE'S BEEN SOME ADMINISTRATIVE LITIGATION THAT WE RECEIVED NOTICE OF AND WE NEED DIRECTION ON YOU WHETHER TO AGREE TO MEDIATION IN THAT LITIGATION.

PUBLIC DISCUSSION

CONSIDERATION OF ANTERO SETTLEMENT OFFER IN BOTH INTERVENTIONS BEFORE THE COGCC – Carolyn Dahlgren gave the report for Cassie Coleman

Kevin Kilstrom – Vice President of Production

Carolyn presented for Cassie Coleman. Cassie is on another piece of litigation elsewhere so Mr. Martin normally your County Attorney office would receive settlement offers when there is litigation going on either administration or judicial and we would consider those confidential settlement communications and we include them in your executive packet; however, at your direction and after conservation with Antero, Vice President Mr. Kilstrom I've noted to you and to Kevin that he actually sent this letter to others folks other than the three of you; consequently that made it a public document and plus you have told me to copy it and make is a public document. So I have those to hand out. Also, the County Attorney's office received about 9:45 last night so Carey just got it this morning a communication from Bob Elderkin who says that he represents a number of people in Silt, so I made copies of those to be part of the public record, so may I hand those out before Antero starts.

Chairman Martin – The intervention was requested, official action taken to intervene on Silt Mesa.

Speakers included Kelvin Kilstrom, Bob Elderkin and David Ludlum regarding the settlement communication with Antero.

David spoke regarding the 10-acre to 40-acre bottom hole density for the time being.

Antero conceded to 500 feet setbacks from a residential structure. Kelvin submitted a chart of wells where testing has shown the Oil and Gas Industry has never contaminated anyone's well or poisoned it. Bad press has accused Antero of this and no correction to date has been made.

Kelvin – 2006 study of testing of water wells showed 1000 parts per mill of sulfates and referred to the Silt Mesa wells as not being the best quality water wells. Other issues of noise, light, dust and traffic emissions were addressed. Antero has optimized truck traffic along the I-70 corridor and they avoid the Coal Ridge High School and also shut down during the school bus hours. He explained that flaring is used to burn 99% of all hydrocarbons. They implement odor mitigation with carbon blankets on the lids so that any kind of hydrocarbons will not react with carbon filters. He eluded to the fact that talks with the citizens would be on-going for 1 to ½ years. A Comprehensive Drilling Plan will be submitted. He also stated that well casings are down 900 to 1000 feet depths.

There is a community meeting at Coal Ridge High School on Wednesday evening at Coal Ridge and another on Thursday in Battlement Mesa. This will bring the total to 30 meetings with the citizens.

Public comments:

Fenno Lloyd expressed how upset she was about the short notice of today's hearing. She requested the BOCC continue the intervention. Antero needs to know the citizens concerns and referenced the Lisa Bracken well and the Magnus well as examples of water contamination. These were not caused by Antero but by other operators. She has concerns about subcontractors.

Bob Elderkin – Antero has done a good job but people make mistakes and if the aquifer is contaminated a well is no good and it could be for years. He requested the Commissioners proceed with the intervention.

Commissioner Samson – I was going to ask you Kevin, how often do you test the wells?

Kevin – The second test, the follow up test or the initial test.

Commissioner Samson – Both.
Kevin – For the initial test, we initially draw a line of ½ mile around the pads and we go searching for every well within there. The data best that's available doesn't show them all properly labeled so we actually knock on doors, we leave notes but generally speaking we will test every well within ½ mile, if there is something close we will typically extend it so every well before we drill will have the baseline test done and that is what all those dark blue dots are on the map. Afterwards it is going to be variable upon a request by a surface owner, we would go out and test and other than that, we don't have a hard timetable that's usually just at some point after we have done the initial work on the well.
Commissioner Samson – Do you find that most of the landowner/surface owners request their well be tested.
Kevin – A secondary test, I don't, I would say it's less than ½.
Commissioner Samson – And if I understood you correctly, you said that you actually offered the Strudley well and were not allowed to do so.
Kevin – We tested it initially baseline, we don't go back, we have an outside engineering firm and obviously the test, they were in communication with and I think the Strudley's said, desire the COGCC and do it and the COGCC came out and did it.
Commissioner Samson – That is the report we have seen.
Kevin – Yes.
Commissioner Samson – Thank you very much. The only other thing I would say is thank you for doing what I asked you to do I think you have gone beyond the call of what and in the spirit that was given meeting with for asking you to work with these people. I really appreciate everything that you have presented here in laymen's terms, this has been one of the most instrumental and informative discussions that I've heard from a gas company concerning all of this and I know particular to the Silt Mesa area but that is what we're specifically talking about here and this has helped me a great deal to understand a lot about this, and I appreciate it. I also appreciate the work that you're doing up in Battlement Mesa and trying to work with those people. So thank you for being a leader and stepping forward meeting the challenge, meeting with these people and being a leader – meeting with people and resolve to continue to meet with them and trying to resolve that and also the resolve that you have of continuing to meet with them and develop your CDP. I know that we're not going to make everybody happy, I know that, that's just human nature, but I appreciate the time and the effort and I know to some degree it's costing your company some money and I appreciate your willingness to work with people and different things. Thank you.
Commissioner Jankovsky – The four wells you have on Silt Mesa are all exploratory wells basically and you're not sending the gas to, you don't have the pipelines in there so you flaring off the gas; at what point are you going, will you have enough data and you can cap those wells or …..
Kevin – 3 of the wells have been shut down in the past week, one well was still so when you look at the cross section there you will see that the thickness of the Williams is about one mile so there are different intervals that we have been testing. So we're trying to situate the last well so that we can do the final test on the zones of interest and get those results. There is no infrastructure in place now to sell gas or to move water. Again referring to this map, if I may, you see a solid red line and a solid blue line that is underneath much of that or wondering. We have spent a significant amount of money to put in about 22 miles worth of water gathering distribution system so that we don't have to have trucks driving up all the county roads to haul water. Each of the wells have somewhere between 7 and 9 fracing stimulations done given that thickness and each of those takes about 7,000 to 10,000 barrels of water. Typically a truck load is 100 hundred barrels so one frac could take 100 truck loads so 7 fracs would be 700 barrel truck loads – we don't want that many truck going up and down the road cause we know that we're going to be fixing roads, so our intent would be the same on the north side as the south side if we can make it work, is to install infrastructure gas and water, gas to sell so that we don't have to flare and then water. But, this is exploratory, we're trying to understand it, we are seeing gas, but again it wasn't definitive from the standpoint that these are going to be very good economics for us in this basin but they're not saying they are not going to be either. But, it is going to take more testing and we have to evaluate the test results we have to date and that is why I mentioned it, this is going to take us many months for us to put a proper plan together that we can show the citizens what it's going to look like and what the infrastructure and the number of well pads will look like, the number of wells, etc.
Commissioner Jankovsky – Then you will have one more well to drill this summer.
Kevin – At least the two wells, I would say maybe two wells this year, one is almost certain going to be drilled in Jewell and the other is somewhat in our thought process at this time.
Commissioner Jankovsky – Would that be on Silt Mesa as well.
Kevin – One more on Silt Mesa, now south of Mesa we just have started drilling over the night about the center of this chart down there where our wells end on the pad called the Dixon B pad where there's the one well on the cross section is and we have a full year drilling plan lined up for this year in that rig will go from pad to pad on four different pads drilling 3 to 5 wells at one time. But as far as Silt Mesa goes, one well almost for certain and possible well.
Chairman Martin – Any other question in reference to this subject. We have a request from Antero and I think we need to hear from Ms. Cassie Coleman in what her findings and other items are in Ex Session so we can determine our strategy or not.
Carolyn – Okay.
Chairman Martin – And at that time, since she is not here, I think we'll need to reserve that for a little later today at the end of the day.
Carolyn – Okay but I'm ready to let you know what Cassie knows and there is a lot that I can publically that the 2 interventions for 4/4/11 before the COGCC, we've started discovery at least scheduling it and Antero has scheduled 7 depositions on folks listed on county's witness list; we have scheduled one deposition of some of your witnesses and that's where we are now. So we need to know if you wish us to continue on that litigation schedule or if you're change your mind.
Chairman Martin – And that's one of the issues we need to talk about - strategy wise as legal advice so we'll do that later on today.
Carolyn – And Kevin before you leave, may I have that letter from the state so I can a copy for the Clerk.
Chairman Martin – We really appreciate it and I know that Mr. Samson and Mr. Jankovsky and myself appreciate everything that you're doing, information coming forward and sharing with everyone. Good luck on your meeting on Wednesday.
Kevin – thank you.
Sher Long with EnCana, I've heard this a couple of times and so I just want to point out that the well contamination that are being used as example that fracing not the case, I know for a fact that the Divide Creep Seep and the issues in that area were from failed cement job having nothing to do with the fracing operations and I would say that you look at most of the examples that are being given, it is not related to the technology of fracing. Just wanted to clear that up.
Don Chaplin – Property owner in Peach Valley and continued to explain his opinion of fracing fluids and the soil structure in this area. I spoke recently at a meeting with Antero and I chose to be proactive to the best of my ability on this particular subject because I feel that Barbara and I are caretakers of the ground and yes in one definition we own the land but even before that ownership or caretakers of the ground for generations to follow us, so with that I will not belabor the issue. If we had specific scientific information as to how these fluids, move underground would be helpful for all concerned.
Kevin – May I just make a clarification. To my knowledge, there is no March hearing at the COGCC and we agreed with the county to stay the hearing so I'm not sure, there is not March hearing at all. I think it was a misunderstanding as they had multiple years scheduled on the Commission Website so we're not trying to defer anything. Our proposal as it stands would go to 40 acre down hole density, there is no provision for 10 acres well density in our present offer that would have to come back, reapplied for and the county would have another shot at 10 acre well density. 10-acre well density if off the table period.

Chairman Martin – Probably a concern about subsidence in reference to disturbance and the movement, which would really affect the surface.
David Ludlum – Western Slope Oil & Gas Association, I think our position is stated very clearly in the letter that is before you, but I also wanted to state and clearly reiterate that we support Antero's settlement terms, we think they have been acting in good faith and this has been demonstrated today and I also want to make the opportunity for any questions or clarification to our letter, I'm happy to respond.
Leslie Robinson – GVCA and I just to just reiterate some items during the Silt meeting a couple of weeks ago, it wasn't so much as the facing fluid it is above ground contamination and the extra safety measures needed in the Silt Mea area to prevent for stuff above ground contamination and not just from fracing fluids. Just to support what Bob had to say about the county had not been intervened on definitely a better proposal would be on the table but there are other things that could be done for more green practices just at last week's energy advisory board meeting,.
Chairman Martin – I understand it is legal strategy whether this Board has to consider to go forward or not, we need to know what risk there is on both sides of that questions, we'll make a final decision public but we will confer without legal staff in reference to our risk.
Leslie – I'm just concerned that none of us will be here to hear to hear that decision and learn from a reporter's call.
Chairman Maritn – Well the decision will be made in public, Leslie, at a public hearing like we always do, we don't make those decision in the back room. We discuss those.
Commissioner Jankovsky – Will that be made today?
Chairman Maritn – Not necessarily, we had a request to Ms. Dahlgren when Cassie is available in reference to strategies and information as well as going forward as well as the list of information that we're presenting – that information needs to be shared with the Board ot make sure that we are acceptable to that to move forward or not. That is again strategy. This Board needs to make that determination.
Commissioner Jankovsky – If Carolyn is amenable to giving us that information we could go into an Executive Session now, come back out, and discuss this while the people are here.
Chairman Maritn – It that is your request, if we wish to do so, we have a 10:15 hearing that we're trying to get to right now on that and that is why I'm deferring that. But if you chose that will be fine.
Motion
Commissioner Jankovsky made a motion to go into an Executive Session to discuss the intervention with Antero. Commissioner Samson – Second. Motion carried.
Carolyn and Carey Cagnon will be involved in the Antero intervention.
In favor: Martin – aye Samson – aye Jankovsky - aye
Commissioner Samson moved to come out of Executive Session. Commissioner Jankovsky - Second. Motion carried.
Action Taken:
NO DECISION MADE – DISCUSSION ONLY
Commissioner Samson – Yes, I wanted to ask a few questions here, this is public document, the draft that we received, who drafted the draft – who wrote the draft.
Chairman Martin – On settlement?
Commissioner Samson – MOU and it says JBCA, RSPN and Antero – Who drafted this?
Kevin – I prepared the first draft forwarded it to Fenno, Leslie and Lindsay.
Fiona – I sat in the room and wrote the draft.
Kevin – The rough draft and I typed it and re-circulated it.
Commissioner Samson – Let me read something here because I want to get clear in my mind. No. 3 – In light of the proposed changes to Antero COGCC applications in February detailed below, namely to drop proposed 10 acre well density at this time GBCA RSPN and Antero agreed that there is no need for Garfield County to maintain its interventions in Antero's application, included was the docket number, etc at this time.
Kevin – That's what it says, however it is a draft and the three ladies who remained and did this with me that day stated they were representing people but they needed to go back and have further communications, so this document has never been finalized.
Commissioner Samson – That's what I needed to know because you can see where I'm coming from today, I'm reading this and I can tell you I was elated, I was happy that I read that. You guys can get along, okay. You really can and I'm just excited that you're working together and things are going forward. Now, with that being said, you're meeting on Wednesday, the 9th, so I think you need to continue to have that meeting, things are going well and let's get to the point where we don't just have a draft but we have a finalized thing. Can we work to that end, hopefully?
Kevin – Yes, I think we can.
Commissioner Samson expressed his appreciation for Antero working with the citizens. I realize that everybody is going to be happy and I realize that but I'm glad to see you're sitting next to each other, you're talking and progress is being made. Once again, thank you for the presentation, I learned a lot – it was great. That being said, I want to ask you a question Kevin, in your amended application and in that it is going to say that you're no longer asking for 10 hole spacing.
Carolyn – We haven't received notice of it.
Commissioner Samson – That's good and the main thing that brought 200 people to CMC was the 10-acre spacing. Now there were other concerns and you're working through those too and thank you for doing that. We need to hear exactly where is she going and what plans are being made and what's happening here before we can make a final decision on this number one. Number two I think is that we would like to see what is going to come out of the February 9th meeting, it will not be a draft, but a finalized version stating these things. And, lastly from my perspective I would like to put this on our agenda for February 22nd and that will give me time to do a little more research, actually have a chance to read what COGCC letter, Mr. Elderkin's letter and some other information that I haven't had a chance to read.
Fiona – Antero is not saying they are going to pull their request from COGCC, they are amending that request. And that request will actually allow them to do 10 down hole spacing to some respect.
Commissioner Samson – Not if they amend it…
Fiona – Yes, it does. What they have said is they would do a maximum of 16 wells, which the state allows them to do, one to 40 acres right.
Kevin – That is what the amendment would say. 40 acres and the 10 acres will be gone.
Fiona – But, because you're changing your surface spacing unit, it means that you could, if you wanted to, put 16 wells in a line, 10 acres apart. I'm just pointing that out – yes, it does allow you to do that doesn't it.
Kevin – The point being made is that and I think Fiona is correct. The state will allow you to put those 16 wells wherever you wanted them to be. You're not required to have 4 in each quarter section, we could go in and do 10 acre density in only one quarter of the section, so Fiona is correct. We would be willing to stipulate away from that – that isn't our intend – we don't plan to do this level of development in this area and we would be willing to word it such that we would put it into effect and it would be 4 wells per quarter section. We're okay with that.

Commissioner Jankovsky –I just want to make my comments now. I do appreciate you being here and working together, I think it's very important. That is what I ran on when I ran my campaign that we need to work with the oil and gas companies to get the sensitivity to the environment and neighborhood issues and I think you are doing that, when I was at CMC this really all started with the 10 acre down hole spacing. I see Antero is willing to pull that off the table. I think there are other issues out there but that was the main issue when this all got started when the intervention came about. Just where I come from, I believe in mediating and working together as opposed to litigation, Antero's, Best Practices, I see those things are being put on the table and working with the neighbors and I appreciate that and I think if you can see the pipelines on fracing on the north side of the highway as you have on the south side, that cuts down on a lot of truck traffic and so I appreciate things are being brought to the table but I really feel it is important that we work together as a community.
Bob Elderkin – I think there is a mis-conception here, Antero is being really upfront and nice and giving us a year but at the end of the year there is no doubt in my mind they're only going to come back for 10 acre down hole spacing and I think they're justified. If that's the crux of the whole thing. Most of the residents I don't believe really don't understand that and we just haven't had enough time, if you have a formal agreement "as of Wednesday night" who is going to sign it from our side?
Chairman Martin – That's a good question because it is going to be represented GVCA and the RSPN and it's not binding by the County.
Bob – Well, it's not binding on any of us either see, because we haven't had any time to meet, let everybody understand what's really going on, what the long-term outlook is going to be and agree on some things. Chairman Martin – And you'll have the other folks and of course I take a lot of heat simply because they own the minerals and it happens to be your neighbors as well, the ones that are saying that we want to go ahead and work with Antero to develop our right which is an income above and beyond working the soil
Bob – And I've talked to several of those people since they sent that letter to you and they're behind.
Bob – Can't you and the state agree just to back away from that intervention thing?
Chairman Martin – This is some of the legal strategy we need to talk about. Commissioner Jankovsky – If Antero does amend their application then if they do go back to 10 acre spacing then they will have to come back in front of the COGCC and us but when that happens maybe we'll have some history at that time and know how they act and work as a company and have a better idea of cumulative effects. If the citizens come in front of us then we have to listen to what you have to say.
Chairman Martin – We also have the ability to initiate without the uproar of the citizens if we see something technically, we need to have information disseminated, we will do so. That's our role in government too.
Motion
Commissioner Samson – At this time I would move that we as Commission instruct the administration to put on the agenda for the 22nd of February an executive session at the end of day when all business has been completed for the purpose of hearing from our legal staff, specifically Cassie Coleman an update as to the strategy and the rationale behind the case that they will be giving and to give our input as to how we feel about that. Along with that I would encourage Antero to amend their application for 10 acre down hole spacing and for both the GVCA and RSPN concerned citizens to meet with Antero and continue to the end of hopefully having a final draft to come before us on the 22nd.
Carolyn – Commissioner Samson are you also including public action at that point and time or you said you were scheduling an executive session.
Commissioner Samson – Well, maybe and maybe not, I don't want to tie our hands at that time.
Chairman Martin – How about discussion and possible decision. I think you need to identify for the agenda items.
Commissioner Samson – But Mr. Martin's point is well taken, we need to do something pretty soon, we need to get going.
Chairman Martin – Do it or not do it. I think both sides want to know what's going to happen – sitting on the fence.
Commissioner Jankovsky – I would like to hear Cassie Coleman executive session next Monday, the 14th and possibly decision making on the 22nd.
Carolyn – So then public action on the 22nd but next week executive. We should probably go ahead and agenda it for possible public action on next week too.
Commissioner Jankovsky – Since our executive sessions are falling at the end of the meeting, likely then it will be the 22nd that we would….
Chairman Martin – Well, we'll have to come out of Executive Session and identify if we're going to take any action or to give direction at that time.
Commissioner Jankovsky – Second.
Chairman Martin – The motion has been amended and seconded.
In favor: Jankovsky – aye Martin – aye Samson - aye
TRANSFER OF A LIQUOR LICENSE– JEAN ALBERICO
Jean submitted the two forms of notice. The publication was accomplished in both the Citizen Telegram and the Post Independent and she has the proof. The posting was done at the Buffalo Valley Restaurant off CR 154 on January 25, 2011.
Jean handed out some additional information that came in too late for you to get in your packets. What this consists of is the person who is actually applying for this license his name is Patrick Henry from Denver and you find in this additional information an affidavit from him allow Craig Classen to represent him today. Jean explained the application in detail, ownership and also met on site to do an inspection of the premises. You'll find an additional document that besides the character check done by the Sheriff's office and the fingerprints, this is a CBI check for Mr. Henry and then the other one is an affidavit after I had some conversations with Dan Gunther at the Department of Revenue Liquor Division. The liquor license for DBA Hospitality Inc expired on January 26 and I received on January 11a complete application asking for Transfer of Ownership from Mr. Henry and he's asking only that the license be transferred and be held, they are not wanting to operate any type of business at the location at this time. They want to hold that because I think they believe it is an asset to them to have the liquor license in place for someone who may want to come in and conduct business at that location. So, also you have an affidavit, Mr. Gunter asked them if state that in writing but that is what they are asking for is just of the license to be transferred to them and then when the state issues it they will sent it to me and I will hold it in the file drawer because you have to approve it first and if you have a Hotel and Restaurant License, you must also have a food service license because 25% of the income must come from the service of food and that's not in place right now and so you know there would be no operation or use of a liquor license at this location whether this organization or someone they decide to transfer it to, until we had that in place.
Carolyn – And if there is a transfer there would have to be another hearing.
Jean – Yes, another hearing, they would come back and probably ask you for a temporary license to do business but they would have to have their entire application in place before they asked for the temporary license and then they would have to go through all the steps.
Chairman Martin – Let's see if we can open this public hearing to get all that information in given a head of time.
Chairman Martin – Sworn in the speakers.
Carolyn – Appearing for the applicant is Terry Clausen representing Pat Henry. The application is an LLC, but Mr. Henry and does business as Pat's Place.
Chairman Martin – This has been identified as some of the evidence. Chairman Martin – sworn in the speakers

Jean Alberico submitted the transfer of ownership to HRE Holdings 1, LLC dba Pat's Place located at 3637 State Hwy 82 in Glenwood Springs.
Terry Clausen representing Pat Henry explained the business would be Pat's Place.
Carolyn – The applicant is an LLC - HRE Holdings 1, LLC. Mr. Henry is the sole owner and he does business as Pat's Place located at 3637 State Hwy 82 in Glenwood Springs. So Mr. Clausen is actually representing the LLC.
Chairman Martin – Mr. Clausen, hearing all the information offered by the clerk and legal staff, is there anything you would like to add to this discussion.
Chairman Martin - Any testimony from the public.
Chris Janus – I live directly across street and the old tenant who has left the property, hung a string of lights across from the building, but about 150 lights but it is a whole herd of the dam thing and they shine directly in our living room, they are not covered or blocked and I talked to building permit office and there was no permit given and of course it is against the local code for lighting, so I would ask that in the future before anyone reopens the restaurant, the possibility of removing those lights. It kind of cheapens the atmosphere over there.
Motion
Commissioner Jankovsky – Okay, I'll make a motion to approve the transfer of ownership liquor license to Patrick Henry to HRE Holdings LLC and instruct the County Clerk to hold that liquor license until it meets all state laws. Commissioner Samson - Second.
In favor: Martin – aye Samson – aye Jankovsky - aye

REQUEST FOR BOCC TO CONSIDER FINANCIAL SUPPORT OF GLENWOOD MEADOWS AFFORDABLE HOUSING PROJECT – JENNIFER CLOUD
Ed presented the request to support Glenwood Meadows Affordable Housing Project submitted by the City of Glenwood Springs via Steele Properties who proposed to construct 60 family rental units including a Clubhouse building and on-site parking. These units will be targeted to low-income households at 40, 50 and 60 percent of the area median income. This is Phase One of Two of a 120-unit complex. The cost of these Affordable Housing Units will be $496.00 for a one bedroom; $592.00 for 2 bedrooms; and $675.00 for a 3 bedroom.
The Garfield County Housing Authority has offered its continued support to this project.
A complete packet of information was provided and is available upon request.
Audience
Jim Drolet reiterated his previous concerns made earlier this morning. *Terry Clausen* – I'm just curious as a local resident and taxpayer how the AH rental program works and how are those renters subsidized.
Katherine – Well the Housing Authority would not directly be involved in ownership with this project. We just see a need for these for these very low rental rates available because we have such a long waiting list and all the properties in the county … you can describe how they are qualified.
Jennifer – The benefit of a tax credit property in the area is that our rents are restricted for 4 years, a long period of time we'll have restricted rent rates.
Terry – I'm assuming the monthly rent for these tenants is already subsidized in some form or fashion.
Jennifer explained the process.
Chairman Martin – They assume the risk in reference to building on the Meadows.
Terry –Well, I'm just curious and we have and we've been taking to the Catholic Archdiocese has been looking for an affordable piece and there's only going to be one award, we've been talking to them about our piece at Roaring Fork Lodge and they've been looking at other sites as well, so I just don't know how that's going to work or who will be awarded the housing.
Katherine – Well I'd like to say that we know that the Archdiocese and Steele have both applied for the March 1 CHAFA round at about the same number of requests and also saying they will consider projects.
Commissioner Jankovsky - $13 million dollars for 60 units.
Katherine – Well we have a 2-year waiting list for our Section 8 Vouchers and we have 445 this month in service so when the federal government limits the amount of money we get.
Discussion:
Commissioner Jankovsky – I can't make a motion, philosophically I'm opposed, I'm a little bit more with Jim stated here, I just feel it does affect the private investors who invested their money in this and so I just have a problem.
Chairman Martin – So your motion would be that you don't lend the support but good luck with their application.
Commissioner Jankovsky – No, I guess that I can't make any motion on this, I'll leave it up to Mike. I'd just give you an idea of where I'm coming from.
Chairman Martin – This has been a struggle for 30 years that I know of for Affordable Housing situation.
Commissioner Samson – Well, I think AH has its good points and its place but I forget who it was that made the comment and the point I was going to make, is I don't think the timing is right. I couldn't support this at this time for various reasons but one of the main ones is the timing. I don't think this is the time for something like this to go forward. Now, I suppose we could them our blessing if they feel they could without any monitory support from us.
Jennifer – The letter in the packet is the Glenwood Meadows project that we did not receive a tax credit award last year that was awarded to the Archdiocese for a different location; they were unable to and I couldn't say what stopped their project but they return their CHAFA award, so there still has not been a tax credit award in the area, although CHAFA has expressed interest in committing to funds to this area. So, when Steele Properties approached the County early last year and that letter is in support of 60 units at Glenwood Meadows however, the tax credit award went to the Archdiocese. But I will say that we do feel and I obviously cannot speak for CHAFA but we do feel confident that we will receive the tax credit award to develop the property and we're committed to the development of the property and are currently seeking ways garner local support and enhance our financial support. But we are also committed to seeing; we are confident that we will see the tax credit award and are committed to building the property.
Chairman Martin – And in the letter of March 22, 2010 does not offer a financial incentive or support in that respect, only that it offers and opportunity for increased housing in Garfield County.
Jennifer – But if I may say in terms of timing, and I understand there are philosophical opinions on the role of government in property development and in any sort of development in a community and I appreciate and understand that but I would just like to say it is an opportunity to develop the tax credit property in the County and as I mentioned before, any financial support from the County is critical to our CHAFA application and our application for home funds to the Colorado Department of Housing. So it will better the property, financial support from the County will allow us to secure other financing.
Commissioner Samson – So what you're saying if I'm understanding without financial assistance from the County CHAFA is not going to approve this.
Jennifer – No, that is not what I'm saying. It stands a better chance that we'll receive the full amount in tax credit awards. And I actually spoke to one of your local reporters the other day and I wish I could give him a clear answer too as to – John Colson – it's not either or and it's not black and white, the application is going in at the same time we are approaching the County and as I said, if the County would be willing to offer financial support contingent on a CHAFA award I mean that….

Commissioner Samson – Let's take some hypothetical's here. I am understanding that this Board is going to say we're not going to offer you any monitory assistance. What is your next request?
Jennifer –My next request is general support for a tax credit development in Glenwood springs and I suppose we could accept philosophy support.
Commissioner Samson – And a letter to that affect to CHAFA.
Jennifer – Yes, a letter to CHAFA for a general open letter stating your support for the development.
Ed – Similar to the one you wrote last year.
Motion
Commissioner Jankovsky – I will make that motion support to this, no financial support but we would support the project to the County Commissioners just to get it on the table. I had a motion out there to support but it died for lack of a second.
Chairman Martin – That's a consideration. The pleasure of this Board to revisit this issue or make a final decision today.
Motion
Commissioner Jankovsky – I'd like to make a final decision and I'm not ready to, I'll make a motion that at this point the Board of County Commissioners are not ready to make a recommendation to support this.
Commissioner Samson – I'll second that.
Chairman Martin – We have a motion and a second not to support. Do you wish to expound.
Commissioner Jankovsky – I think I've expounded enough on my believes on this….
Chairman Martin – I used to be in business of renting, I used to also take in those that couldn't afford to wait on the list for Section 8 and had reduced even below Section 8 housing and it's got to be open to the community to take in those that they need to be taking in, please remember that there are a lot of opening out there and people that are on a 400 family waiting list need to places to live, those that have rentals, please open up your eyes and say, we need to take care of our own community so that projects like this can go forward.
In favor: Jankovsky – aye Martin – aye Samson – aye
Chairman Martin – We are not at this time going to support that request.

CONSIDERATION OF AMENDED AND UPDATED RESOLUTION ESTABLISHING HUMAN SERVICE COMMISSION – DUSTIN DODSON
Carolyn reviewed the most recent Resolution.
Dustin Dodson – Resolution 93-059 is the most current one to my knowledge as well and I think that it coincides nicely with the proposed By-laws that we summated as well. That is my recommendation.
Dustin – A bit of latitude is requested so that we do not have to formal process each time it needs to change to the County.
Carolyn – So Commissioners if you so approve I would amend this to include in the whereas clauses a recital having to do with the 93-059, then I would amend 2 to add a small d about educating the community and I would amend para 3 to include indigent and homeless, ageing and to change youth to youth services.
Chairman Martin – Okay, is that acceptable.
Commissioner Samson – What I'm reading through this, the By-laws.
Chairman Martin – No on the Resolution first. We're finished but that was the alteration to the existing draft which is now redrafted, it is acceptable to this Board and we need to take action.
Carolyn – And we didn't mention there is an Exhibit E – which is referring to the actual members.
Motion
Commissioner Jankovsky – I make a motion that we accept the amended updated Resolution establishing the Human Services Commission. Commissioner Samson - Second.
In favor: Martin – aye Samson – aye Jankovsky - aye
Carolyn – Does that include your signature authority or do you want it back on the Consent Agenda?
Chairman Martin – Yes, that's implied on all of these motion.
APPROVAL OF HUMAN SERVICE COMMISSION BYLAWS – GENE DURAN
Gene Duran submitted the Human Services Commission By-Laws for approval of the BOCC and clarification was made as to the Human Services Commission and ex-officio status of the BOCC. He clarified the difference between the Grants Allocation Committee that does have a BOCC member assigned to evaluate the requests.
Tom Jankovsky was appointed to serve on the Grants Allocation Committee.
SETTLEMENT AUTHORITY AUTHORIZED FOR BUILDING AND PLANNING STAFF IN PIFFER LITIGATION, COURT-ORDERED MEDIATION – CASSIE COLEMAN
Carolyn – Building and Planning and the County Attorney's office will update you on that litigation as things proceed.
Chairman Martin – I think that is one of those agenda items that we'll get done hopefully while we still have our Acting County Attorney in reference in identifying all litigation that is going on – that is the master plan.
Carolyn – In your packet, you have received outlines of all litigation. We're asking that the County Commissioners authorize Gale to be the authorized person by the BOCC to participate in court order mediation on the Pifer litigation.
Chairman Martin – He has a vast knowledge of what's going on in the Pifer property in reference to the Roaring Fork and has worked with both Cassie and also the property owner. I think that Gale would be able to negotiate a fair deal from both sides meeting the requirements. I think he already has a good foundation.
Carolyn – It's always possible that it will get settled before the mediation occurs but since it is court ordered we need somebody with your authority delegated.
Commissioner Samson – I move that we authorize Gale Carmoney to be appointed as our staff point man for the Building and Planning staff in the Pifer litigation. Commissioner Jankovsky – I'll second that motion.
Chairman Martin – I did want to do it myself but since a staff member has come forth I think we can go ahead and call the question. In favor: Jankovsky – aye Martin – aye Samson – aye
POTENTIAL ACTION REGARDING ENCANA APPLICATIONS BEFORE CO&GCC
Carolyn - Judy is here to tell you where those EnCana applications are located in the COGCC administrative procedures, these are for wells close to but outside of Battlement Mesa PUD. Judy has the facts. I put the minutes Commissioners from when you voted on perhaps similar Antero application; Judy will be letting you know how similar these are.
Judy –explained the Commissioners directed me on December 6, 2010 to request a hearing before the COGCC on 3 of the Antero pads that are on this map. We have never received an issued application or a permit from COGCC on those 3 Antero pads, so those are still on hold. In the meantime, there's been an EnCana application for a pad that says, Cook. There are several there that are EnCana pads and I saw correspondence from Kevin Kilstrom from Antero to the Commissioners with regard to Silt Mesa but he raised the fact that there are existing EnCana pads near the PUD and he raised that in connection with the fact that the Commissioners had voted to request a hearing about the Antero pads that are near the PUD.
Chairman Martin- Question, if we're looking at these and why are we not looking at Williams on the other side, which is they are on the other side of Parachute which is also a populated area and close to the PUD, at what point do we start or stop is my question I think we have to do everything or nothing. How does that and that is really COGCC that does that, so it's kind of my opinion.

Chairman Martin – If there are grounds for intervention or request for a hearing, would they be based on transportation, air and water quality over all affect or health issues and would that be what our grounds would be.
Judy – That's what our grounds have to be under the rules, not transportation specifically but human health, environment impact.
Chairman Martin – And we would have to rely upon information that we have now or not. Information that we can get out of winds saying that is going to affect our health, do we have anything that we can rely upon to go with the intervention or request for hearing. Do we need special field rules since it is a well-established area, new field rules, new technical requirements one way or the other? Well my question is beyond what we've already seen, do we need to go there and I'm relying on you to answer that question. Already on field rules and regulations and what we've seen in the past.
Judy – There are measures that operators can take that are above and beyond what the COGCC requires. They are not necessary standard practices within the field. So, I think the Board want to take into consideration what the economics are of that and possibly community concerns but ultimately it's you decision – my question in connection this would probably be, is there direction you want to offer me of when to bring these things going into Commissioner Jankovsky' questions to your attention because as you know this is a very active area and there are and we would expect there to be more pads to come to be applied for around the PUD and I don't know if the Commissioners want to consider future ones or not but as you say, is there a distance that we want, to try and demarked around the PUD or it's not clear to me when you want these brought before you and when you don't. Chairman Martin – There's been a change in philosophy and also direction that you've had and you've had to deal with particular…. I can see the argument in cumulative effect, I can see the issue of many more to come, but with the air monitoring, water monitoring, and the cooperation we've had there, is it something that we need to increase on request or inspection. That's again up to the Board to decide.
Dave DeVanney and Ron Galterio - Both residents of Battlement Mesa. Dave read into the record a letter regarding the request for intervention regarding EnCana applications to drill near the BM PUD. He referenced the pending HIA report will present a clearer view of the needed mitigation efforts necessary to protect the residents of BM. We believe that this increasing level of gas drilling activity and close proximity to the BM PUD may pose significant risks to the health, safety and welfare of the residents of BM. We also ask that any future applications by any operator to drill within the approximate ½-mile buffer zone surrounding the BM PUD receive similar treatment by the County until the HIA report has been released and accepted by the BOCC. We have another letter we'd like to submit also from Bob Arrington who could not be here today. He read the letter into the record. (A copy of the letter was submitted).
Dave gave a summary report of the report of odors by Bonnie Smeltzer and the symptoms she reported.
Judy – The citizens called I guess different places and I did get some complaint in July as well.
Ron – The only thing I would add we just feel the BM residential community is more or less under siege by the oil and gas industry by an unprecedented level of drilling activity and we hate to see that is going to more than double without regard to the health, safety and welfare of the residents of BM and we would just ask that the Commission intervene and do everything that they can to support our request that any further applications by any operators be application deferred until the completion of the HIA report is completed and evaluated and appropriate mitigation measures implemented. I think that is a reasonable request that needs to be supported by this Board.
David Ludlum – Executive Director of the West Slope Colorado Oil and Gas Association. One thing we can all agree on is an industry and stakeholders, the conditions of approval and mitigation you use and developments in close proximity to communities is obviously cases to be different than stances you might use somewhere else. The HIA is a bit tricky because from our perspective as we entered into the process as former stakeholders when we commented, we were operating on two assumptions: 1) that the HIA wasn't an operator specific assessment based on a very defined geographic feature of the PUD, which is to say, nobody can say that we're outside that boundary can be that much different but the clarity to understand the rules of the game is important that be irritated and stated unamanously by the this Commission for two as well as HIA of limited scope, so from our perspective, using that Form 2A process as best you can to get those conditions of approval that you feel you need is better than trying to create an arbitrary additional buffers outside a PUD and so I think that is where we would like to leave it as a trade association.
Commissioner Jankovsky – I like to ask Judy on what would you do on conditions of approval if that were to be our direction. What would we do as County Commissioners and what we would do as our liaison?
Judy – If you wanted to ask for additional conditions of approval, then I could make comments to the COGCC specifying what types of conditions the Board would like to see on those 2A's.
Commissioner Jankovsky – And those would be conditions that we would convey to you then from this Board.
Chairman Martin – If that's the direction we want to go.
Commissioner Samson – Well, that's what you're recommending.
David Ludlum – That is what I'm recommending given the sense that it keeps it cleaner and we've all agreed that the HIA is limited in scope, that's codified in the County's contract and what you all have said about the intent of the HIA, it is not to be dismissed but the fact that something that occurs outside the PUD has no connection. I think to make it easier for you and make it easier for Judy, that seems like a reasonable give on that, that was the whole purpose of creating the form 2A process as I recall when the COGCC conducted this last rule making was to provide the counties a conduit to the process and to request additional conditions of approval so that would be my issue.
Commissioner Samson – Well I just comment that sounds like a good compromise to the project problem.
Doug Dennison – I wasn't going to say anything, but since it's been mentioned a couple of times this morning I just wanted to clarify something, a couple of people have referenced a presentation Chevron gave to the EAB last Thursday on their cementing program they use in the wells, and I just wanted to clarify, I think people came away from that meeting with the impression that they are the only ones that doing something and I just want to clarify that the kind of casing and cementing program that they are implementing on their property is something that has been done for a number of years in other parts of the County. So it's not unique to one operator. I would encourage folks if they have questions about what Antero or Bill Barrett or anybody else is going to do that they ask and find out what kind of casing and cementing that that operator is using and why they are doing what they are doing. Sometimes there are good reasons not to run cement the entire length of the bore hold. Secondly, it is kind of a shameless for community counts but I would encourage issues or traffic issues to use community counts when people do that we address problem pretty quickly, especially odor issues that is one that you have to jump on real fast to see if you can't pin point where they're coming from and if we don't hear about them. It's a good vehicle for people to use and I would encourage people to call that hotline number and report an issues right when they see it and then we can jump on it and try to address the problem right away. Thank you.
Chairman Martin – Anything from you or are you just looking for direction from the Board to either intervene or not. If we want to go ahead ask for special review process or a 2A comment that we give that direction to Judy and the direction.
Judy in response to Commissioner Samson's request as to how she would go about the 2A comments, I would ask you specifically what it is you would like to see in terms of conditions if any and then whatever conditions you would tell me to request I would simple submit comments to the COGCC.
Commissioner Samson – Would it be beneficial to you as well as us if you were to sit down with the BCC and say what are your concerns, bring them to us, and we could either agree or disagreed with that and say those are the points of interest that you should take to the COGCC.
Judy – I think that would good way to go Commissioner, I think it would helpful for all of us in terms of requesting any kind of action on the part of COGCC to have input from the folks who are asking you to request a hearing and from whomever that would affect.

Commissioner Samson – And then we'll decide we want to go with that or which one or we don't want to with any of them or all of them whatever it is.
Judy –Right because as you just heard from Ron and Dave, they specific concerns that they are voicing on parts of the folks that they are working with and then whereas there maybe conditions that I might come up to try and address those as Doug just said, there may be reasons why a given operator does what or does not or would not want to do to conform with those recommendation, so I think it would be helpful to hear both sides.
Commissioner Samson – That is what I'm kind of leaning toward.
Commissioner Jankovsky – Well, I am too but I would also like to have Judy meet with COGA and just getting both sides as well and you're hearing from industry and concerned citizens.
Carolyn – It sounds like you're telling Judy to come back again.
Chairman Martin – You are asking her not to intervene but to gather more information for a 2A comment if necessary or factual basis where you can go ahead and support an intervention.
Commissioner Jankovsky – I'm not even saying support an intervention I'm just asking for conditions of approval through the 2A process and that we do that in a timely manner so we meet the necessary state requirements. I don't know how much time we have on that.
Chairman Martin – If necessary we would ask Judy to go ahead and ask for a continuance or an extension of time so that she can gather information that need to be addressed from both sides on a 2A process. Is that what I'm hearing?
Commissioner Jankovsky – Yes.
Commissioner Samson – She meets with both parties, brings back a report to us and we'll decide at that time what we're going to do but….
Chairman Martin – We need to know that that timeline is and you can relay that to us so we can make comment. We need to do a special hearing on that we will. It is important enough to give you the right direction.
Judy – The timing is that we would have until the 10th initially for me to request additional time from COGCC and then I request additional time they will give me 10 days so we have until the 20th to get them comments.
Carolyn – Does that mean we need to come back to you on the 14th?
Chairman Martin – Well we need to get our comments in if we are going to do so or file something the COGCC.
Commissioner Samson – I'm going to say we had better direct you right now to ask for an extension.
Judy – So ask for an extension and then come back to you hopefully having been able to meet with both sides and then give you recommendations as to what I heard from both sides that you can then tell me what you would like in the form of comments if any.
Chairman Martin – And if we need to do a 2A submittal we will do so.
Carolyn – Am I hearing that this has to be on the 14th?

DIRECTION TO STAFF ON COLORADO DEPARTMENT OF TRANSPORTATION THE GYPSUM RANCH CO., LLC, ET AL.

Chairman Martin – Do you have any direction on this.
Carolyn – Commissioners you may remember that this is actually litigation having to do with just Gypsum and CDOT, so it really only has to do with State Highways and not County Roads. To date the Supreme Court and the Court of Appeals have not taken it upon themselves to say anything about County Roads, consequently we have stayed in the background because this is really about state highways. The last request was whether or not the County Attorney's office on your behalf was going to take a position on whether ot not the issues needed to be re-briefed at the Court of Appeals level. On your behalf, I said, I don't think so but I will check with them to make sure. So, I'm just confirming publically that you want us to stay in the background and not actively be involved in this litigation.
We still do have a couple of executive sessions but I understand that will be at the end of the day.
Chairman Martin – That will be at the end of the day, we have 5 other items under land use.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

None

BATTLEMENT MESA INCORPORATION FINANCIAL FEASIBILITY ANALYSIS PRESENTATION – FORD FRICK, BBC RESEARCH AND CONSULTING AND TAMRA ALLEN, LONG RANGE PLANNING

Tamra Allen, Fork Frick presented and Steve Rippy, Battlement Mesa Metropolitan District Manager was present.
Tamra reminded the Board that in June/July 2010 the staff here at the planning department came forward and requested funding for BBC to conduct a research largely on behalf of a number of entities out of BM BCC and homeowners really trying to determine if there is a possibility for incorporation with the BM PUD.
Note: A full report is available at the County Clerk's Office and can be emailed to anyone who submits a request for the entire 23-page report. 24mclayton@garfield-county.com. krozzi@garfield-county.com.
Ford Frick - Executive Summary – This study addresses the financial feasibility and policy issues associated with the potential municipal incorporation of the community of Battlement Mesa.
Battlement Mesa is an unincorporated subdivision of about 1,650 homes in Western Garfield County, Colorado. It was established in 1980 as a residential community largely intended to support the area's then burgeoning oil shale industry. The county and a variety of special districts and homeowners associations currently provide public services to the planned unit development. Ford mentioned the County would benefit significantly by the potential incorporation of BM.

CONSIDER A REQUEST FOR FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT AND AUTHORIZE THE CHAIR TO SIGN THE ACKNOWLEDGEMENT OF SATISFACTION FOR IRONBRIDGE PUD PHASE I – KATHY EASTLEY

Tim Thulson, Carey Cagnon, and Kathy Eastley were present.
Kathy submitted the following exhibits A – E and they were accepted for the record.

> Kathy submitted the Final Plat for Ironbridge PUD, Phase I required execution of a Subdivision Improvements Agreement (SIA) to assure completion of public improvements necessitated by the development. An SIA was signed by the Board and recorded in Reception Number 569190 on September 11, 2000. This document described the public improvements that were required to be constructed as well as specifying the collateral that would be provided to assure completion of the improvements. Construction of improvements, and subsequent releases of collateral, has occurred in the intervening years. The final Letter of Credit provided as collateral has expired therefore no collateral to release. All required improvements have now been completed as certified by a professional engineer so execution of the Acknowledgement of Satisfaction will formalize the completion of improvements required by Phase I.
>
> **Motion**

Commissioner Jankovsky – I will make a motion to authorize the Chairman to sign the Acknowledgement of Satisfaction regarding the completion of required improvements within Phase I, Ironbridge PUD.
Commissioner Samson - Second. In favor: Martin – aye Samson – aye Jankovsky - aye

CONSIDER A REQUEST FOR FINAL RELEASE OF THE SUBDIVISION IMPROVEMENTS AGREEMENT AND AUTHORIZE THE CHAIR TO APPROVE THE RELEASE OF SECURITY BY SIGNING THE ACKNOWLEDGEMENT OF SATISFACTION AND DIRECTION TO THE TREASURER FOR IRONBRIDGE PUD, PHASE II – KATHY EASTLEY

Tim Thulson, Carey Cagnon, and Kathy Eastley were present.

Kathy Eastley submitted the following Exhibits A – F and they were accepted for the record.

Kathy submitted The Final Plat for Ironbridge PUD, Phase II required execution of a Subdivision Improvements Agreement (SIA) to assure completion of public improvements necessitated by the development. An SIA was signed by the Board and recorded in Reception Number 702421 on July 19, 2006. This document described the public improvements that were required to be constructed as well as specifying the collateral that would be provided to assure completion of the improvements. Construction of improvements, and subsequent releases and substitution of collateral, has occurred in the intervening years. The collateral remaining is in the form of a Treasurer Deposit in the amount of $486,385.01 (plus interest accrued since January 1, 2011). A professional engineer has certified that such improvements have been completed therefore applicant requests acknowledgement of the completion and release of remaining collateral.

Motion:

Commissioner Jankovsky – I will make a motion to authorize the Chairman to sign the Acknowledgement of Satisfaction regarding the completion of required improvements within Phase II, Ironbridge PUD and to direct the Treasurer to release remaining cash collateral for Phase II. Commissioner Samson - Second.

In favor: Martin – aye Samson – aye Jankovsky – aye

CONSIDER A REQUEST FOR AN ADDITIONAL ONE-YEAR EXTENSION OF THE IRONBRIDGE PUD PRELIMINARY PLAN, PHASE III ORIGINALLY APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON MARCH 10, 2008. PREVIOUSLY GRANTED EXTENSIONS ARE SET TO EXPIRE ON MARCH 10, 2011 – KATHY EASTLEY

Kathy submitted the following exhibits: Exhibit A - Unified Land use Resolution of 2008, as amended; Exhibit B – Resolution 2010-44; Exhibit C – Email requesting Preliminary Plan Extension; and Exhibit D – Staff Memo.

Kathy submitted the background report for the LB Rose Ranch, LLC requests the Board of County Commissioners (the Board) grant them a 1-year extension to file their Final Plat for Phase III of the Ironbridge Planned Unit Development (PUD), which is the final phase of the development.

The Board granted Preliminary Plan approval on March 10, 2008, memorialized in Resolution No. 2008-42, with a one-year timeframe in which the final plat application must be submitted and accepted by Building and Planning. The owner requested the Board extend the filing of a final plat for a one-year period and the Board, in a Public Meeting held on March 2, 2009, extended the approval to March 10, 2010. On June 7, 2010 the Board extended the Preliminary Plan a second time and memorialized that action in Resolution 2010-44 (see Exhibit B)

The third request for a one-year extension (see Exhibit C) was received on January 27, 2011, which requests an additional one-year extension to file the final plat, until March 10, 2012.

Motion

Commissioner Jankovsky - I will make a motion to authorize the Chair be authorized to sign a third extension to allow Ironbridge, Phase III a 2-year extension to file the Final Plat, until March 10, 2012.

Commissioner Samson - Second. In favor: Martin – aye Samson – aye Jankovsky - aye

CONSIDER A REQUEST FOR A ROAD AND SUBDIVISION VACATION OF PIONEER GLEN SUBDIVISION (FILE NO. RVAC 6496) LOCATED NORTH OF CR 300 AND WEST OF BATTLEMENT MESA RV PARK. THE APPLICANT IS METCALF PROPERTY MANAGEMENT LLC – MOLLY ORKILD-LARSON

Toby Guccini, Carey Cagnon and Molly Carey verified notification and advised the Board they were entitled to proceed.

Chairman Martin swore in the speakers.

Molly submitted the exhibits: Exhibit A – F and they were accepted into the record.

Molly stated the Applicant requests the Board of County Commissioners (the Board) to vacate the Pioneer Glen Subdivision and along with its' public roads (Pioneer Court and Pioneer Drive). The following maps illustrate the location of the subject subdivision and road rights-of-ways that are north of County Road 300 and west and adjacent to the Battlement Mesa RV Park.

Motions

Commissioner Samson – Moved to close the public hearing. Commissioner Jankovsky second, motion carried.

Commissioner Jankovsky - I make a motion to recommend the approval to vacate the public lands within the Pioneer Glen Subdivision and vacate the Pioneer Glen Subdivision, Road Vacation RVAC 6496 and adopt the recommended findings and authorize this Resolution as amended. Commissioner Samson – Second.

In favor: Martin – aye Samson – aye Jankovsky - aye

Approval of BOCC Policy Directives

This is the result of restructuring of the county administration and also putting out directives together after our retreat and Mr. Green was directed to review those.

1) Ed – The first one relates to Clerk of the Board including summary minutes on the website with a note indicating that verbatim transcribe minutes are available upon request from the Clerk and Recorder's Office. Dale and Renelle

2) Ed – BOCC will strengthen their relationship with other elected officials, department heads and the various boards and commissions for a better understanding of the County organization with an added emphasis on budget preparation.

John Martin is the Champion for that.

3) Ed – The BOCC reaffirms 'RIF' (Reduction in Force) policy, which is to keep the BOCC informed of a RIF action prior to the final decision. (There is an established tool kit to properly handle this through HR.)

4) – Ed – Explore more options to foster a more safety-oriented work culture. This would include defining metrics to measure improvement. Commissioner Jankovsky was elected to participate on the County Safety Committee.

5) Ed – BOCC and County Administration will explore 'fiscal capabilities' of the County Landfill Enterprise Fund as a work session. Champions for that are Lisa, Betsy, and Dale.

6) Ed - BOCC will not change admission for the 2011 County Air Fair. County staff will negotiate concession agreements with vendors and explore sponsorship opportunities throughout the community. Champions for this are Dale and Brian.

7) The Finance Department will develop a draft policy for 'unsolicited proposals' to the BOCC which will be presented to BOCC in a work session. That will be Jim Hackett.

8) Ed - The BOCC endorses the attached organization structure for County Administration.

9) Ed – BOCC will focus on 'Economic Development' as its main immediate objective and define a specific strategy. The following will be major components of that strategy.

a – First we'll use the Garfield County Regional Airport as the focal point with specific strategies including addressing potential modifications with the Field Based Operations (FBO).

b – We'll examine the zoning 'Use Tables' in the Land Use Code to determine if lesser reviews are appropriate that widens the opportunities for land owners.

c – Examine the possibility of rezoning areas in the County to reflect the rural and regional employments centers as well as commercial and industrial areas currently designed on the new Comp Plan Land Use Map.
d- Do an examination of regulatory barriers to existing businesses and their potential to expand in Garfield County.
e – We'll reconsider via work session and public hearings on considering whether the Comprehensive Plan should be more advisory than mandatory. Champions for this are Ed Green, Fred Jarman, Lisa Dawson and Dale Hancock.
10) The BOCC will host a natural gas symposium focused on intergovernmental relations with other counties with natural gas reserves and activities. We are trying to target that for May 2 and 3 just in front of the EnCana event.
Commissioner Samson – I'm shooting for that to be Thursday, March 3 because the COGCC will be in town for the Northwest Oil and Gas Forum. We're trying to shoot for that in the evening at 6 p.m.
Chairman Martin – We need to verify and look at those dates.
11) The final item is the BOCC implements a new regular meeting agenda formal, which you saw today. It includes:
- Roll Call
- Pledge of Allegiance
- Prayer
- Items not on the Agenda
- Elected Official Topics
- Consent agenda
- County Attorney Agenda
- Other possible business
- Possible executive session (if necessary)

Afternoon Session starts at 1:00 p.m.
Items not on the agenda
Noticed Public Hearings
Public Meetings
Any other business
Adjourn

Motion
Commissioner Samson – We need a motion to formally accept the BOCC statement of directives for 2011. So moved. Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
Chairman Martin – I do understand it puts pressure on everyone and it does make people accountable and hopefully we can all live up to it.

Assignments of BOCC to Boards and Committees and adoption of Resolution
The following Commissioners were assigned to the various Boards and Committees. This is also a Resolution something that is new and approved. I have found four Boards that were not listed that we need to make assignments to if necessary. Dale did you find any others.
Dale – No.
Carolyn – There are some holes in the appointment and I understand that someone named Mary is going to appear on Rural Resort.

AGNC – Samson
NACO – All
CCI – All
NW Oil & Gas Form – Samson
Community Corrections Board – Martin
Senior Programs – Martin
Council on Aging – Martin
Club 20 – All
Colorado Water River District – All
Ruedi Water and Power Authority – Jankovsky
Rocky Mtn Rail Authority – (non-specific)
1177 Water Round Table – Jankovsky
NorthWest COG – QQ Board – All
Human Services Commission – Jankovsky
Communication Board - Samson
NRCS Conservation District - All
New Energy Communities Init – Jankovsky
Rural Resort – Mary Baydarian - Attend or get Assistance *
I-70 Coalition – (review)
RAC – BLM – Appointments by BLM
RETAC – Report directly to Board
SEMTAC – Report directly to Board
Fairboard – All
EAB - Jankovsky

Chairman Martin – We kept Mary on Rural Resort so that Ed would contract her and reaffirm that and do an evaluation and to report back to us.

Motion
Commissioner Samson – I would move that we pass the Resolution establishing the BOCC Policy and making the 2011 appointments with the participation on boards and commissions as presented in the material.
Commissioner Jankovsky – Second.
Chairman Martin – That included all of the additions and changes.
In favor: Jankovsky – aye Martin – aye Samson - aye
Executive Session – Carolyn – two things, one is the update on litigation materials that I put in your executive session packet, also I need to update of two specific administrative litigation items under which federal law disallowed my announcing the name of the complaint and the BOCC is the respondent; and I need to give you legal advice regarding an interpretation of several sections of the procurement code as it affects the 2010 Road and Bridge conflict action and all of those come under the open meetings act section that allows legal advice to the Board of County Commissioners to be in Executive Session. Carolyn and Carey on the administrative litigation that will be quick and Jim Hackett and Ed will take more time.
Motion
Commissioner Samson moved to go into an executive session. Commissioner Jankovsky – Second. Motion carried.
Commissioner Samson moved to come out of executive session. Commissioner Jankovsky – Second. Motion carried
Action Taken
Carolyn – On behalf of the County Attorney's office, I am asking permission to hire outside counsel to handle an administrative charge that has been received by the County Attorney's office.
Motion
Commissioner Jankovsky – I would like to make a motion authorizing the Garfield County Attorney's office to hire outside counsel to deal with an administrative action. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
Commissioner Issues - Commissioner Reports - Commissioner Calendars
Commissioner Samson - Tomorrow we have our work session starting at 8 am; and tomorrow I have an AGNC Meeting, it's usually on Thursdays but I'm doing the State of the Community For Rifle Chamber of Commerce luncheon on the10th so that's why they moved the AGNC meeting to the 9th and then that night at 6 p.m. Wednesday the 9th we meet with Rifle City Council at Rifle City

Hall. Moving to the next week, there's the County Manager's Conference in Glenwood Springs and City Managers on the 17, 18 and 19th. On the 17th the three of us at 9, 10 and 11 a.m. are being interviewed by the search firm.
Commissioner Jankovsky – I'm attending CLEER meeting on the 9th from 11 – 3 in Rifle and I have a 10 am with Carolyn and Fred, so I'm going to have to make that a very short meeting. I need the location of that meeting from Ed – it's at the Human Services Building.
Chairman Martin - Fairboard Tuesday night working with Rifle the GNECI meeting which is covered, there is a Watershed Meeting which we put up together that Randy Russell and I started way back when on all planners, it's 1:30 to 3:30 p.m. in El Jebel on Thursday, and CCI in Denver of Thursday and Friday – need to see Ms. Baydarian before I go in reference to three or four different issues that she identified to make sure we know where we are sitting on that one and the AGNC took positions on some water bills and transportation and energy bills – so if you have any information on that I'd like to see it too so I can support that position if necessary.
Commissioner Jankovsky – I will not be at the FairBoard meeting tomorrow night, I have a Republican Party here in these chambers at 6:30 p.m. so I will be attending that.
Chairman Martin – The only item Mr. Samson, I cover the COMM board for you and also the Emergency Council but the next meeting in on the 24th and I will down in Grand Junction on the 24th in the evening of Thursday and daytime Friday the 25th for the Energy Forum.
Commissioner Samson – The Energy Forum goes from 9 a.m. to 3:30 p.m. on Friday, the 25th. On the 24th I just received something in the mail with the Communication Board's going to have a 4-hour meeting something basically setting forth their goals – strategic planning. This is first of its kind.
PARKING LOT CONSTRUCTION – PIKIN AND 7TH STREET and OTHER PARKING
Ed explained the dilemma. He had word from the engineers of Glenwood that they were going to shut the parking lot down for a year starting February 20 and they really didn't have plans for backfilling parking spaces and the City Manager and Engineer talked and they decided to hold off until they could establish credible parking that would allow folks to park somewhere else.
Chairman Martin – You're talking about the old MOC lot which is on 7th by the Sheriff's office.
JOINT MEETING WITH PITKIN COUNTY BOCC
Commissioner Samson – I assume we got this letter from Pitkin County so we'll be notified to meet with us and talk about joint efforts.

ADJOURNMENT

FEBRUARY 14, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting was held in the Parachute Fire Station and began at 8:00 a.m. on January 10, 2010 with Chairman John Martin and Commissioners Tom Jankovsky and Mike Samson present. Also present were County Manager Ed Green, County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION – Pastor BJ
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA:
Commissioner Samson – Received a message from Sonya Morgan, Transportation Director for RE2 School District. She gave thanks to Road and Bridge Crew, the other day when we had that big storm, they must have been out 2a.m.or 3 a.m. and it is always that way, the County Roads are plowed and it is so nice. I know that those guys go the extra mile for doing that for us. It's not just that, she said they work with her whenever there is a sign that needs to be put up or taken down or anything – they are right on it. Commissioner Samson said thank you so much and I want to pass that on in a public meeting. Two staffers were present from R & B and he asked that they pass that onto the other staff as that is a big pat on the back from Garfield RE2 School District Transportation Director. He said that is awesome when people take the time to say things like that – thanks for a good job.
ASSESSOR'S UPDATE: ABATEMENT
WILLIAM D. AND KATHY LEE WILLIAMS – ABATEMENT NOS. 11-117 AND 11-116, SCHEDULE NO. R081010
Notice was sent to the petitioner by mail.
Paul Schoeppner and Lisa Warder presented the Abatements; the petitioner states that the taxes assessed against the above property for property tax year(s) 2008 and 2009 are incorrect due to five of the 37.433 acres has been miss-classified and valued as vacant land vs agricultural.
ABATEMENT NOS. 11-117 SCHEDULE NO. R081010 - This is classification issue, the Assessor's office classified a piece of property at vacant land and the BAA has determined it should be classified as AG and so the other properties in that area, we have changed the classification based on that BAA decision. The 2008 the abatement is for $3,160.72; and Abatement **11-116, SCHEDULE NO. R081010** and the Abatement for 2009 is $5,284.88, and for 2010 $5,267.08.
Motion
Commissioner Samson moved that we grant the abatement for 2008 for $3,160.72; 2009 for 2009 is $5,284.88; and for 2010 $5,267.08 for abatements 11-117 & 11-115 for specified reasons as stated by the Assessor.
Commissioner Jankovsky In favor: Jankovsky – aye Martin – aye Samson – aye
DIVISION OF WILDLIFE PILT GRANT – JIM YELLICO
Lisa Warder for Jim Yellico presented the request for $6,872.28 to be distributed; Lisa requested the Chairman be authorized to sign and Lisa will send a copy to the Division of Wildlife. The total sum is $6,872.28 to the four school districts in Garfield County.

RE-1 School District -	$ 45.48
RE 2 School District -	$2,376.86
School District 16 -	$ 18.81
School District JT49	$ 13.40

Motion
Commissioner Jankovsky made a motion that we accept this payment in lieu of taxes grant in the amount of $6,872.28 to be distribute as shown here in this document and the Chair authorized to sign the grant. Commissioner Samson- Second.
In favor: Jankovsky – aye Martin- aye Samson - aye
CONSENT AGENDA:
a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. Changes to Prior Warrant List
e. Authorize Chair to sign a resolution approving a two-year extension for the Ironbridge PUD, Phase III Preliminary Plan – Kathy Eastley

f. Authorize Chair to sign a Land Use Permit for Extraction and Processing of Natural Resources for well pad GV 82-5 within the Battlement Mesa PUD – Kathy Eastley
g. Authorize Chair to sign a Land Use Permit for a Pipeline/Pump Station on a 7-acre parcel of land owned by JACE, LLC located southwest of New Castle on CR 335 – Kathy Eastley
h. Authorize Chair to sign the Resolution of Approval for a Land Use Change Permit for Extraction of Natural Resources (Sand and Gravel) for the operation known as the "Expansion of the Blue Pit". Applicant is The Dolores (Dee) B. Blue Revocable Trust and Dee Blue. - Fred Jarman

Commissioner Samson – I would move that we pull for the time being Item H to be discussed in Executive Session. Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin- aye Samson - aye

Commissioner Samson moved that we pull K and L under the County Manager's time for discussion in Executive Session.

Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin- aye Samson - aye

Commissioner Jankovsky moved to approve the Consent Agenda items a – g. Commissioner Samson – Second

In favor: Jankovsky – Aye Martin – Aye Samson - Aye

COUNTY MANAGER UPDATE: ED GREEN

APPROVAL TO AWARD MULTIPLE CONTRACTS TO SUPPLY GARFIELD COUNTY WITH GRAVEL MATERIAL – JIM HACKETT

Jim Hackett and Ed Green presented the recommended award to United Companies, Grand Junction Supply, LaFarge, and Western Slope Materials with the total of all four contracts not to exceed $500,000.00 for fiscal year 2011 for the procurement of gravel material for the Road and Bridge Department and authorize the chair to sign these contracts if awarded.

Staff Recommendation:

It is the recommendation of staff that the Board award four separate indefinite deliveries, indefinite quantities contracts as follows: United Companies - $100,000.00; Grand Junction Supply - $100,000.00; LaFarge - $100,000.00; and Western Slope Materials - $200,000.00.

Motion

Commissioner Samson move that we would approve the Road and Bridge Gravel Material and named the amounts United Companies - $100,000.00; Grand Junction Supply - $100,000.00; LaFarge - $100,000.00

Western Slope Materials not to exceed $500,000 and authorize the Chair to sign the contracts if awarded.

Commissioner Jankovsky. In favor: Jankovsky – aye Martin – aye Samson – aye

WILLIAMS PRODUCTION BOND RELEASE – DEB FISCUS

Kraig Kuberry, a proxy Deb Fiscus submitted the request for Williams Production Bond Release – bond number K07545320 for use of a County Road for either overweight vehicles or the placement of improvements. The job was completed in March of 2007, a pipeline in our right of way and we had no problems with that job, restored to specifications.

Motion

Commissioner Jankovsky moved that we release the Bond to Williams Production, bond #K07545320.

Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson – aye

SOUTH BRIDGE – SECTION OF OPTION

Ed said this was regarding a work session to approve these projects and their request is for two an option 8b or 10 b.

Michael, the only one present on the review committee and for the reviewing audience 8b is the route that would go from Airport Road underneath the Airport and through the flow valley area and connect where CR 154 attached to Hwy 82 currently. 10b would also start at Airport Road go underneath the Airport and roughly along the alignment between Jackson Ranch and Holy Cross Energy Properties and connect to Hwy 82.

Chairman Martin – This is not to select and build that particular only that we should have that go forward and the EIA and we need to chose one or of the other. The funds are not allowed to do only one option through the earmark.

Michael – I would say the funds would be available through there but I would make a request that you make a choice between the two.

Chris Janus – As a member of the review panel and as a citizen. First, all the citizens review committee eliminated 8 b several times and somehow it snuck back onto the agenda. Common sense says that the easy way through without destroying any existing businesses or homes and the affordability and location where CDOT would prefer an intersection be built is the 10b location, so I would ask that you eliminate 8b, get it off the books for good, somehow the state said if the City tries to bring it back in again that we will ask for our money back, the citizens for the County and we've had enough of 8b. We looked at 15 locations.

Commissioner Samson – I think everyone that recommended selection recommended 10b for the record.

Chairman Martin – As a reminder this is recommendation for the analysis and the study, not that we are going to build it at that time. That has not even been decided to be built or not. But the selection of location for the best opportunity.

Motion

Commissioner Jankovsky – I will make a motion that for the South Bridge Environmental Analysis that this Board selects 10b.

Commissioner Samson – Second.

Chairman Martin – We are going to eliminate 8b and go with 10b as a recommendation forward.

In favor: Jankovsky – aye Martin – aye Samson – aye

Chairman Martin – We will have that in written form sending it back to the City and the Consultant.

CDOT GRANT – BRIAN CONDIE

STATE OF COLORADO; COLORADO DEPARTMENT OF TRANSPORTATION; COLORADO AERONAUTICAL BOARD; GRANT AGREEMENT WITH GARFIELD COUNTY; COLORADO DISCRETIONARY AVIATION GRANT AGREEMENT 11-RIL-01

Brian Condie submitted the January 24, 2011 by the Colorado Aeronautical Board for funding awarded to Garfield County.

Project Funding Summary – CDAG - $400,000

Local - $545,527

Other - $17,965,006

Total - $18,910,533.00

Project Summary:

PROJECT FUNDING SUMMARY – CDAG - $400,000

The capital outlay exceeded the state funding of grant amount per year so we spread that out over 3 years so we could get out state match up of 2.5% for our project. Even though most of the work was done last year, 98% and we have a little bit of work to complete this year on inspections and final paperwork, the grant for this year is $400,000 to match the total project for the Airport Expansion. Carolyn stated it is the standard form contract. You want the money you play by their rules.

Motion

Commissioner Jankovsky made a motion that we accept the Colorado Discretionary Aviation Grant Agreement – 11-RIL -01 in the amount of $400,000 and give the Chair the authority to sign.

Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson – aye

Match of the Federal Grant for AIP 3-08-0048-19 for Engineering design, construction inspection services, and Construction for upgrading RW to ARC DII standards.

The purpose of this project is to upgrade RW 8/26 to ARC D-II standards in order to better accommodate the ever-increasing business jet traffic using the airport. This involves reorienting the runway and parallel taxiway in a direction that decreases obstruction in the aircraft approach surfaces and FAR Part 77 surface. The existing runway and taxiways will be demolished and a new runway and taxiways will be constructed at a new orientation. This would be the final phase of the project.

VASALI CONTRACT – BRIAN CONDIE

Brian Condie submitted the Maintenance Agreement for 01 January 2011 for 2 years. This includes inspection, functional checks, adjustments, replacement of failed components and cleaning in accordance with the equipment manufacturer's published guidelines and requirements. The annual fee is $35,700 billed. If there is a failure they would have to come out they will charge us extra money and it would be a supplement to my budget.

This is new equipment and we cannot go off past history due to starting over and hopefully it will be zero.

Carolyn – This is a sole source contract; they are the only ones supplying and can work on this type of equipment.

Motion

Commissioner Jankovsky – I will make a motion that we accept the Visalia Contract in the amount of $35,700 and allow the Chair to sign. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

CH2M HILL MASTER SERVICE AGREEMENT – BRIAN CONDIE

Brian Condie presented the draft of the 2011 Purchase of Professional Services Recurring or As-Needed Engineering Services for Garfield County Regional Airport. The term of the contract and renewal is January 2011 and shall be completed by December 31, 2011 with a three separate one-year terms. These are to close out the D3 Upgrade and also the master service agreement that CH2M Hill is first on the list.

Carolyn explained what happened is that underlying contract that we entered into with CH2M Hill in 2009 did not get extended, so the contract died at the end of the year. In your packet you see a draft 2011 new professional services agreement and it did not include all the exhibits, it is essentially the contract that we had before except we can now take out the sole source line language because that amendment to the Colorado Constitution was found unconstitutional, so that makes the contractor happy. There are two releases to contract that need to be extended, Release to Contract No. 3, which is related to AIP 18 close to $8,000, and Release to Contract No. 6 at about $181,000 – that comes out of AIP 19. Those dollar amounts are that the engineers have proposed, so Brian still has to get with Bob Prendergast and make sure those amounts are correct but we are looking for a signature authority on the 2011 Contract and on the changes to RTC #3 and #6 - changes and extensions into 2011.

Commissioner Jankovsky – I would like to have them on the exact dollar amounts on the Consent Agenda so no one can say we didn't have the amounts.

Brian – These funds are available for the 95% and the funds left in last year and have been rolled over into 2011 so the original amounts that were in 2010 to cover these expenses have been carried forward. We are hoping to close it out by December 31, 2010 and we were unable to do that.

Carolyn – AIP 18 has $500,000 left and AIP 19 has a $1.5 million but as you've seen in front of you more than one time Jim and I think okay what dollar amount goes to what contract, whereas from a budget prespective tell me if this is a fair statement, Brian thinks here's a pot of money, he's not too worried about which contract it goes to so that is the clean-up work that we need to have, so yes Ed, we can add a not to exceed figure to the Professional Services and then divvy out the RTCs because the way the Releases to Contract work, when they are added up, they can't be more than the not to exceed figure.

Brian – With the FAA contract, it will be different from a normal County Contract. The FAA issues us a grant, we cannot exceed that grant by more than 15% but they can change work from one grant 18 and put it into 19 so they we can maximize and get close to our grant amounts on each one. Go back to Lisa and Jim each time they want to take $10,000 out of 18 and put it into 19 and play that shell game which you guys have sat through for the last 18 months to keep this project going. We can do that or we can do a not to exceed amount, stay within my budget, we have 18 and 19 on both of these contracts.

Carolyn – And in 2012 there may be an AIP 21 for the VOR, so we shall bring it back to you after we have the signatures from the engineer.

Commissioner Jankovsky – That's what I would be comfortable with.

Motion

Commissioner Jankovsky – I will make a motion that you bring back these contracts with the dollar amount for the Consent Agenda. Commissioner Samson – Second. In favor: Jankovsky – aye Samson – aye Martin – aye

Carolyn said we might not be able to get this done by the 22nd of February.

OLSON CONTRACT – BRIAN CONDIE

Brian Condie submitted the draft of the 2011 Professional Services Contract Independent Contractor to Olsson Associates (Engineer). The Sponsor (BOCC) shall pay the Engineer in current funds for actual items and quantities of work performed and materials furnished at the prices stated in each Release to Contract. Said contract prices include necessary, incidental, and other work and materials for which a separate basis of payment is not specified. Additions to the total contract price, if any, shall be in writing by way of Change Order or Supplement Agreement.

Carolyn – That form of contract does indeed have a not to exceed figure but we can't plug that in until Brian gets back with Bob but Olson, their old RTC #7 under their original contract which was 2005 which has properly been extended each year until this year under RTC #7 they have about $6500 left, Release to Contract No. 10, about $4,000, Release to Contract No. 12 $23,755 and 13 $167,416.49. A lot of this has to do with the Continent Rifle Condemnation so we just got a final ruling order on that and paid the landowner plus interest. Also, Peter has to finish up some avigation easements that have been negotiated but not finalized. So we'll put these on your Consent Agenda as well if we can.

Motion

Commissioner Jankovsky – I will make a motion that put a dollar amount in the Olson & Associates Contract and bring back on the Consent Agenda. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

CR 241 ELK CREEK ROAD MAINTENANCE MOU WITH THE TOWN OF NEW CASTLE AND THE FOREST SERVICE – WYATT KEESBERY

Kraig Kuberry, Betsy Suerth, and Wyatt Keesbery presented. Information from the Town of New Castle is that they have scheduled a public hearing regarding the Elk Creek Maintenance MOU with Garfield County and the Forest Service. The hearing will be on the council agenda for February 1, 2011 submitted by Melody Harrison, Town Clerk.

Wyatt gave a briefing on how this all took place. I was asked by Marvin to go to Town of New Castle Board meeting Feb. 1 to basically agree to a new MOU Forest Service and Town of New Castle. At that meeting it was brought up by a local resident John Kelly voiced his opinion on this. Joe from the Forest Service also commented. John Kelly would like to see it closed. Mr. Fazzi, Joe said it was on his desk of his supervisor to go ahead and close this section of road. Being new to the area, I believe we have a deeded right of way up through that way.

Carolyn – Not that I know of, no, this is a prescriptive road.

Wyatt – They want to close it down to motorized vehicle traffic. I need to know if you want to do that. I believe we still have a little section of County Road pass the gate that is up there, I believe Commissioner Martin knows a little bit about this. I need to report back to the Town of New Castle; March 1, 2011 with our decision on what we want to do.
Kraig – I visited with Marvin last night on this to get his opinion, we spot graveled and cut some grass back and we blade it from time to time.
Kyle Grandly Recreation for the Rifle Ranger District Forest Service. As many of you know we are in the mist of our Travel Management Plan it has been a 10-year process deciding which roads to keep open, close and which ones to designate to motorized vehicle use. This one-mile segment of road we're proposing to close from the Forest Boundary on, it is highly eroded and there is a lot of sedimentation that's directly flowing in to East Elk Creek and we're seeing a lot of impact from camping and other uses along that route. We don't have the record of decision at this time, a decision has not been made on our Travel Management Plan although we are really close. I believe we're willing to work with it with the Town of New Castle.
Joe – Would the Board like to see a map on right of way?
Commissioner Jankovsky – Absolutely.
Carolyn – This is a very old map and unhappily, we need a map more to the north.
Joe – This road on the map is CR 241 the gate is at the end of the black, there is the County road access to that private ground and Forest boundary.
Carolyn – Where is your map on the US Service map? Commissioners I copied for you the 1976, which you know is the major number and along with that I will copy it and it does indeed show the gate on the County Road, a segment going up to the Forest boundary and then shows ending on the east side of the creek. Chairman Martin knows there is a lot of federal law involved here as to whether this is a public road that the Forest Service cannot close.
Wyatt – There is parking area right at the county gate.
Chairman Martin – That was one of the most popular jeep rides ever going up through there and it has been used for many years going over that eroded area which was a challenge at times. Access would be there and end all the way to Colorado River by Dotsero at one time. We have lost segments of that road all the way through and cut off from the wilderness but we enjoyed that for many years. I feel that as an RS2477 and guaranteed to public land and it still needs to stay open.
Commissioner Samson – When I talked with Glen and Kyle a couple of weeks ago and this came up and I believe Glen was of the impression that the Forest Service would be willing to work the county if the county wanted to put some funds into improving and maintaining this road. I assume that still stands.
Chairman Martin – What we'd like to do is then a Schedule A agreement in reference to maintenance and what needs to be done and then to stage that and we'd like to also work with Town of New Castle to make sure they're in agreement with that as well. And water protection is a large concern and we would like to work with them as well to keep it open and yet to save their water and the salinity that's place.
Steve Rippy – I came to comment on, I appreciate what you saying John, to give you some history about this road, if you recall back in the mid-1980's someone actually installed the gate and closed it and the County Commissioners at that time went and removed the gate, took in bulldozers, rebuilt that road and actually upgraded is quite a bit. The residents of New Castle very protective of that road and that access. Over the years it doesn't get a lot of maintenance because it is not open in the winter and I don't think there was any plan to keep it open. But I would tell you that mile of road where it dead ends at the trailhead is really where the unique portion of that canyon started, the massive boulders, the waterfalls and there is single pedestrian bridge that you cross at that head gate and walk the trail and then there's another bridge above and it just makes sense to me to continue doing that. I remember as a kid, my grandfather taking myself and my brothers continually up there up until I would say in his 70's he was fit enough to do it but today, the last time we went he was about 82 years old. There's no way he could have walked that little section to those areas. That is one of the concerns I have, a lot of those residents are no longer going to able the access the really beautiful portion of that because of that mile hike in there. So I'd like to see the County continue and I think you'll get all the support you need from the Town of New Castle to make sure that road does stay open.
Chairman Martin – What I'd to see is a Workshop on this particular item with the Forest Service, the Town of New Castle and County and actually look at the road and what needs to be done, to determine the cost of maintenance to get it into usable shape and compliments again the trails in New Castle and the Forest Service. Respect the private property that it goes through but to go ahead and do some upgrades if necessary but keep the access open. That is what I would like to see.
Wyatt – The thing just to throw out there, we do receive HUTF money for 5.99 miles of CR 241, the gate presently is at 4.7 miles so we actually do receive money for that extra mile or so.
Chairman Martin – And in a separate way you would receive PILT money from the Forest Service of Agriculture to put toward those issues. However, on that payment, we gave to schools except for the $30,000 plus dollars for Search and Rescue. This would bolster the maintenance on the Forest Service and that is what it is really intended to be divided to; we would probably have to take that out of Road and Bridge funds to make that happen because we gave it all away to a good cause but understand that is what pays for Schedule A maintenance on Forest Service boundary.
Commissioner Samson – So you would like to have a workshop where New Castle, the County, the Forest Service can discuss this issue.
Chairman Martin and a trails group that also volunteers to maintain and keep it clean up there.
Steve Rippy – The original MOU talked about citizens going in there and do some restoration along the creek bank when this was MOU was established I believe in 1999 and it has been renewed every 10-years and I'm not sure but that maybe what's going on now is the renewal of the MOU and then this discussion.
Chairman Martin – I think we need to meet with everyone that's there.
Commissioner Samson – Include the recreation group.
Steve – We could find a group that we could add to that whether it be the recreation or parks.
Chairman Martin – Is the Forest Service willing to sit down with us?
Response – Yes.
Chairman Martin – Actually, I'd like to start work on it now to set the schedule up to meet with everyone and then discuss it in length and actually part of the trail and see what it will cost.
Carolyn – New Castle has another meeting set up, March 1, 2011.
Wyatt – March 1st I have to report back to the Town of New Castle and give them my finding and I will let them know at that time.
Chairman Martin – Is there a Commissioner that can attend. The property owner needs to contacted as well.
Carolyn – Are you referring to Mr. Kelly?
Chairman Martin – Yes, John.
Wyatt – I believe it is Kelly and Chandler.
Carolyn – Kyle, I take it there is no draft MOU floating around out there because you guys really want to close it.
Chairman Martin – That's the recommendation.
Carolyn – Can we assume we could base something on the old one (MOU).
Kyle – I would definitely like to get in with a new MOU with the Town and County.

Chairman Martin – That would the ultimately goal of this meeting to is to come up with a MOU, identifying the different responsibilities and what we would like to do and then revisit that as an agenda item and then have all parties sign.

CTSI UPDATE – JON WAGNER (PUBLIC MEETING)

Ed – The next item on the Agenda is the presentation by Jon Wagner.

Katherine in the absence of Jon Wagner provided the Commissioners with the annual summary, a lengthy document giving all the details.

Commissioner Jankovsky – I have a couple of comments. One is 8.6-experience mod and that's being in the business I am and have been in and know that is good experience mod, so congratulations. I do have a couple of questions when I look in at some of the other counties that higher payrolls and they're self-funded but I look they are self-funded at $24 million dollar payroll and we are at $25 million dollar payroll and I'm just wondering if you have any information on that Ed, is that something we should look into.

Ed – We looked into that periodically but so far, it has not been something was a possibility.

Commissioner Jankovsky – And then on the property we pay the highest amount of any County in this property pool and again I looked at the Eagle Self Funded same thing there, just want to get your feedback on that, they have much more, $238 million dollars in assets while we're in the $87 million dollar but they pay about $200,000 less than we do at least into this pool and I'm not seeing the whole picture.

Ed – We have traditionally been in the CTSI program and we were in all three pools for all the time. We opted out of the health pool and it has been a commitment on part of the Commissioners to stay in that as well.

Katherine – We could take a look. Gene Duran in the contract administration and he and I have been talking back and forth. Gene is new to the department and it maybe something we can research, the differences with those counties, I think the Flatiron was another one.

Commissioner Jankovsky – Other counties in here that are self-funded are Gunnison, Weld, there are 5 counties that are self-funded and I was just wondering if there was a savings to us – it's on the liability side things and we pay the highest amount in the pool. So I was hoping to talk to someone from CTSI. I have gone through these.

Katherine – Gene and I have just briefly talking about coordinating the Cap side more now that we have an active purchasing function and risk management and where is it going and how do we take that to the next level. We have only had brief conversations on that so this would lead right into that so it's a valued process.

Ed – Historically the Commissioners have seen this as important to support the CTSI program and that was in order to keep it afloat for smaller counties, we could change our approach.

Commissioner Jankovsky – I think if we could save $100,000, I think we need to be aware of that and make a decision from there.

Ed – It does affect the pool because we are big county and so we have to consider that, what affect we are having on the smaller counties in this State if we pull out.

Katherine – And the other piece in that we have some agencies that are auxiliary to us that follow our polices or writers on this at the DA's office is one of them and Search and Rescue is another one. We will consider all things and come up with some information for our work session.

Chairman Martin – We need to make sure we do the best for Garfield County.

Commissioner Jankovsky – You did a good job on the safety committee.

Ex Session – There are three items to discuss and understand the Commissioners want to go into an Executive Session on K and L before any further deliberations.

TRANSWEST EXPRESS TRANSMISSION PROJECT COMMENTS – JUDITH JORDAN

Judy Jordan and Kathy Eastley had already been working on be a cooperation agency about past a month of so I received an email from TransWest, it was sent to each of the Commissioners, I was copied on it, and they invited you all to a workshop that BLM is going to hold on this Transmission fund. I responded, promised to go to that scoping session, went to it, found out a little bit more information, then came back, put it on the agenda for you to make some decisions, and turned out that Kathy has already been working on it, so you have keystone cops.

Kathy reminded the Board that about 1 ½ years ago, we came to you for a request that Garfield County be a cooperative agency in the review of the transmission line alignment and so over the past 1 ½. I've been tracking the progress of the review from BLM and there is a preferred alternative that does not affect Garfield County at all and then are some alternative location routes that do have some impact on the county. So we've been tracking that as it has been going through the process.

Judy explained the two routes currently planned. One goes across Utah into Wyoming and the other is in Rio Blanco west of Douglas Pass. It is A 700 mile transmission line. The BLM has requested comments from the Garfield County Board of Commissioners.

Chairman Martin – Ken Parsons of Rio Blanco would like to have a joint meeting to discuss this, mainly the two towers.

Judy explained it is actually a wind farm in Wyoming going to Las Vegas.

Kathy said the preference has some protective status of species, some is public lands and some is the Indian Nation Reservation.

Executive Session –on K and L and like to have negotiations landowner for Crystal River Ranch.

Chairman Martin – So we have a request from the Board to discuss the options or advice for EnCana and the applications for the wells outside Battlement Mesa and Antero applications outside Battlement Mesa, is that correct Mr. Samson.

Commissioner Samson – That is correct as well the issue of Crystal River Ranch, also the item that we pulled on the Blue Pit Land Use Change, as well as get some legal advice on the spacing order whether to have Judy Jordan testify or not.

Carolyn – Commissioner Samson – was that last on the Antero interventions. I thought we were going to do that ex session late in the day. I can say this publically Ms. Jordan has already been disclosed as a witness on the will call list, she will be subpoenaed. There is no choice.

Judy – According to Dave Neslin, I do not necessarily.

Carolyn – I would request that we do this later in the day so Ms. Coleman can be present and you can discuss her confidential memo to you as well.

EXECUTIVE SESSION – ITEMS IDENTIFED MINUS MS. JORDON IN REFERENCE TO INTERVENTION

Commissioner Jankovsky- I would make a motion that we go into executive session to discuss these items and seconded by Commissioner Samson – Motion carried.

Carolyn – I would just like to make clear that the Blue pit, the Antero and EnCana items would be section 24-6-4024b for legal advice and the Crystal River Ranch would be under 24-6-402 for e on negotiations and we'll keep a record on the negotiation section. Motion carried.

Motion to come out of Executive Session was made by Commissioner Samson and seconded by Commissioner Jankovsky. Motion carried.

Item H – Consent Agenda – Blue Pit

Fred submitted a Memo regarding the request for clarification of conditions of approval prior to the Chairman signing the Resolution. The applicant requested the Board remove the item for further discussion and clarification on: A) Did the Board Approve Mining Ares or Mining Volumes; B) Proposed Reclamation Contours; C) 20 Year Time Frame to Complete the Entire Mining Plan or Additional Mining Phases 2 & 4.

Fred stated the action by the Board. Staff believes that some clarification may be warranted because the fact that the Applicant was not able to respond at the hearing (because the public testimony portion was closed) to issues of a highly technical nature that may have helped the Board in their decision-making deliberations. More often, it has been the practice of the Board to work through certain conditions of approval during the public hearing so that technical questions that arose could be properly addressed.
Staff discussed this issue with the Applicant who is aware of the absence of a process to obtain a Board clarification. Staff indicated that we would present this to the Board and that there could be the following outcomes: 1) The Board could decide to sign the Resolution as presented here and require the applicant to re-apply for a subsequent amendment to this approval in a public hearing; 2) The Board could decide to set the matter for a discussion in a public meeting at the next available meeting (possibly 2/22/11; or 3)The Board could decide that this should be heard and decided in a properly noticed public hearing which would be 30-days out.
Ultimately, the Board needs to decide if the request for clarification is a simple clarification **or** that that the request requires a new substantive discussion that should occur in properly noticed public hearing so interested parties all have an opportunity to be heard, as was the case with the initial application. There are risks to process for all parties involved that the Board should contemplate where due process needs to be preserved.

ACTION TAKEN

Blue Pit

Motion

Commissioner Samson – Well, I think after looking at the information presented, we need to go forward with that and I would move at this time that we authorize the Chair to sign the approval of Land Use Change permit for extraction of natural resources and gravel for the operation known as the expansion of the Blue Pit. Commissioner Jankovsky –Second.
In favor: Jankovsky – aye Samson – aye Opposed - Martin – aye I still oppose in reference to the finding etc. staying on principal.
Item K under Mr. Green's time.

K. ENCANA CO&GCC 2A APPLICATIONS, WELLS OUTSIDE BATTLEMENT MESA PUD

Report on meetings - Judith Jordan
Judy –Judy stated she was requested to talk to the Battlement Concerned Citizens (BMCC) and the industry folks regarding COA's to place pads on Battlement Mesa. The industry, Antero in particular has deferred to EnCana's COAs. The BMCC would like the COA discussion deferred until the HIA is finalized.
Susan Alliviar spoke about Williams, they would like to try to reduce odors, then try to capture odors during flow back, and they have some lighting requirements that they would apply as well as some mitigation. She did not have all the specifics but Williams feels they could do this within a certain distance of ½ mile of the BM PUD boundary.
Judy said that speaking of that, Williams mentioned they would be working on COAs on a case-by-case basis through the County.
Chairman Martin – This Board is looking for a possible action or direction on the EnCana pads.
Judy suggested the following 1) offer comments to COGCC as to the 2A on EnCana; 2) if a permit is issued which has obviously hasn't happened yet, but if a permit is issued if you would want to request a hearing, that is the issue. The question is if this Board would like me to comment before the 20th, the deadline for the COAs if any should be added for the 2A site location for EnCana.
Commissioner Jankovsky would like to hear from the public on this issue.
Judy stated that EnCana, Williams and David Ludlum form Western COGA is here to comment.
Dave DeVanney – BMCC and I would just like to reiterate our comments from last week and request that you intervene on our behalf and request this ½ mile buffer zone around out community until the results of the HIA are finalized.
Ron Galterio – BMCC. I would like to comment that even thought the County paid the HIA funding; it is a process and instrument to be used by the COGCC and Colorado Department of Public Health and Environment. Those entities are named in our petition.
Judy said the final draft would be out by April 30.
Chairman Martin added that yes, but then there will be a comment period after that and it will be the final comment. Then, we would hold a public hearing on it and still it is into the future so it probably is not going to be finalized until May.
Commissioner Jankovsky – We have a meeting this afternoon on the HIA, Jim Rada. My thoughts on this HIA has become a political football a little bit, my thoughts on it and how I always perceived it is we were going to set up standards that we could measure then have standards set up that, and I need feedback from you guys that we could measure against the baseline data. So, why do we need to wait on the HIA I guess if we are going to set up baseline data, unless someone starts drilling before we set up the baseline data. I guess that is a Jim Rada question and being the junior Commissioner I just need some clarification.
Chairman Martin – You could also ask the industry if they have plans for drilling. I don't know if that disposal or not.
Susan Alvilar – Williams - At this point there I would have to check our schedule but the permits are in place that are around the PUD so we do have permits in place and I'd have to look at where they are on the schedule but we don
Jon Black with Antero Resources. We as a company have a drilling expedition with Exxon Mobile to make by the 27th with details on wells from the mining on the Watson Ranch Pad, which is one option that we have that we will be pursuing the 3 others pads aforementioned outside the BM PUD. So, if in the event there are some elements which may delay the development of the other 3 pads outside the PUD I'd be more inclined that we retain the drilling on the Watson Ranch Pad prior to October 27.
Chairman Martin – The question is you may do some development on the 3 pads outside the PUD prior to May.
Jon Black – Yes.
Chairman Martin – So does that answer your question.
Commissioner Jankovsky – We'll have a full discussion with Mr. Rada.
Sheri Long with EnCana – I would just like to point out we are of course applying for a permit within that ½ mile at this point and time, I'm not sure where fall on the drilling schedule but the COGCC regulations that have been passed are some of the strictest in the nation, they involved an awful lot of public input and those regulations including the Form 2A are in place for the drilling that would take place for that ½ mile, so there is a process to go through here and EnCana of course is in compliant with all regulations.
Commissioner Jankovsky –If we were to put on the Form 2A these issues, noise abatement, lighting, visual impact mitigation, odors that would be where you would meet those requirements that you have in here on this sheet and then would you consider that best management practices by your company in this close proximity to a populated area.
Sheri – Yes.
Susan – I just wanted to reiterate our group met with Judy, we have our drilling our completions our planning team leading our wildlife team lead there during the meeting with her and we don't have a new pad planned that we would go receive permits for at this particular time but we do have lease lands that are within the ½ mile of the PUD. So what our commitment has been and continues to be if there's no confidential issues about a pad location is that we community in advance of even submitting those permits and we would commit to you that we would continue to do that and this Form 2A process when we are developing it, we would be more than willing to sit down with Judy and talk about specifics.
Sheri –I would just add I just got through meeting the BM Oil and Gas Company on the general update, but most certainly we would be available for any discussion and updates on any drilling we would doing in the BM so I'm happy to be part of that discussion.
Susan –We've been close in the process with the HIA. We are committed to making sure that use the BMPs are in order to control the things that the impacts we will make for the citizens.

David Ludlum – Executive Director of the West Slope Oil and Gas Association, first of all compliments to staff for reaching out to a number of operators in BCC in a short amount of time but our position remains the same as it was last week.
Commissioner Jankovsky – So if we put this information onto the Form 2A and it goes to the COGCC, and then these will be taken into consideration then by the Commission, is that correct.
David Ludlum – Yes, that is correct.
Commissioner Jankovsky – Judy do you feel these are BMP from your standpoint as our liaison that these would then be looked at and then applied to the permit.
David Ludlum – Representing the industry, the COA is to establish some basic COA's appropriate for that region and I think staff has made a good first step in trying to establish those.
Tresi Houpt gave her perspective to the table. One it's wonderful for Garfield County to respond to Form 2A's important and conditions of approval are something that the state would love to see. The importance of the HIA purpose is for the state to make sure that when we look at conditions of approval, they are complete. I applaud for looking at BMPs and for looking at conditions of approval I would also implore you to be patient with the process and recognize the original intent of conducting the HIA and bide you time and make sure you have all the information in front of you before you represent certain COA to the state.
Commissioner Jankovsky - Outside the PUD we don't have any conditions of approval so all we can do is make comments, we don't have any right, that is all COGCC am I not correct.
Tresi Houpt – Well, that's up to you. There are counties in the state that have created agreements with the companies working inside their county that they will have MOU's with conditions of approval that will go to the state and COGCC loves that because they know there's communication going on between the local government and the companies, the landowners and the mineral owners.
Commissioner Jankovsky – Garfield County doesn't have those in place right now, is that correct, we don't have MOU with the different operators.
Tresi Houpt – I think that Garfield County has very closely with the operators and the BMPs have been identified over the years. The rules really have encompassed a lot of those BMP's that have been important to local government. I don't think there's anything that would stand in the way of you making comment on these because you're certainly a party that's capable of responding to activity at the state level.
Chuck Holt – BM and currently the chairman of the oil and gas committee. The primary purpose of that committee is to follow oil and gas related things within the PUD and the surrounding areas. Last Thursday was the annual Antero meeting that they had with the whole community.
Commissioner Jankovsky –Chuck, can you tell me how your organization works within the very part of the service organization.
Chuck – Like the BM Service Organization is the sort of the major form of government and then within the services association there are several committees, one of the committees is the oil and gas committee. The primary mission or responsibility of that committee is to have discussion with energy that are either within the PUD or external to the PUD trying to make sure their activities do not impact the Health, Safety and Welfare of the community of the people within the community.
Commissioner Jankovsky – And if we were just to make comments on this Form 2A as far as BMP, what would your thoughts be on that.
Chuck – I haven't seen it but I would be happy to look at it and compare it to obviously within the PUD and surface agreement that Antero has put forward with the BM company that's a lot of BMP as probably an additional practices they propose to do with inside the PUD and I would be certainly willing to look at that and relate that to the things we know and try to make sure they follow them. I think obviously the results of the HIA will be important and to establish the baseline as to you talked about earlier and have the information available, but actually execution it doesn't, if the industry follows the BMP's I believe that in most cases they it would do well.
Ron – I would just like to say that there are many fine rules and regulations at the state level and BMP's in place to protect the health, safety and welfare of communities such as BM. You need to keep in mind is a unique community facing a unique problem right now with unprecedented levels of drilling activity and until all of the potential risks are identified by the HIA that the level of activity that it presents to us, therefore I think it's certainly warrants in any delay in any decision action in the part of the state and County.
Chairman Martin – And your position is that we should hold off until them, did I get that right? So that would be Option 1 that I have written down so far.
Commissioner Jankovsky –I just want to be careful with my tongue but I do hope that the HIA can be scientific and have facts that we can measure cumulative impacts. I hope that they can be shown against what the state standards are as the state does have standards for water and air quality etc and we can use it as a tool and be important for BM. I'd would like to see the science so that's where I'm coming from.
Chairman Martin - To the Board – direction to staff. We have Option 1 – just to hold off and wait until the HIA is completed and that was a request, the other one Option 2 – is to make comment on 2A on information presented, and other items that are not on this list that we feel are important. Option 3 – ask for hearings as well.
Commissioner Jankovsky – I would like to see us make comments on the Form 2A, I think we just have received this and it's too early to make those comments but I think that is what I would like to see us do.
Chairman Martin – So what I'm hearing Commissioner Samson say is you would like to defer a decision on these two items which are listed at J and K until after you hear from Mr. Rada.
Commissioner Jankovsky – The only thing I would like to say on J which is on Antero is that Antero needs to be treated the same way and as any other company that Williams and EnCana, Barrett or anybody else so we just need to consistent in our decision making.
Commissioner Samson – And I concur with that, we need to treat every company the same, be consistent and fair with everyone. Correction it's not item J it item L.
Carolyn – And Commissioners please remember that you made a decision, a 3 ayes decision back in December, so if you're going to do something different with Antero you'll have to one way or the other reconsider the decision making back in December.
Judy – The Board needs to make a decision prior to the 20th, so a possible meeting could be held on Friday, February 18.
Carolyn – You could also continue today's meeting without doing a special meeting.
Judy – We could draft us COA and then run that by all parties again...
Commissioner Jankovsky – I'd just like to have the BMPs and all those issues and need help from you, the industry and citizens and the oil and gas service association.
Judy – The service association has done some wonderful work on their surface use agreement.
Chairman Martin – We will defer it until Mr. Rada and then make a final determination if you wish to continue the meeting, a special meeting or a decision today.

Public Items from the County Attorney's Office

Carolyn – The BM Kiwanis club has asked me to come talk to them and tell what a county attorney does. I told them I can do that but I can't make any comments on why you have made decisions that you have made and they are willing to accept to that limitation. The gentlemen that called me said that people may ask you those kinds of questions and of course you're free to say I'm not at liberty to comment, so because I'm just you're acting county attorney not your real county attorney I want to make sure that you're okay with my going to the Kiwanis Club and to see if any one of you wants to come with me. The topic is supposed what is the job of a county attorney, not why do these guys make decisions they make.

Commissioner Samson – I think it's great and maybe Fred Jarman gets and invitation or Lisa Dawson as finance or whoever, I think that's great for our staff to go to service organization and explain those things are most reasonable people will understand, there will some topics that you say I can't answer that. Some people don't understand that so you might take the time to explain why you can't and education the public as to why we can't talk about certain things at certain times.
Carolyn – And I'll have your phone number of my cell phone.
Chairman Martin – He'll probably be there with you, he's volunteered to be there with you. When is it?
March 1 at 7:30 a.m. If Mr. Randall gets out of line, you can call on three or four people in the audience to keep you in line.
Carolyn – The New Castle meeting is that night.
Commissioner Samson – And if they ask me a questions, I'll just say on the advice of my counsel I decline to answer.
Chairman Martin – I think it will be a lively discussion.
Ed – I made a presentation to them a few months ago.
Carolyn – And did they ask you why these guys make the decisions they do.
Ed - That didn't come up for some reason.
Chairman Martin – Steve already knows why.

K. DEFERRED

L. DEFERRED - ANTERO CO&GCC 2A APPLICATIONS, WELLS OUTSIDE BATTLEMENT MESA PUD: BOCC RECONSIDERATION OF DECEMBER 6, 2010 ACTION DIRECTING OIL AND GAS LOCAL DESIGNEE TO REQUEST PUBLIC FORUM

COUNTY ATTORNEY OFFICE – CAROLYN M. DAHLGREN

Executive Session – Antero intervention and legal strategy on that and I'm assuming that will occur later in the day. We do have some updates on other litigation.
Chairman Martin – We'll do it after the public session – the HIA and also Conservation Request.
Commissioner Samson – We're done with the bueinss so this morning and Cassie is here, let's not waste 1 ½ hours.
Carolyn – Cassie just reminded me there would be two items that will need public action after Ex Session, Antero and Commons; the other pieces of litigation we are just letting you know what's going on and we don't need any public action. You had asked for updates last week.
Chairman Martin – That would be action in reference to Vandehay.
Cassie – I also need to address in ex session just an update on Silver House Litigation and Continental Rifle; I don't have an update on Vandehay.
Commissioner Samson moved to go into an Ex Session. Commissioner Jankovsky – Second. Motion carried.
Commissioner Samson – So moved to come out of ex session. Commissioner Jankovsky – Second. Motion carried.
Action Taken
Carolyn – One has to do with Antero and two have to do with Commons. The Antero intervention on Silt Mesa.
Collins – 106 Action – Cassie Coleman
Carolyn – Collins in a 106 action against the BOA and an action against the BOCC.
Cassie – Our office has requesting that the BOCC or that you authorize the county attorney's office to represent both the BOCC and the BOA as far as that is ethically possible and subject to the BOA consent to the same, understand if a conflict arises our office would not be able to represent either the BOCC or the BOA.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Collins, 2nd item
Cassie – If you would like to discuss whether to initiate a zoning violation or a counter claim in the lawsuit that's already been filed, that was the other issue I had request public direction on.
Commissioner Samson – It is beneficial tour cause.
Cassie – It is my opinion that it would be beneficial to your cause to not only defend the lawsuit.
Commissioner Samson – Which one of those two options would be the more beneficial.
Cassie – At this point probably, to file a counter claim but in the event that the case becomes bifurcated because of the BOA claim as distinct from the claim against the BOCC it may make more procedural sense to file in a separate action. If you want it all done only as a counter claim that's a possibility too.
Carolyn – You're asking authority to do one or the other.
Cassie – Authority to either file a separate claim or file a counter claim whichever one makes the most amount of sense procedurally.
Motion
Commissioner Jankovsky – I'll make a motion that we file a counter claim on the Collins zoning violation.
Commissioner Samson – Second.
Chairman Martin – I'm just hoping there are other ways to deal with the issues between our citizens and land use other than just straight litigation, so I'm going to hold out.
In favor: Jankovsky – aye Samson – aye Opposed: Martin –aye
Carolyn – Commissioners, that vote was only a counter claim – can you authorize the filing of a separate action if that's what we end up having to do procedurally.
Commissioner Jankovsky – I thought I heard if you do this counter claim then…. Bring it back.
Cassie – Agreed.
Action – Antero Intervention
Cassie – The only other action is with regard to the Antero interventions, the two motions for intervention that we filed, if you want to set a special meeting to discuss those and any possible action regarding settlement of those claims or settlement of that intervention or any public action on that. I believe that should be done in a special meeting.
Motion
Commissioner Samson – Well in line with that, we have some deadlines there, etc, I would move that we set a special meeting for 1:30 p.m. tomorrow, 2/15/11 Tuesday for the purpose of giving us time to see new information as well as other documents and make a decision by then.
Cassie – And we'll make our best efforts to make the citizens and their groups aware of the special meeting. I believe that the BOCC or Chairman Martin should direct your clerk to properly notice that special meeting.
Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
Carolyn – Could I add just to make sure the record is clear here that what we're talking about are Antero's applications regarding Silt Mesa and not Battlement Mesa.
Chairman Martin – Yes.

A. CTSI UPDATE – JON WAGNER (PUBLIC MEETING)

Jon Wagner – Katherine Ross gave a summary of the CTSI Update. However, he submitted additional information and took questions from the Board. A complete report is on file with the County Clerk.
Commissioner Jankovsky - My questions is with the self-funding option. I looked on the liability pool Garfield County is at $87,000 million dollars on the contents of both and we're paying $550,254 dollars and I go down to the self funding and see where Weld county has $201 million and Pueblo had $7 million and Summit county which $127 million and Eagle $238 million and they are all paying less in premiums that we are because they are self funded. So, I just ask our staff to look into that and see if there is some savings that we self-fund it, obviously I don't understand the whole self-funding mechanism, how it works and what the liabilities are and those types of things – maybe you could enlighten us a little bit on that but obviously they're taking a higher percentage of the risk but looking at this for our size of County, we're paying considerable more into the pool than any other county at this point. So….
Jon Wagner responded to the self-funded side and explained fully. When a county chooses to take a large deductible in that situation, then for instance you are looking at certain types of losses where is you took the dollar amount of deductible you have, that risk is born by the County and not by the pool of counties, there's 52 in CAPP and 48 in Worker's comp. The pool does not pay for that unless there is some difference between the reinsurance and the level of retention is that the county has taken.
Commissioner Jankovsky – We could look at our claims and if we were to look at that of a year, 2, 3 or 5 years and see if that would work for us based on what our previous claims have been.
Jon – Yes sir and that is part of what the 5-year annual lost analysis is to provide the information to the top management of the county and elected officials for you to make the financial decisions based upon what are the top loss costs, such as what the Safety Committee and Risk Management committees can focus in on to reduce in it and/or the financial arrangements of a large deductible that would be financial attractive for the County.
Commissioner Jankovsky – Now under these Self-fundings do they separate out on the property and auto CAPP, can you separate out auto from and say your buildings – you're property?
Jon – We do not. You would pick up the first $100,000 of every claim that occurred in that pool. It's handed exactly the same. You would not know the typical county employee, the typical treating physician would not know that the County is self funded whatsoever, high deductive whatsoever, because the county work comp claims adjusters handle that claim as if it a dollar one claim to the pool. We really in other words make no distinction between the level of membership service that you receive whether you are a high deductible participant or if you're end at zero dollar deductive.
Commissioner Jankovsky – Question, is there something we could do better, we're at .96 and we're almost the way I understand workers comp it's really not insurance unless it's a high deductive, we're paying basically for our accidents, etc we have some ways we can improve that and we do have a Safety Committee and we are working on those things but…
Jon – Those are the issues that you have and what comes out of your past 5 years is a large amount of slips, trips and falls as you can see within the history on the last 5 years and directed the Safety Committee's efforts towards those types of loss causes is very important and then on the cap side the recommendation we would have out of the insurance pool would be to focus on the vehicle usage and feed safety issues and then primarily because with vehicle accidents you also get dinged on the workers comp side also with their air bag deployment and seat belt restrings of shoulders and ways that almost every liability or CAPP side vehicle that you have also will result in a worker's comp incident, and so that is why it is so important to manage and maintain the control of the hazards and risks that are associated with the county employees using county vehicles and to a certain even their own personal vehicles for county business. Personal insurance is primary so the county employee's vehicle insurance covers their damages and such when they are driving it for county business but the injury to the employee is considered work related even in a county vehicle.

COMMENTS FROM CITIZENS

C

Bob Arrington – I did have a comment and a letter to submit to the Commissioners concerning the previous agenda item.
Chairman Martin – We'll have a special meeting tomorrow in reference to the intervention at Silt Mesa and then on Friday we will discuss EnCana about the proximity drilling to the BM PUD.
Bob – On behalf of the Battlement people, thank you commissioners for doing that HIA study that's a very important thing even from the services association board of which I am a member. We had a goal to support that HIA and we do appreciate all the efforts that everyone has done.
Chairman Maritn – We had the same feeling that we needed to get it done, answer the questions.

REGULAR AGENDA: BUILDING & PLANNING ISSUES

BATTLEMENT MESA HIA UPDATE – JIM RADA

Carey Gagnon and Jim Rada presented the BM HIA Update - Roxana Witter MD, MSPH, MS and Colorado School of Public Health and Mary Meisner were present.
Jim gave a power point outlining the **agenda topics** for today's meeting. This presentation and report is available on the County's website.
Commissioner Jankovsky – Was there any trying to find out what's going in those other communities such as Fort Worth and California, drilling industries, what their best management practices are and has that been addressed at all.
Roxanne - It's not out there easily available. I looked at California and felt they should have a great place to look since they had such high tight air quality standards beyond what the EPA does in many cases. I know Texas has made some progress and efforts in trying to establish some monitoring for air quality but I don't think it's been done on a very regular and sort of general way. I think it's been well we're going to look at this in this area and we're going to look at this in that area. But I haven't seen it all come together in terms of standard regulations for residential areas.
Jim – From what we've been able to determine, also methods that are used in other location or have been used in other locations are not comparable to what we've been doing here so it's hard to compare apples to apples.
Rosanne – We were in a meeting in Pennsylvania a couple of months ago and what one of the things I got out of that meeting is that there really hadn't been any one place that has figured it out. Pennsylvania and New York have not figured it out, Texas as well and everybody is there precisely for that reason because there is still a lot of work to be done.
Jim – You asked the question of what do we do after the report of the HIA is done. Our hope, well the intent of the HIA is really to inform the decision-making process as Antero presents their submittal or application for the land use permit in the PUD. But I want to make it clear that the process of an HIA doesn't end at the final report that's only about 2/3^{rds} through the process. There are additional steps in the model that we've chosen to follow that speak to evaluation of HIA in other words when project gets underway, how it is implemented, are the recommendations that were stated in the HIA, where they implemented and if there were, where were they implemented and if they were and how effective are those and there is an evaluation of that, and then there's another piece that speaks to on-going monitoring of the efforts so that as Antero implements its drilling plan and implements the recommendation that come out of the BOCC decision, again, are they effective and are things that can be done to make improvements in the long term because the HIA really is the first steps of the HIA is getting the stage set for the on-going implementation.
Chairman Martin – It also goes down to the enforcement of the recommendations and the follow-up and the ability to follow them up based upon recommendations of the land use that has to be built in that you have flexibility to review etc that goes along with that public hearing and the final determination that you go forward or not. Also setting our standards Jim you have a lot of data that you gathered already and that's an on-going issue and we've supported and encouraged even more monitoring as we have done and increased your budget, increased the participation the CHPHE who are very reluctant to get involved to begin with, we went forward

with that, so if there are recommendations that you have on extra air monitoring, other paces of monitoring, that all has to come out as well and that's part of the recommendation that you are putting together on the final version of the risk analysis. Am I correct?
Jim – Yes. And I believe to that although they may have been reluctant to participate in the development of the HIA, I think that the State Health Department is looking closely at the outcomes of the HIA in terms of how the recommendations of this Board play into the consultation process or aspects or elements of the permits, the oil and gas drilling permits for the PUD.
Chairman Martin – It does have a unique twist, the situation of oil and gas review, Statewide is because we have local land use PUD that was granted with special provisions on the PUD creation that are above and beyond what is allowed now. That is something unique to Battlement Mesa and the reason why the HIA needs to go forward and everyone knows that.
Commissioner Jankovsky – Is there a Best Management Practice use included in here? I mean you were talking about diesel generators well I mean if you a catalytic burner on the exhaust you can get rid of a lot of those pollutants. I mean is there something to talk about BP's and is Antero going to be included in that so we can get an idea we know there is going to be a fracing pond and piping etc to cut down on truck traffic and there's been discussion about how Antero can cut back on noxious fumes and that type of thing, is there going to be some dialogue and something in there so we know what to when we're tyring to make a decision.
Roxanne – We've been in dialogue with Antero about their BMP's about which ones they put out with BMP they'll be using in BM. We've helped them prioritize their BMP's of which ones would be most effective in reducing health impacts. So we have had that on-going conservation with them, so the recommendations will reflect those conservations that we've had with them and that will be in here.
Chairman Martin – And that most likely will also be part of the comprehensive drilling plan and techniques to be used to be brought forward by Antero acted upon by the State as well as well as local input. That is part of the process. I'm sure that is part of the process.
Roxanne – Originally, we had thought the drilling plan would be available, the land use application would be available from Antero, and that we would be reviewing that as part of the HIA. But, because that hasn't been submitted, we've had to go ahead and do that analysis was without that information, now this second analysis will be the whatever information Antero is able to give us including their BMP that they intend to use in BM, but we've also made clear to them that if they don't tell us what they're going to be doing, then we can't incorporate it into the HIA, and our deadlines that we're trying to meet so we are doing the best that we can to get that information from Antero regarding the specificity of the BMP's in BM.
Commissioner Jankovsky – We were talking about outside the PUD, fairly close to the PUD within ½ mile or so of the PUD and a lot the discussion was well let's wait until this HIA study is done before you do any drilling on those pads or comments made, etc and I don't see maybe the connection with that other possibility air monitoring, air quality, that type of thing. We don't have jurisdiction over those pads perse, we can comment and that type of thing, but I just wanted to see if there's any feedback on that Dr. Witter of Jim.
Roxanne – Well, I think that in as much as what our recommendations will be that the best possible technology be used to reduced air emissions that that would make sense. Reducing air emissions ½ mile within the pad would make sense. So that would probably be the place that would make the most sense and where the impact considerations might be. When we looked at the traffic some of the traffic concern is actually outside the PUD but it is that Stone Quarry Road that runs pretty close to where people live. Stone Quarry road may be inside the PUD. That road is not only used for Antero projects as I understand it from other projects going up there and so if there are recommendations that would apply about traffic mitigation on that piece of property, traffic within the PUD obviously wouldn't be the same for those pads that are outside the PUD. So, those kinds of recommendations wouldn't apply. Recommendations about community impacts, I think are going to if they are dealt with within the PUD then most of those are following along the idea of communication and community advisory board or whatever else we would call it. So I think those two would fall together so probably the most concern would be the air emissions and using the best possible technology to reduce emission, I think that would be a lot of.
Jim – As a public health official, I'm all about prevention and as Dr. Witter stated the recommendations really fall into the categories of pollution prevention, safety or accident prevention and community impact controls to the extent that the Board or the County can recommend to the oil and gas commission that all efforts be made to reduce exposures through emission controls and proper use of safety, guidance or safety requirements, safety controls, accident controls, anything that can be done to reduce exposures in the community, whether it be from traffic, air, water, dust what have you, I think that stands to protect the citizens of BM. Do we need to have the HIA finished to make those recommendations, I don't so. In my perspective, we could recommend that there be not just for Anteros projects outside the PUD but EnCana or anyone else that where they are working in proximity to people. The HIA that will help perhaps provide some guidance or language for conditions or what have you to the COGCC but I don't know that it's necessary to have the finished product in order to, we'll have another draft here in a couple of weeks that might be useful in its own right for that.
Chairman Martin - Stakeholders? We want to make sure we have their comments and then we get down to the public. COGA, anyone who wishes to speak anyone else representing BM. Dave, David, anyone else that participated, hoping that you participated in the discussion that we just saw and giving your input in reference to what was presented today.
Dave DeVanney – Well, I would just like to point out the conditions of approval that were presented this morning, I don't feel are anything beyond what is already required. I think these are basically existing conditions of approval for any operator drilling anywhere in the State of Colorado so, as far as there being additional protections, I don't think are, the rules and regulations I believe need to be differentiated between the drilling up on the Roan Plateau or drilling within a community of 4,000 to 5,000 people.
David Ludlum – We had our stakeholder meeting one of the first things that I said was that we are fully aware that the HIA team has practitioners of public health, we are not responsible for the political dynamics and the way the public receive the HIA. I sent a positive message about the industry. Our concerns were not about sending a positive message about our industry, that's our job. But, it was to put the risks in context a reasonable context, and we can disagree about what that would be. Reference was made to the articles that John Colson has repeatedly written in the Post and we believe he is anti-oil and gas.
Commissioner Jankovsky – I have a question for David, so when you're talking about the risks are you talking about risks as far CDPHE or EPA and what their standards are or what are you talking about for example. talking about putting the risks in context.
David Ludlum – Well, we gave a number of examples in our formal comments so I'd want to direct the Commissioners to that comment rather that get into the details of Battlement and the public – I can email that over on that comment given, but we submitted an attachment to our cover letter that had a number of examples.
Chairman Martin – And those all went to the Colorado School of Health, am I correct and those were reviewed and I want to put this back in there, not debate back and forth with the Commissioners, those were submitted for clarification and what have you and they will be in the report that we will receive at the final, which we see hopefully before the week of May 15 and see something so that we can be prepared. So those are some of the questions David that we will have and also to address Dave's issues as well.
Bob Arrington – BM and I was also a stakeholder in this process and think I spoke to and I have a letter that I'd like to read into the record.
Chairman Martin – We'll share that as well with the School of Health as well and you gave Jim Rada a copy of the letter.
Tresi Houpt – Tom, you asked a question about the different authorities within and outside the PUD, and I just wanted to remind everyone that the amended rules really gives opportunity to local governments to become more engaged and bringing forward recommendations for conditions of approval. It sounded to me as if this study really would be helpful in looking at those pads outside

the PUD depending upon where there location is in relation to the populated areas of BM. I would strongly encourage you to keep that in mind and keeping the new process in mind. It that really allows local government to become engaged.
Commissioner Jankovsky – I have one back to Jim, our air monitoring machines, or whatever, are they still in Battlement or have they been moved.
Jim – No, we are still sampling for VOC's in BM.
Commissioner Jankovsky – So you have the data at this time for BM.
Jim – Well, we have the beginnings of that, it would be 3 to 4 months worth, and we intend to keep it there indefinitely.
Chairman Martin – There is a master plan of how Jim's department is monitoring throughout the county, establishing baseline data and keeping the information we had on line so we can go ahead and see if there is an event in certain areas right now that we've been monitoring in the past.
Roxanne – I do want to add that what has been done in other areas, the monitoring that has been done here in Garfield County is to my knowledge way beyond what has been done in other places. So I think that is a great asset and I think the County's intent is to be very proud of the leadership in that area.
ChairmanMartin – That's why I mentioned the Health Department because again we asked them for assistance on purchasing the equipment etc and got turned down a couple of times and we still went ahead and purchased that because of the value of it so Jim did put together a good program there and his staff has increased from just Jim and a contract with CMC to gather that information and volunteers to what we have in place now, so…it's going and our emphasis is still there to continue it.
Commissioner Jankovsky – The industry has environmental engineers who do a lot of air testing etc as well and I'm sure that's privileged data but do you guys must have some sort of a relationship with them.
Jim – Well, it's a little bit more difficult than that. The question to answer is we don't have access to that information. We are working with Antero Resources on some targeted monitoring within the PUD at the Watson Ranch that's just like having in the PUD and we're working to try and get information from BM and incorporate that into our final report.
Commissioner Jankovsky – It's the responsibility of the Colorado State Public Health, they're the EPA for the State of Colorado, they are responsible for air monitoring for oil and gas is that correct?
Jim – The State of Colorado is responsible for ambient air quality monitoring. They look at and they have pretty extensive criteria for how they chose sites for monitoring and their interest is in maintaining or monitoring ambient air quality as it pertains to the national ambient air quality standards not necessary local impacts like BM PUD. That's really more into the hands of the locals in collaboration with industry and others perhaps to get that kind of data. We've collaborated with the State Health Department, I believe Antero Resources in the process of applying for the Searburger pad permits was required by the State Health Department to do some monitoring sampling at the Watson Ranch pad and they are in the process, continuing to work towards gathering that data in compliance with the state's request. That hasn't all been completed at this point.
Roxanne – The State gathers and focuses to comply with the Federal Clean Air Act. They gather information about particulate matter, ozone, lead, noxious oxides, sulfur oxides and that's really the extent of the Clean Air Act requirements. So, when Jim talks about monitoring for BOCC that is not included in what the state generally monitors although that's where a lot of the interest lies when we are talking about local impacts and health impacts.
Jim – Air toxics is not something that is governed by set standards so if you exceed an X level of say benzene you're not in violation, it's all looked at on a risk basis or toxicology basis.
Chairman Martin – It's still called to the attention of the State Health and Environmental officers as well.
Jim – And we've worked with them and they have done a couple of risk assessments for us at this point on our data to help us understand the community risk levels.
Commissioner Jankovsky – If there's a spike in Benzene isn't that, isn't Benzene cumulative and they'll say you have so many over a certain period of time and is that …
Jim – If you're exposed to a certain level over such a period of time it creates certain levels of risks of health effects whether it be non-cancer or cancer health effects. As Dr. Witter pointed out, those are a lot of the information gaps that we have is that we don't really know who's being exposed, how long exposed, where they are being exposed and so on, so that is a lot of what we need to continue to work toward, not just here in Garfield County but in many places across the country.
Chairman Martin – That was the foundation and why we went to grab samples and had volunteers as well as contracts because we wanted to do that prior to the state coming in and not doing it, so we said we have a risk factor, let's explore, identify it and that was 6-years ago. We started doing that so we feel that it still needs to continue and the industry has been helpful most of the time, sometimes they are not, sometimes the citizens have been helpful and sometimes they haven't and so it goes on and on so hopefully we'll continue that monitoring as it is very valuable.
Jim – We will continue to feed our information to the state toxicologist and have them review it in terms of risks.
Jim – The conditions monitoring in Rifle no, that's done with a much more sophisticated piece of equipment.
Judy – What have you got working there? She explained how she and Jim were doing air monitoring. I'm trying to explain is that there are big differences in what can be measured practically, what those effects are on people and what you'd like to know in the best of all worlds and so we don't really have a good authority, I don't know whether you need more resources to also beef up your monitoring but that's one of the problems I've run into and another one is that Jim was nice enough to help me set up a continuous air monitoring using the PID when we had come complaints and one of the problems we ran into there was we could variations in the levels that we were picking up with the monitor but we can't tie that back into specific activities that might be affecting those levels, so we see the VOC's rise at 2:00 p.m. on a Sunday afternoon, what was going on at that time to try and tie that back, was there a whole bunch, construction nearby so that there were diesel exhausts. Were there something going on a pad that up wind. He's done a lot of work in terms of getting that data so we can look at off land at the monitoring we are doing but we can't necessarily tie back a lot of the data we've collected to specific activities that might be causing those kinds of variations and levels. I'm trying to get across is that we're sort of at a point with our work and trying to understand the effects of the industry of where – we don't have perfect data. Roxanne doesn't have perfect data to work with and they are sort of doing the best they can to gather that but there's a lot more work that needs to be done in terms of actually getting specific data to try and base decisions on. In terms of understanding what those exposures might look like but Jim's point though, we're still are going to have some emissions and there are practices that can be geared toward minimizing those emissions is through the different way of looking at it, how much do we need to know about those exposures, we need to know about the exposures but there are still things that can be done to try reduce those exposures.
Chairman Martin – Interesting that you bring it up now and not through the budget process so we could address those particular issues and we've never turned Jim down on any equipment that we need in our process and if there's more detailed information then we need to hear about it.
Jim – I think we're moving kind of in that direction Mr. Martin, technology is air sampling is a lot like technology in the oil and gas industry – things continue to evolve and develop and there are portable gas monographs that Judy mentioned and some of those, there are a challenge to operate though and you have to have qualified technicians to do it and so that's one of the reasons we've held back from doing, going more extensive one of the monitoring for VOC's because we just don't have that kind of staff capacity. But, and it doesn't mean we can't do some other things and in fact we are going to be incorporating a different method in our VOC sampling, this year we've been fortunate enough to get some equipment lent to us from the State of Wyoming to actually start our samples at midnight and end at midnight the next day whereas right now we go out at some point during the day and the next day we've have 24

hours later and shut to valve off sampling so it will be more of an automated system and more in line with EPA and other EPA monitoring sites do. So we're making improvements but to buy a $50,000 GCMS Field Sampling unit and then not be able to operate it correctly is to be avoided.
Chairman Martin – Isn't that the government way? Buy all this stuff and say we have it but nobody to run it. Simply if we need something and we're able to use it this Board has been very open to allowing that to take place.
Jim – We're definitely looking all the time for ways of improving the quality of the data that we have.
Chairman Martin – Getting back to the important dates, February 28, that's when you are going to complete the second draft, is that correct. That's on your time. Do you feel that you can live up to that? Does this time frame give the stakeholders enough time to review it and make comment? The week of April 5, you will be giving us another update on the draft that you have in front of us, the finished draft, take any comment we may have or direction and then schedule the final on April 30 so everyone can have that. Get a copy to us, sometime between then and the 15th and we hold a public meeting to discuss that presentation of the public as the final of this HIA.
Roxanne – Our intention is to have that final copy to you two weeks before the final meeting so you do have time to review it. About the February 28th date I was thinking that working with Lisa who has been working very hard on this, one thing that I think we will be able to make the draft HIA deadline, I may ask for your patience for a couple of days on this specific responses to comments.
Commissioner Samson – That's fine but I need to make a statement here that's been worrying around in my mind for quite a while, first of all thank you for the complement that Garfield County is doing a lot in the way of air quality, etc. but it seems no matter to some people how much we do, it's never enough. So, I'm glad that you on the state level acknowledge that – thank you. I'm going to speak frankly and I don't want you to take it personally okay, but if we took at look at the first recommendations that you have which is our number 13 page Pollution Prevention, Safety, Community effects, each one of those to me seem to me like pretty common sense okay and I'm thinking to myself how much did we pay for this HIA….
Jim – It will be over $200,000. After what Dr. Witter, I guess my question is for the final draft are we going to get more specifics are we going to get some nuts and bolts on this that is going to help us in the future. I'm not trying to put you on the spot and I'm not trying to be a bully here please, but help with that.
Roxanne – I understand and I agree, I think what I hope to be able to do to satisfy your needs are and so these are not the recommendations, there are the categories of recommendations that will most of them will follow after. I do plan that they will be more specific. We are struggling with how specific we should be because we don't want to be over specific and say this specific technology needs to be used when there may be a better one that is now available or available in a year.
Commissioner Samson – I want specifics and if there's something on the horizon that you're familiar with or do you know there are some pitfalls in using this technology. I need to know those things. I'm not an expert in this but you people are so I'm depending on you to come to me with specific recommendations to help me make decisions that I have to make.
Roxanne – We've been struggling on how specific we should we be.
Commissioner Samson – I would say, go forward and get specific.
Roxanne – There are some specific recommendations right now but after we've done this whole review of the HIA looking again at those recommendations and seeing if and now with your request can we be more specific, are their areas where we can nail it down a particular technology is that's what it takes or at least a particular goal. It maybe that we may make recommendations that are goal specific and technology specific and then it may turn to Antero and say, what can you do to achieve this goal. We may have that discussion with Antero ahead of time if we know and they can tell us and we can include that but if they can't tell us then that maybe or some maybe goal oriented. Really the experts in the technology would be the experts themselves and so as much as we can work with them about technology but we often hear that something may or may not be – is that something's are not necessarily economically feasible and/or BMP's are written that this BMP will be used if it is economically feasible. And that is an area that has to be discussed among us and perhaps the Commissioner and other people about what does that mean, economically feasibility if the technology is there.
Chairman Martin – That's the discussion that takes place in the land use review process based upon what the final recommendations is or approval if they can't live up to it, etc. But that's a different arena, yes identify it, yes say that we need to talk about it but that determination will be made in a land use decision because that is what this tool is, is to assist us in the land use now, setting an overall goal maybe higher and different in reference to air quality, water quality, cumulative effects – that's a different story all together. Again, back to what this document is for, assist us on this land use development, if it's to go forward or not, what are the recommendations, then say Jim, how about these other areas, do we need to be talking about air quality in this step, etc or do we have to have baseline data on though, then we develop that and then we can make other determinations on land use issues as well.
Jim – I have a question for you then, as part of the discussions we've had in the last several weeks with the stakeholders has revolved around the fact that there are regulations in the oil and gas or state health or somewhere that kind of sets the bar if you will and our view on some of those issues I think that Dr. Witter alluded to this is that those standards are not necessarily health based, or perhaps most health protective. So as a health impact assessment and as a health official, looking at is that standard or is the bar high enough. And so, if we were to recommend something that would say up here, because it is more health protective, it may be above the level of regulations, is that what the Board wants to hear.
Chairman Martin – At least to identify now, is it enforceable or not that will be a different question and a different arena as well but that also takes place in the public hearing and the process. So that all parties know that this is an issue that we need to talk about so if you need to identify it Jim, that's what we're asking you to do in this study.
Jim – Because as I understand your role as the BOCC, is to protect health, safety and welfare and so if we recommend a action or something that you, I understand the enforcement part of it, but something that would be most protective to the citizens of BM, although it may be well beyond any regulation would require, we would like to have that lead way so we can make those recommendations but perhaps bring out the fact.
Chairman Martin – At that point then we will have to establish a reasonable rational nexus of why we are making that as a recommendation of approval. If it is challengeable then we will have to show that reasonable nexus and put that together, your expertise, testimony and health initiated above and beyond standards is going to have to stand its test on a challenge. Can you do that? And if you can't, just that this is what we'd like to see because we disagree with EPA or the health simply because we think the standards need to be greater, then we're going to have that challenge. You are going to be on the spot for that.
Jim – I understand the position, my comment about really not so much that I disagree with the standard but I believe by taking a stronger action and stance that we would be more protective of the citizens.
Chairman Martin – We could and then at that time then you need to make a determination if you need to go forward in a different arena with the rules and regulations and standards review process in the health arena and that we go ahead and change those standards based upon your findings and recommendations, but that again, if it's not supportable and we don't have the reasonable nexus in the land use issue I'm not sure it will test through the requirements. But if we have the standards changed and the people see that this needs to and it applies to the development in one way or another, then we can support it and make that recommendation and requirement.
Commissioner Jankovsky – And I would just say if there are national standards out there that are health standards I would have that are set by the EPA or whoever is the governing body, I would have a tough time increasing those standards. That is something that has been done at a national level so… I would like to hear your opinion so I don't want to….

Chairman Martin – We see that all the time in the health department and approaches and chemicals and the different issues that come up on the approaches of standards are too low and we need to change them, then go through the process and we support you on that, so we will continue to do the same. Our schedule is in place, hopefully we can all live up to it and the Doctor doesn't have to push back a little bit that would be great and we will see everyone with the HIA in front of us and go from there. Thank you very much and I appreciate everybody's participation as well.
Jim – We will be having a meeting this afternoon at 4:00 p.m. at the Fire station at Battlement Mesa and it's an open community meeting to basically present the same information and have any level of discussion folks would like to have about the HIA and the process.

B. GARFIELD TRAILS AND LAND CONSERVATION UPDATE INCLUDING GOCO CONSERVATION EXCELLENCE GRANT AND REQUEST FOR SUPPORT – CLARK ANDERSON, SONORAN INSTITUTE AND MEMBERS OF G-TLC

Martha Cochran, Dorthea Farris, Clark Anderson, Sonora Institute and Members of Garfield Trails and Land Conservation Initiative (G-TLC), regarding an update and CoCO Conservation Excellence Grant Request for Support Mary Noone.
GoCo's Conservation Excellence grant provides up to $75,000 for projects that help communities and organizations improve their conservation practices and policies. The project should result in new conservation work that meets GoCo's mission to protect open space and natural areas of statewide signification. GoCO will fund up to 75% of the proposed project's eligible costs. The remaining 25% of a proposed project's cost must be met by a match from other sources of which 112.5% must be a cash match.
Garfield County Partnership and Support – Request
We are requesting $10,000 from Garfield County to support the project and help meet match requirements for the grant. This support will add to $30,000 in matching funds committed by TPL, $5,000 from the Sonora Institute and $1,000 from Aspen Valley Land Trust. Garfield County's support and leadership is tremendously important to this project and G-TLC's broader effort. A draft letter was submitted.

Clark presented an in-depth review of the goals and objectives of this project.
Commissioner Samson – So you need to come up with $25,000.
Clark – Yes.
Commisioner Samson – Are you anticipating in asking others too?
Clark – We would love too and I think we will try and get some engagement of other agencies and partners, it's a short timeline. So we're working on the length of that fuse as we go forward but we would really like to go to some other partners if we can.
Chairman Martin –Martha, Clark and I sat down and talked about this particular project and identified some of my concerns in reference to the scope of the grant. As long as we can kind narrow our scope hopefully that you can stay with us, the first thing that I see in reference to this is a tax fraud, tax abuse or conservation easements and open space and we talked about that because that is the growing trend just to put it in a conservation easement, declare and then take the tax break and never do anything else with it. That's not what we're after.
Martha – Well, I have lots more to say about that, I would say there has been a lot fraud and no one denies that, the last two years the State of Colorado has taken huge measures, there's an oversight commission and I happen to be the chairman of that commission at the state level and I would say it's not happening anymore.
Chairman Martin –Douglas County has had some real problems, it's happening in there and they have outlined that, as long as we don't go down that path with our scope then I'm okay. The other one and it is real big issue with a lot of people, and that's going to be your economy support. Is the ownership of the property that you want has open space. Ownership of the trails, which comes along with the liability, which gives us a department that we will have to maintain and operate, we're going to have to have staff, budget, ownership of that establishment, enforcement and a revenue source other than general fund dollars. Those are the challenges that we have right now with that. The other one is we have to face reality which is coming down tomorrow and that's going to be huge cuts in the state, federal and local revenue sources – we're under a landslide is what's going to happen. We're looking at $60 million dollars going from the state from the federal mineral leasing side of local government, we're looking at all of the mineral severance tax, we're looking at on and on everything that we have in revenue is being dried up by the state, not to mention up to a billion dollars worth of cuts in education is going to get hit and etc. We have to look at timing, is this the right time to do trails and recreational open space. You know the other one was with foreclosures rates going up and we have the exhausting revenue that we look at to try and do what we need to be doing and what is the true purpose and we talked about that the three of us talked about, if we are there to preserve agriculture and to give the money and the conservation assistance to the people that are in Ag, to stay in Ag, to keep it open so that we can enjoy it at their expense of course. Then we find a mechanism that creates a special district and funds on that very small amount and it goes to a governing board and not the County so it's not a political football but a 3rd party, gathering those funds, doing grant programs, doing assistance programs, giving conservation easements, keeping Ag in Ag, then what we can do is use our conservation trust fund which is the dollars we get from lottery to go to trails. It's a good team and we've been doing that for years. $200,000 plus per year to trails. Can we limit that scope at least in my opinion; can we limit that in what we're asking for an open space program or agricultural presentation program?
Martha – I think that you're kind of arguing for doing this project and we have always thought a countywide program is important, I happen to think wildlife and what Dorothea talked about is for the long term health and economy that the tourism, people don't come here to look like Douglas County so I think that different segments and different economies have different priorities and we just need to find out what people think about that.
Clark – The opportunity is here and the focus of this project is not to get into the details of saying this is exactly what the program needs to look like cause I think you're correct, we have a lot of things we need to iron out in terms of what would a good program look like and I don't think we're really to say that yet. The idea of this program is to say, before we even get there, let's figure out what we want to preserve and then particularly to the degree that you have things that you want to preserve that might be in potential conflict with one another. Light trails and agriculture, let's make sure we know where those conflicts might arise and then let's also find out where there might be complimentary benefits so things like well, we're interested in preserving water quality and agriculture, are there places on the map in Garfield County where you might be able to get two birds with one stone on that. That again helps us to be able to prioritize those areas we might want to preserve, once we get to that stage and have some of those priorities nailed down and some of our broader objectives, I think it makes it much easier to then be able to design a program around the ultimate outcomes we are trying to achieve. But, without a sense of those ultimate outcomes, I think we're kind of going to end up in the same cycle we've been in and you mentioned, okay everybody says they want it we don't know how to put it together, how to fund it so….
Chairman Martin – We asked the taxpayers, they said we want it but we're not paying for it. I'm trying to break that as well by the identification, the biggest one is the ownership of the property, the maintenance, and the liability of that issue, and the whole approach was maybe the scope. If we can narrow it and have an idea of what we wish to accomplish in reference to our scope at least within this organization that we go forward and do that, but the ownership of that property needs to stay in private hands. Public ownership means federal property is one thing but county owned property is what we need to concentrate on. When we say we want the County to own the property for what purpose and then I turn to the attorney's and then they are going to give me all this other advice.
Commissioner Samson – I think what you say has a lot of merit to it but I what I'm particularly interested in as I learn more about it is the Routt County one. I think we really need to look at that and I would hope that if we do give you this $10,000 that you will

sincerely look at Routt County's, then come back to us and say plus and minuses etc will this work for Garfield County and why or why not. I've talked to a lot of people that seem to think that's a good way to go.
Clark – One of the things we've been thinking about and it's tentatively and preliminarily because we are still kind of refining the project plan but in that last workshop I mentioned we thought it would be really great to have some representatives of the Routt County program and probably other effective programs out there, maybe bring in Gunnison County and others and say come and do a panel session where it is straight up Q & A and help us understand what's working and what isn't and if you were starting from ground zero today, what would you do differently. Understanding, education is what we all need and why to answer your equation
Commissioner Martin- To me it makes a lot of sense to know more about what we could do before we're committing ourselves to anything. All these things we have to figure out and I think we need to educate ourselves, help the public and especially the key stakeholders that would be engaged in this at one level including landowners. I contacted the Routt County preservation board meeting with one of their directors this week. I will have all of that information and they're very interested in coming here and giving a presentation to your group as well as to this Board in reference to their approach and how it works,
Dorthea – It just seems to me the two years that given to the grant to be completed gives Garfield County an opportunity to answer the questions, maintenance, ownership and to come up with several option to do it so that when there's a real serious problem and you're shovel ready.
Chairman Martin – And the issue I have to face and that is as soon as we make a donation to this project, the first thing that happens is the perception that we're going to go ahead and buy property for the county to run trails and open space. I do and that will be the perception in most of the people that read the article so I want to make sure that this is a unique situation and we're not going to commit to that, it is a possibility if it makes sense, but that's not what we're trying to do. That is one of the many issues. And again that is back to our debate and that is what we're doing, we're looking at the possibilities.
Commissioner Jankovsky – I do have constituents that will even $10,000 will say that you're spending money in the wrong place and they're not interested in open space and I'm not a big advocate of open space, 67% of the County is public land and it's going to stay that way forever so I kind of agree with what John said we don't need any more public land, the County doesn't need to own land but I do see the benefits for agriculture although I kind of look at that, I see immediate benefits and I kind of wonder what those benefits are going to be like in 50 to 100 years when that pool of money has been used up and somebody is still owning that land with an easement on it, so I have some concerns even about $10,000 although I will listen to the other two commissioners and make a decision that way. As far as your polling, you need to be well over the 60% to even be make the numbers work because they change when you come to election and in this economic times I think 2012 you're kidding yourself if you think you're going to get something passed through the voters – I just think that's kind of the nature of the beast I guess because of the economy. This is for Clark and that is that when you guys write emails they're discoverable and so if you think the emails that went amongst your group didn't come back to us in fact me, I was able to read those and so you're credibility really goes out the door when you walk in but I will say because you have Martha on one side of you and Mary on the other side of you, I've known for a long time I will just make that a level playing field but if you write something in email, it is discoverable.
Chairman Martin – We have a request in front of us and we've all expressed our points of view.
Mary Noone – Well I'm seeing this as an opportunity that we should not pass up right now, I think it's a good time to do it because it would be a volunteer program and keep stressing that it is a voluntary program if it was put in place but I request that you give us the $10,000 the time is right.
Motion
Commissioner Samson – Let me just say I share many of your concerns there but I also know having lived here all my life, I know that there are concerns that people in the west end have about the diminishing wildlife and the sources for wildlife and diminishing agriculture lands etc and that's what interests me in this I was going to going to make the point but you beat me to it. Your peer thinking about thinking of putting this to a vote in 2012 I don't know that would be a good idea. Things could change I don't have faith that they are going to change overnight, they are going to change but I don't see all the economic indicators and I'm trying to keep abreast of that pretty heavy things are not going to change as rapidly as we'd like, so that is something that you might want to keep mind but laying the ground work and as with so many things of this nature, educating the populace is an important piece and as you know I still am very much in favor of us thinking ahead for transportation needs and that is something that doesn't have to do with this but…… it's the same situation there, trying to educate people for the future. 10, 20 years now we're going to have a lot more people living in this valley and a lot more transportation problems. So we have to be thinking about the future. So with that I would move that we allocate from the Commissioner's discretionary funds $10,000 to go to the Garfield Trails and Land Conservation group as matching funds for the GoCO grant for the request.
Commissioner Jankovsky – I'll second that but I want to make an amendment to that and I would like to make is that there are the other $15,000 dollars that you need for the matching funds are there and available, otherwise the funds will come back to Garfield County.
Chairman Maritn – Yes, that is usually standard.
Commissioner Jankovsky – And give the Chairman approval to sign.
Commissioner Samson – I agree with you Tom and a letter of support.
Chairman Martin – And you know our concerns and we will be working with you, the only thing that scares me is the announcement to the joint budget committee and what happens to all the GoCO funds that have been collected and maybe transferred to help with the deficit problem. I don't know if that's going to happen but it's a possibility. If so, what we need to do is still talk about that and still bring Routt County down here.
Clark – If the GoCO doesn't come through with the grant, we're still definitely committed to figuring out a way to do the core pieces of this and that includes bringing those folks down and figuring some of this out.
In favor: Martin – aye Samson – aye Jankovsky – aye
COUNTY MANAGERS – HIA
OIL AND GAS – 2 APPLICATIONS OR ASK FOR A DELAY
Chairman Martin – We need to make a determination and in front of us we have a letter item under the County Manager's time and we extended until this afternoon after hearing an HIA report which is the EnCana Oil and Gas 2A applications request for hearing or to ask for a delay. We've asked Judy to gather more information and do we wish to make a decision today on that application. If we need to take any action, we need to do so before the 20th.
Commissioner Jankovsky – This is the EnCana Oil and Gas application for outside the Battlement Mesa PUD. We were talking about continuing our meeting until Friday on these two issues.
Chairman Martin – Is that what you would like to do is my questions. Do you wish to make any determination at this moment or do you wish to make a motion to continue those.
Commisioner Jankovsky – I would make a motion to continue these until Friday to give Judy time to get back to us on the 2A comments that we directed her to look at. I'm good, I prefer afternoon but I'm good either; 1:30 p.m. on Friday afternoon.
Action before the 20th – EnCana oil and gas application for outside the BM
Carolyn – That is a continuation of today's meeting for the two items, which are Battlement Mesa pads for both EnCana and Antero, which are outside the PUD. Before you go forth on the Antero there would have to be a motion and vote on reconsideration.

Chairman Martin – Because you made a motion to intervene and if so you would need to make a motion to withdraw that hearing if that is what you choose to do.
Commissioner Samson – Second.
Meeting tomorrow – Antero issue at 1:30 p.m. Silt Mesa here in the BOCC room.
In favor: Martin – aye Jankovsky – aye Samson - aye

Recess

FEBRUARY 15, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The Special meeting was held in Glenwood Springs at the Board of County Commissioner meeting Room 100 at 1:30 P.M. on February 15, 2011 with Chairman John Martin and Commissioners Tom Jankovsky and Mike Samson present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren, Attorney Cassie Coleman, and Jean Alberico Clerk & Recorder.

CALL TO ORDER

- Antero – COGCC Application- 1010-SP-37 – property located in Silt Mesa, Silt, Colorado
- Antero – COGCC Application – 1101-SP-02 – property located in Silt Mesa, Silt, Colorado

Commissioner Martin – We have one item to consider; intervention with Antero.
Carolyn – Miss Coleman can give you the up-to-date information. This is in regard to a settlement offer; we had mutual settlement offers going back and forth.
Cassie believes on Friday Antero representatives had emailed each of the commissioners a copy of their letter stating the status of their communications, their meetings with the citizens of Garfield County and the status of those negotiations. Prior to this, she believes their February 7th meeting they had also heard Jon Black talk about Antero's drilling practices and she thinks their plans for drilling in Silt Mesa and Peach Valley and citizens comments regarding that step too. On the February 7th meeting the board indicated they wanted an update from the county attorney's office and then they would reconsider on, or again get an update on February 14th or February 22nd at their regular meeting. In the interim there has been more discussions about resolving the legal issues on this; and specifically in that letter from Antero it said they would withdraw their application for increased well density and essentially seek what's already standard density request. The whole reason the BOCC, not the whole reason but the primary reason the BOCC intervened in the first place was because of the citizens concerns with increased well density. Now that is really off the table for now. She had prepared a proposed settlement offer which she believes Antero will accept and it has been executed by Antero and that can be made a public document if the Board wants to discuss it now; but the terms of it basically would be the BOCC would withdraw it motions to intervene in both of the pending applications. Antero at the same time would file amended applications with the COGCC indicating what they have said in that letter and what the status of the negotiations with the citizens. They are no longer seeking the increased well density and that they would agree that any wells would have to be no more than 500 feet from occupied structures. They will continue to have meetings with the citizens over the next 18 months with the hope of developing a comprehensive drilling plan and nothing in the settlement or the stipulation would prevent Antero from later seeking increased well density; and at that time we also want to be precluded from intervening again if that was necessary. Again, the hope would be they can resolve things between the citizens and Antero and come up with a comprehensive drilling plan that's acceptable to everybody and she thinks this agreement gives everyone time and allows Antero to move forward with the presumptive density and well spacing.
Commissioner Samson – Have you been receiving quite a few phone calls or emails?
Cassie – She has received several voice messages and emails from the citizens indicating the late notice of this meeting yet realizing it was posted 24 hours before this meeting. Also she had emailed them; but it was toward the end of the day yesterday probably between 3:30 p.m. and 4:30 p.m. to some of the citizens that had been in communication with her office. Obviously, they can't email everyone; but because of the late notice a lot of the citizens are concerned they are not able to be here today to discuss this and most of them, if not all of them work during the day.
Commissioner Samson – What is their request?
Cassie – One person had requested that it be set later today; others said they wanted to be here, they were disappointed and weren't able to attend. There was not a specific request; but either it be postponed later today or until the 22nd where they understood the board would make a decision not the 14th.
Commissioner Samson – The original motion stated that they would either deal with it either it on the 14th or the 22nd correct? Depending on how things went with the negotiations, so on and so forth.
Cassie – Right.
Commissioner Samson – His concern, and he will express it to Chairman Martin and Commissioner Jankovsky, this is a delicate matter and he doesn't want everyone to go out of the room, he knows they won't make everybody happy; but he doesn't want everybody going out of the room feeling like, well that was a back room deal and we got felt shut out. Do you think it would be better for us to recess this meeting until tonight and let those people come that want to hear and put their input in for the last time if it is the last time and hear publically what the board is going to do, or do you think we need to move forward? His concern is if we do it now does that add fuel to the fire that somebody is going to say today that we cut a back room deal with somebody, which we did not.
Commissioner Jankovsky – No back room deal was cut and there are some, from a business standpoint from their side, there are some reasons to move forward with this and that is because depositions are going to start on this in two days. He feels strongly this whole intervention started because of the 10-acre down hole spacing. Antero is pulling that off the table, so to him there is reason to settle.
Commissioner Samson – Would it be asking too much to wait until tonight and let those people come and participate in the meeting? Is it that important that we go now as compared to tonight?
Commissioner Jankovsky – We gave 24 hours notice; he doesn't know how many more people they will have there tonight. It takes two votes so.
Chairman Martin wanted to hear from Ron because Ron is representing the concerned citizens. He talked to Ron yesterday before noon and also Dave to let them know this would take place. He asked Ron if he had anything on this issue.
Ron – Not at this time.
Chairman Martin to David Ludlum; we gave notice, what is your feeling in reference to continuing and listening to the citizens tonight, if there any that would show up?
David Ludlum – Their position remains the same as it has been the last two meetings. They support Antero's position to concessions they have offered; they think it is a good middle ground. He believes they have acted in good faith to work with the citizen groups. If

the board does choose to carry it over he won't be there; but if they could please take this position he is stating now and carry it forward he would appreciate that.
Cassie – That would be another legal option for the board is to hear comments from the public that are here today and from industry, and continuing the meeting for anyone who shows up and consider that tonight as well.
Commissioner Jankovsky – How many additional people, do you think they would show up and how do you get that message out?
Commissioner Samson doesn't know; he just knows that Cassie sent them an email and she said there were some comments.
Cassie received probably four voice messages and two emails. One of the emails was from the citizens group as a group and that letter from Leslie Robinson that she believes was sent to the commissioners as well to be considered.
Sandy Picard, Silt Mesa and she also works with the RSPN group, thinks it is not lost on them; it was hard because a lot of people work in Rifle. They totally understand the boards position because the intervention was based on the 10-acre, so it's not lost on them. Because they are withdrawing that, one of their questions, it seems like they have been reading in the paper they are dropping it; but it is kind of like one of those standoffs. Whose dropping who she doesn't get that. Maybe you have that information with the new document, which is happening first is the intervention dropping before the application or?
Chairman Martin – It's at the same time. As we have attorneys on both sides of this issue they constantly talk to each other and negotiate and state position strategy and that's what's been going on. It has come to the point that if Antero wants to do that; they are free to do it and we base our intervention on it. If that goes away; what do we base our intervention on?
Sandy understands that.
Chairman Martin – It's not that they have to do it first or we have to do it first; it is mutually agreed upon and that is what the amended application will say.
Sandy – The other concern she has is that she hasn't read the final draft that has been talked about today; but in the initial one they just, as their group she is speaking for herself right now, but also for the people that she spoke with this morning. They are still concerned about the same issues on Silt Mesa; they still think that area still has to be considered because of the wells. They have a whole list of items that are not addressed by the 500 setback from a structure. That just doesn't really address any of the issues. She doesn't know if this is a stipulation in the final draft but she would like to have ongoing things with Antero and not have that fall apart like once this intervention boom. They say oh, we had a meeting; but we let you have four questions you didn't have any questions. You know like that would be a stipulation ongoing.
Chairman Martin – It is in there, it is that they would agree to the next 18 months to try to resolve issues and Mr. Samson, Mr. Jankovsky and myself also said that the real job for this board is to education and to be out in the public. That's why they are doing another public meeting March 3rd. They will continue those and they are also doing a forum and a symposium in May. They will continue those kinds of things so they do answer the questions, show Jim Rada and Judy Jordan the baseline data and share that with everyone to make sure things are going. Do this in an open fashion so that the fear level subsides.
Sandy – It's not so much fear; she disagrees because a lot of their things are not based on fear they are based of things that are happening. It's a fact that they just had an explosion in Pennsylvania that took out 47 structures because of the gas line. It's a fact that 37 homes were destroyed in Ohio due to a gas explosion.
Chairman Martin understands and what they are trying to do is to show they are taking precautions necessary and have the input of the citizens. That's to bring those issues to light if we mitigate if necessary.
Sandy - They just want to be part of the process; they feel as citizens they should be part of the whole process that is happening in the valley.
Commissioner Samson – Do you think that the meetings with Antero have been very productive?
Sandy – They had a meeting at Silt, Rifle and Jon got up and she thought it was great. He did have a few hecklers; but he can stand up to it. But people learned something; they were able to ask questions. The meeting Antero had was very informative about telling them their business practices. They felt it was a missed opportunity; they had so many people there, they really would have liked to have had a real working solution. There was a lack of organization after the initial information was given out. They broke into groups but it kind of fell apart at that point. But it's a start; we're getting together and people are showing up which tells her that people are really interested.
Commissioner Samson – And Antero was willing to work with you and come to a resolve with this 10-acre down hole spacing.
Sandy – Well, we've met. They feel there is a lot more that should be on the table with this. The document doesn't address all of the issues that were a concern. It's a start and a process. She thinks there is a process that has to be observed and it doesn't move as quickly as she would like. The industry has the luxury of having their own set of structure, a structured organization, an attorney and they have all of that at their disposal. Grass Roots; she is on her lunch hour right now.
Commissioner Samson asked Cassie Coleman if this was a public document yet.
Cassie – It has not been made public; she has an executed copy from Antero.
Commissioner Samson – Do we have any problems with him reading this at this time, Tom?
Commissioner Jankovsky – He did not.
Chairman Martin – Does Antero?
Cassie to Mr. Samson; there has been a couple of changes and she gave him a copy.
Samson read the letter. **"Number one; Antero shall file amended applications for each of the above-captioned applications currently before the COGCC upon execution of this stipulation. Those amended applications shall reflect that Antero is seeking; A. that the COGCC permit, no more than four well pads and, at applicant's option, up to sixteen wells, with no more than one down hole well location in any quarter-quarter section of said units."** I think that's what you asked for. **"In addition, no such well shall be located down hole any closer than 100 feet from the boundary of the units unless such boundary abuts or corners lands in respect of which the commission has not at the time of the drilling permit application granted the right to drill ten-acre density Williams Fork wells in which event Williams Fork Formation and Iles Formation wells to be drilled upon the units shall be drilled down hole no closer than 200 feet from that portion of the unit boundary which so abuts or corners the lands in respect of which 10-acre density down hole drilling for Williams Fork Formation wells has not been ordered by the commission"** Do you understand in layman terms what that is saying? If he understands; that says that they're not going to do the 10-acre down hole spacing anymore. They have given that up for time being. **"B. That each oil and gas location assessment, Form 2A, submitted for a well pad on the application lands shall incorporate, as may be appropriate, conditions of approval similar to those appended to the approved For 2A for Fenno Ranch A well pad located within the unit to be authorized in Docket No. 101-SP-37, and no well shall be drilled any closer than 500 feet to an occupied residential structure. 2.) Garfield County shall withdraw its motions to intervene in each of the above captioned applications. 3.) Antero shall continue to conduct a series of meetings over the course of the next 18 months to address impacts and best management practices to be considered for a possible large-scale oil and gas development in the Silt Mesa area. The anticipated outcome is the eventual preparation of a comprehensive drilling plan that will steer development in the area, taking into considerations issued raised in the Garfield County intervention, such as potential cumulative effects of drilling on health, welfare, water, and air quality and the environment. 4.) Antero is not restricted from applying for 10-acre well density development in the future for the subject application areas, nor any other development in the Silt Mesa area. Garfield County is not restricted from intervening in future applications proposing increased density, proposed well pad locations, or any other matters before the COGCC."** He is looking at that and he knows it doesn't have all the answers; but he thinks they could go on and on and never get all the answers. He is

excited because he thinks it is a beginning where they can start and Antero can go forward. Antero has made certain commitments here and he thinks they have made some big concessions. They really have; some people will say they haven't made any concessions, they have. One of the most important things is where Antero has made a commitment in a series of meetings and they are publically stating that they want to continue to work to use best management practices, to complete a comprehensive drilling plan and to continue to work on the potential effects on a cumulative basis of health, welfare, water, air quality and the environment. To him that is good.
John Bello – His thoughts was the 10-acre spacing and obviously, it has been dropped. It was also the health and well being of the community that you maintain the health and wellness for the citizenry. He thinks Antero is doing a better job than most. They are working with the community. The meeting at the Coal Ridge High School he doesn't feel was as good as it could have been. They opened it up for about four questions and then they tried to disburse into small groups, which didn't seem to really be effective for answering people's questions. He thinks the workmanship of the wells and how it is done and the inspection of the workmanship is really important to assuring they maintain a healthy environment for the community. He doesn't know what the county has, does the county inspect?
Chairman Martin – That's a state issue; but we do have a person, Judy, if she sees a violation then she reports that to the proper authority and then they are supposed to take action.. Yes, she does goes onto some sites; but she doesn't have the authority to inspect and enforce.
John Bello – Is every site inspected by the state?
Chairman Martin – It's supposed to be.
Commissioner Samson – The state is the one that approves the drilling permits and they are the ones that inspect and enforce.
John Bello – On every hole drilled.
Commissioner Samson – Every gas well that's drilled must have a state drilling permit.
John Bello - And inspections are carried out and handled appropriately?
Commissioner Samson – By the COGCC.
John Bello – The workmanship; the failures up on Mamm Creek, he believes are from poor workmanship. Hopefully they won't have those kinds of problems up on Silt Mesa. He is all for responsible drilling.
Brian Elsperman. – He wanted to add that he hopes if the density issue comes up in future that the Board will stand up for the people in Silt Mesa. He realizes the board can't prevent them from doing within the law. He said they still have the same issues of water quality and air quality. He feels it would be just a little too much up there and he would like them not to come at all and it would all go away.
Commissioner Martin – The reality is the gas is there and they are going to drill.
Commissioner Jankovsky – This is going to cool down a little bit because they will come back in and maybe drill one more well next year. Then they are going to put in a comprehensive plan and so he wanted to know from the citizens that they spend time and work with Antero. Follow the whole process and don't let it go away and participate. He thinks Antero is willing to participate with them and likewise you as a community if you go from 200 people to ½ dozen who are working on this. Then we come back and they come back in with their drilling plan; we have to go through this all again. He just feels they have some responsibility too to go ahead and work with the gas company as well as the gas company, Antero working with you guys.
Chairman Martin – The third leg of that stool is that the county is also involved in one way or another.
Brian Elsperman– His property is about one mile from the Jewell pad A. They are creeping towards his end and he hears all the rumors of neighbors getting contacted by Antero about digging the production pipes through and he is very curious as to where all the infrastructure is going to go. He looks forward to being able to see all that stuff once they have their plan.
Ron Galterio– Wanted to caution everyone and the citizens of Silt Mesa not to place too much confidence in the comprehensive drilling plan that you hope maybe will bring together the citizens and the industry and trying to resolve all the concerns. As we know it is a voluntary document and Antero Resources has verbally committed to the Battlement Mesa community on several occasions that they would be following the comprehensive drilling plan with the county and the state; but at this point in time it appears that they may be circumventing the CDP process, at least at the state level. They have already received state approval for 22 wells within the PUD that were supposed to be part of their comprehensive drilling plan that they had no opportunity to have any input on or consultation with. He just wanted to make everyone aware of that and is something that needs to be considered.
Commissioner Martin – Are we wanting to continue or do you feel we could go forward?
Commissioner Samson appreciates Ron's comments where he said it was duly noted and so on and so forth. He thinks they have had some representatives from the Silt Mesa area here. He was not aware of, or he hasn't checked, we had an email from the RSPN.
Chairman Martin – The RSPN, which Sandy is representing.
Cassie could get the letter for him but it said because of the late notice that group Leslie Robinson and her group would not be here today. Basically reiterating what other people have said today. They have been working with Antero, they are in the middle of everything and they wish they could participate.
Commissioner Samson – My question is; do I need to make a motion now to withdraw the intervention so that we can go ahead and have a motion if necessary to approve the settlement?
Cassie – If what you're requesting to do is to approve the settlement and withdraw the intervention; that would need to be a motion.
Commissioner Samson – So that's one motion; or do I need two separate?
Cassie – It could be done in one that you approve the settlement agreement, authorize the chair to sign and that you authorize us to file a notice of withdrawal of our motion to intervene in those two applications and then the other thing is to motion to continue this meeting for further comments either tonight, or tomorrow, or whenever you want to.
Commissioner Samson – Well, do you want to get her done?
Commissioner Jankovsky – I do, yes. I'll make a motion.
Motion:
Commissioner Samson – I think I have to make the motion. I would move at this time that Garfield County withdraw its intervention concerning the 10-acre hole density suit?
Cassie – It's our intervention and the COGCC docket no. 1010 SP37 and docket no. 1101 SPO2.
Commissioner Samson – Okay, so let's vote on that first and then I'll make another motion; that's my motion.
Commissioner Jankovsky – Second.
Commissioner Samson – I think it's all been said here. I know there will probably be some people that will be upset that they didn't get to say what they wanted to say. But I appreciate you being here on your lunch hour and saying what you said and I think we need to move forward here and so on and so forth. A lot of the things that would be probably be said tonight have already been said in one way or another. And just to reiterate very quickly; the main reason why we went into the intervention was there was a great ground swell from the populace of Silt Mesa for us to intervene because they were very concerned about the 10-acre downhill spacing. That has been taken care of; it appears, for the time being. Commitments have also been made concerning the concerns voiced by many of those people; the health, wealth, safety, environment of the Silt Mesa area. At this time I think it would be appropriate to withdraw the intervention and go forward.
Chairman Martin – I'll reiterate what I said this at the intervention. Our work beings after the intervention one way or another goes away. This is where the real work starts and that is coming together in one way or another and educate each other and make sure that

we do the right thing for the county. So our course is set that we must work harder, educate and also listen. This is the first step I think.
Commissioner Samson – Well, I think there was a lot done there; a lot of meetings.
Chairman Martin – It only aliened us up to get the work done.
Commissioner Samson – I'm working on that; I'm getting some meetings.
Chairman Martin – That's right and that's why I've supported you on getting those meetings together as well and we must continue those. Not only in Peach Valley and Silt, but throughout the whole county, Carbondale all the way to Mack, even though it is outside but they still have a lot of wells there too. Call for the question.
All in Favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – It will be unanimous; we'll withdraw those and give directions to staff to make that happen.
Carolyn – Commissioners you did not authorize signature on the settlement document.
Motion:
Commissioner Samson – No; that's another motion; I wanted to split them. At this time I would move that we accept the settlement document as presented to us in the afore mentioned in the reading by Commissioner Samson of those points as outlined and commission the chairman to sign such. Commissioner Jankovsky – Second
All in Favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – May we continue to go forward and make progress and may people use logic and reasoning and rational civility towards one another and trying to work together and go forward with this.
Carolyn wanted to remind them that they have a continued meeting on Friday.

FEBRUARY 18, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS CONTINUED MEETING
GARFIELD COUNTY, COLORADO

The Special meeting was held in Glenwood Springs at the Board of County Commissioner meeting Room 100 at 1:30 P.M. on February 19, 2011 with Chairman John Martin and Commissioners Tom Jankovsky and Mike Samson present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren, Judy Jordan, Jean Alberico Clerk & Recorder.
CALL TO ORDER

- **EnCana COGCC 2A Applications, wells outside Battlement Mesa PUD.**
- **Report of meetings – Judith Jordan**
- **Possible BOCC action: COGCC public forum request or Oil and Gas Designee's Comments**
  Antero COGCC 2A Applications, wells outside Battlement Mesa PUD; BOCC Reconsideration of December 6, 2010 action directing Oil and Gas Local Designee to request public forum

Chairman Martin – Believes there was an item on the agenda that was continued. Judy Jordon was asked to gather any information, make contacts in reference to the EnCana pads outside the PUD as well as consider treating both EnCana and Antero equally in reference to the oil and gas applications that are from the Oil and Gas Commission. Did you find anything; did you contact anyone?
Judy doesn't know a lot that's different from what they knew Monday. You heard directly from Susan and Sheri Monday. As far as she knows they are both in the same position that they talked about on Monday. In Williams's case in particular one thing Susan said is that they are committed to working on a case-by-case basis with us on whatever COA's they may like to see in the future for any pads that might be an issue. Judy talked to Jon Black on Wednesday and she thinks he has whatever is in his mind on his own. He may have something to share that she doesn't know about.
Chairman Martin – We were looking if there were any other comments other than a 2A comment period to oil and gas that they needed to consider; if you found anything other than our normal concerns and heightened concerns about air quality, water quality, noise, and traffic. Were you able to come up with anything different?
Judy – Not different from what we already know; it's pretty much a status quo.
Commissioner Jankovsky – Judy do you feel, this is the handout you gave us on Monday from EnCana and it just talks about what they do when they are close to a populated area as far as these items were listed on Form 2A as would that be best practices, if we wanted to comment about what we thought should be there for drilling and be consistent for all the companies.
Judy – It kind of depends on what you define best practices for complying for COGCC regulations those would be along the lines of what you might define as being best practices.
Commissioner Jankovsky asked Judy to expound on that.
Judy – There are a number of measures that various operators take to try to mitigate the impacts of noise and usually noise, dust, light, and odors are the biggest things. They will from time to time do things particularly in a sensitive area that are above and beyond what the regs might call for as standard measures. Bill Barrett invited her to go and visit with him one time; they had a lot of odor problems and they had created what they called a "P" tank to capture vapors that come off during flow back. As far as she know they had a pretty good effect on their odor containment. But she thinks there isn't sort of a standard practice that certainly wasn't required in the regulations. All that is required in the regulations is that you don't cause odors for a certain period of time, that you can smell it a certain distance from the site. So doing something to capture those odors and make sure that you don't have complaints at all beyond what the regulations would require. So there are measures like that, that different companies have taken to try to improve the relations with the communities. But those are on a case by case basis again. She thinks what they call a "P" tank a different company would call something else. She thinks Williams and EnCana both have three and four phase separators that they would use during flow back periods and those may have similar effects. It's difficult to standardize in terms of best practices that the operators would use beyond the regulations.
Commissioner Jankovsky would like to see best practices when we are in populated areas. How do we get that message to COGCC; on Form 2A, by the comments?
Judy – In terms of working with the COGCC wouldn't life be easier if they had sort of this best practices that they had seen operators use and we could say we would like to see this one and this one and that could be our comments, but nothing is as easy as it seems ever. So certainly, it's possible to compile a list of the things that we have seen operators do within the Piceance.
Chairman Martin – Which is above and beyond what the standard practices are. That is where he was headed; can we go ahead and make comment? Such as an example of an odor preventer example that we have seen work. To consider these kinds of measures above and beyond the standard practice if a problem is discovered or created.
Judy – You want it to be kind of a trigger situation where could they consider doing this if a problem arises.
Chairman Martin would like to see that there is a plan in place if any issue should happen. We have a counter proposal if it should be created, we can address that by placing these restrictions on them or this method of mitigation. To Jon Black; that's not above and beyond any other special measures we've asked you to do before is that right. Williams has experimented on different items and they have come up with different approaches above and beyond different than EnCana did. Jon's company came up with a three phase catalytic converter on flaring out of Canada. That seemed to be working pretty well. Again there's another system which is pit less and capture of 100% in recycling fumes and there is no exposure to the air; but that's a different company.

Judy thinks they have to be careful not to use a blanket approach with all the operators because they have different concerns and are in different parts of the basin and different techniques they use in their own special operations. It's probably best to go to them and see what they would recommend to try to deal with any given problem.
Jon Black from Antero – Passed out an exhibit for best management practices. This is relevant to the Battlement Mesa area. The best management in one area for a given certain pay or location may not necessarily mitigate relative to another area. An example; the proposed impact down near the golf course. They have looked at that and through their planning they have recognized there are houses and through that planning one of best management practice is actually intrinsic with in the planning where they have looked at the view shed, the light sheds, potential light emissions and they have actually planned to have that pad 30 foot below subsurface. Just due to the topography; however, the topography is one aspect and it's also the surrounding, what he means by surrounding it could be slope aspect, predominate wind direction. Is it near a perennial stream or intermittent stream? You have addition all provisions for best management practice recognized in the issues at hand where that pad is. What he has handed to you here is a sweep of best management practices under the categories of air quality and emission controls, fugitive dust controls, ground and surface water resources, noise and light, planning to minimize impact, safety, spill prevention and counter measure, and storm water management plans and traffic. Throughout this document here the majority of these will be in place for the Battlement Mesa area. However, there may be greater emphasis where there may not be a creek or an intermittent stream nearby, or a pad may be a lot closer in proximately to nearby neighbors, which may need additional best management practices above and beyond what's on this sheet. The best management practice as such is something which can and does go above and beyond the requirement implied by the COGCC regulations. It also provides additional measures to help mitigate the concerns which get raised through the community, or from the community. They understand yes, there is an impact and yes, they want to mitigate it and minimize that impact during that operation.
Chairman Martin – Asked Jon if he was willing to put this with your application; if we readdressed as being presented as counter measurers above and beyond rules and regulations in the 2A that he would have no objections if they submitted.
Jon Black – Absolutely.
Chairman Martin – And you would be willing to have those enforced.
Jon Black – Absolutely.
Commissioner Jankovsky – If we submit this for Antero he would like to submit it for EnCana as well or Williams or whoever. He knows each company may be a little bit different; he has Antero's sheet and EnCana's sheet here, but he just wants to get some consistency.
Jon Black – That's one aspect he wants to be cognoscente of, he doesn't want to prejudice EnCana's operations or Williams operations compared to the standards which Antero operates. What he would recommend is the actual conditions of approval, which are being implied on a recent EnCana pad. He believes it's the Day Break Pad where it has such provisions in place under the form 2A on the back page where it says due to the proximity of the well pad to existing residences, noise abatement must be implemented by the operator. He feels each operator should be able to apply their mitigation strategies relative to their own internal and corporate philosophies. If they want to go above and beyond we also have regulations in place within the COGCC regarding noise operations and how many decibels at night and how many decibels during the day. He has seen some operations in Long Beach California and he has seen the mitigation efforts which have been in place in other parts of the country and he has been doing his research. There is a disparity within to apply what may be relevant on one side of the country compared to what they are doing here in Colorado. One of the major differences is oil and one is predominately gas, and there is a huge disparity between mitigating a well which can produce 10,000 barrels of oil at $80 odd dollars a barrel compared to mitigations of a gas well at $3.80 on gas. So we do have rational balance where they have to apply mitigations relative to one of the areas and two, to mitigate with respect to the community concerns and as well as to be economically feasible as well as operating within the regulations. He handed out the conditions for EnCana.
Chairman Martin – He would like to hear from the different representatives of the different groups for consideration.
Dave DeVanney from Battlement Mesa, Battlement Concerned Citizens. One comment he wanted to offer today was the meeting on Monday, they urged that the Board defer their decision until after hearing from the HIA team. They spoke to the Board in the afternoon and he believes that the board raised the question about the set-back and the ½ mile and hopefully they got the answer they were seeking from Dr. Witter. They feel the health impact assessment does point out the ½ mile recommendation as far as odors. He hopes the board will take that into consideration in making decisions. The best management practices he would point out it is a nebulas they think to try and achieve. They were told in Battlement Mesa when they had the odor problems last summer that best management practices were in place. He would encourage the board to recognize that just because best management practices are being used; it does not mean that the public is protected. He would also offer the comment that the concerns they have not only deal with the Antero project but Williams and other operators that are operating outside the PUD. They don't have a way of protecting the community from the cumulative effect of a variety of operators all doing their own thing all getting the necessary permits and following the necessary rules and regulations, but the cumulative impact on the community could certainly be much more significant than an individual operator. Lastly he would caution the commission to consider the argument that mitigation is relative to economics, he understands economics drives a lot of decisions the board makes, but he would caution them to accept their responsibility to help to protect the citizens that voted for you.
Ron Galterio – He wanted to point out that the best management practices that Antero Resources, EnCana and Williams have offered regarding this issue are all based on known or anticipated impacts in the Battlement Mesa community. Their position is that the impacts will not be fully known or understood until the health impact assessment project is completed. There can very well be additional things that are identified through that process. Battlement Mesa has a vulnerable population they believe of a large group of elderly people and young children that may be more susceptible than other communities. They think the completion of the HIA project would be very important to consider additional impacts that may come to light. They have also prepared a letter that was very similar along the lines of the request they made to the board on February 7th requesting the boards intervention and deferral of decisions on any of the drilling operations within a half mile of the Battlement Mesa PUD. But they have also included in the letter to the COGCC further clarification about the HIA project pertaining to Battlement Mesa. It is intended to be a guidance tool for use by all committing authorities at both the state and county levels in their evaluation of applications for all oil and gas and production activities that may have potential impacts on the Battlement Mesa community. They are asking the COGCC to honor that intent and defer consideration of any such applications until the HIA project has been completed. They are basically asking the county to support that request to the COGCC. He doesn't know what the proper procedure or protocol would be for them to do that whether a letter of support or a hearing or some type of other intervention would be required; but that is what they are asking the board to do here today.
Chairman Martin asked if Ron had a copy of the letter.
Dave passed out letter that Ron had read.
Tresi Houpt did not have a great deal to add, but she is happy to see they are discussing best management practices and their concerns about drilling near and around residential areas. This county engaged a consultant to complete a health study that will give a great tool for looking at what kinds of conditions of approval or best management practices that make the most sense for that area. You don't have that tool in front you yet and Tom the page you received earlier this week doesn't deviate from the COGCC rules. She doesn't know if she would call those best management practices that are over and above what the COGCC would require anyway within the confines of the rules. She hasn't had a chance to look at Antero's list, but it looks very comprehensive. She thanked Jon Black for bringing that. She thinks it is really important since this discussion is happening that the board, for continuity purposes as you said,

you want to treat all the companies equally and that you ask the companies if they would wait on their applications until the HIA is complete so that they can all have an opportunity to read it and discuss it with the various companies and with the residents in Battlement Mesa and see if there aren't additional best management practices or concerns that hadn't been recognized in the past that you need to consider when you're putting together a letter to the COGCC. Certainly it would go to the companies first; but if they are hesitant to do that, she would love to see the board support the concerned citizens in requesting the COGCC not to make a decision within that ½ mile area until the health impact assessment is complete. She thinks it is going to be a very valuable tool for the board as they move forward with responding to the heavy development that is going to be going on around Battlement Mesa.
Commissioner Samson – For the three of us; because we are the ones that spent the money, or are spending the money, to have the health impact assessment. He would ask the other commissioners, in their mind, what was the purposes of that health impact assessment?
Chairman Martin – Number one to collaborate all of the health data that Saccamano Institutes Health Risk Analysis did, BBC and economic development as well as the concerns of the large number of citizens that would be exposed to items that are going on now under the rules and regulations looking for mitigation to lessen the impact or the risk factors.
Commissioner Samson asked Tresi if she would concur with that.
Tresi - She would and that's why she thinks it is such an important tool. If the companies could work with the board and wait until its completed, then there is assurance that what comes out of that study isn't just shelved but is recognized and everyone could work together to make sure that you move forward in a healthy manner.
Bob Arrington – Citizens are here with hat in hand before the commissioners particularly about this ½ mile radius issue. We are developing an increase in numbers of drilling companies involved. Antero's been working with this problem and with the oil and gas commission of Battlement Mesa committee. But the other companies haven't been involved in this. In the PUD, we do have the special use permit requirement; but just outside the PUD this doesn't come in. We need either cooperation with the companies to hold off until this health impact assessment is completed or for the commissioners to possibly intervene to delay. He realizes there are time constraints on some of these things; but once again if we could even sit down with them, all these companies to work these things out. He wanted to remind the commissioners that he had submitted a letter previously.
Chuck Hall – Chairman of the Battlement Mesa Service Association Oil and Gas Committee – He didn't want to speak to the proposed EnCana well pad and the 2A on that because he hasn't really talked to them about it. But in his discussions with Antero and the reference to the three pads that they have identified that are with ½ mile of the PUD; his discussions with them say that those three pads will be included in their major land use impact review that they submit to the county as well as the comprehensive drilling plan so that those three pads will be included in all of the other pads that are included within the PUD. Other than that as they approach that it would be his understanding that the board will have an opportunity to look at those three pads as well as the ten pads within the PUD. When they submit that to the COGCC, those pads will also be included as well. The other point is that they have provided the surface use agreement; he believes that the surface use agreement is available on the website @Battlement Mesa Colorado.com which is the website for the Battlement Mesa Service association. They have identified within that service use agreement what they call their best management practices and what they plan to do with each pad within the PUD and not the three pads outside the PUD. But the ten pads within the PUD and how they plan to approach each of the pads, what they plan to do with the pads, how they plan to construct on them and then in addition to the practices that they say they are going to use. Back to the comment that Mr. DeVanney has about the odors; he thinks Antero has identified they have added additional capabilities that they are going to use on the pad the next time the drilling is done to try to elevate that odor problem that was identified last August or July.
Commissioner Samson asked Jon Black if he could concur with everything that has been said there; concerning the three pads inside the PUD would be treated as the ten pads inside the same.
Jon Black wanted to clarify a couple of points. The three pads outside the PUD will be included within the comprehensive drilling plan. The pads inside the PUD are subject to the UR process which shall be submitted either late Q1 or mid Q2 this year; either the first quarter or late in the first quarter, or mid in the second quarter this year. They want to submit a complete document and there are some a couple of errors that need finalizing prior to that document being submitted. He would also like to mention it seems that there are some elements that are becoming somewhat in-distinguished between what the HIA was originally intended to be applicable to application of the MLRUR for the ten pads inside the PUD. It is currently in a draft format and it is going through its second reiterative. Through this reiterative process and engagement with the community it was noted to define the term adjacent and it was suggested that the term adjacent through the HIA would be at ½ mile. Now this definition is now being applied to pads outside the PUD within that definition of ½ mile and it still a draft document. He would also like to mention that within the HIA what Tresi Houpt mentioned that it will identify; however the HIA, he believes, fails to identify other aspects. Such aspects maybe the improvement of County Road 300, the intersection of the bridge; also some other economic benefits which the oil and gas companies bring to this county. He also noted that some parts of original of the HIA, as it's being molded and crafted, also included aspects under the guides of welfare of sexually transmitted diseases. He was quite curious if he had to hand out contraception's to the rough necks. He would like it to be focused, relevant and be beneficial for the community on the approach. A mutual finding between the HIA, the county, the citizens and the oil and gas industry so we can all live and work forward together.
Chairman Martin – For clarification; Saccamano Institutes Health Risk Analysis identified the two largest items facing the health of that particular area. That meant all health aspects and they were the two; number one was sexually transmitted disease and drug and alcohol abuse and that's what was affecting a lot of the health problems within that area during that study. And some of the medical records that were complied; unfortunately that's part of the community, it has to be part of the study saying these are some of the bigger problems we have in this area. Then we identified the other issues form carbon monoxide, the emissions from I-70, the influx of all of the other communities from Grand Junction on through to China even to getting some of those pollutants in here. We have had a lot of studies and information and they are trying to refine it and the HIA, you are correct, it was to find mitigation within the PUD and that's what we are supposed to be doing with that HIA. Not applying it to all oil and gas developments in the state; in fact that was one of the reasons that the Oil and Gas Conservation folks were there at the table. Because they were a party to that particular one saying that is not what this study is for; it's for the Battlement Mesa area not to be applied everywhere. So that's in our agreement and the doctor knows that as well. Hopefully we will be able to apply that study to where it needs to go.
Commissioner Jankovsky– To Jon Black, right now do you think you may have one rig in there this summer if you get approvals; is that what he understood from Monday?
Jon Black – Yes we have a drilling obligation for Exxon Mobile by October 27th of this year.
Commissioner Jankovsky – EnCana has one rig that is active right now on these pads, is that correct?
Chairman Martin – That's their drilling plan, whatever their schedule is that they said they would move that in during the schedule of events.
Commissioner Jankovsky – We could have two rigs there this summer.
Chairman Martin – We could.
Ron Galterio wanted to respond to the three pending Antero pads outside the PUD that Mr. Black and Mr. Hall were commenting on that Antero had agreed to make part of their comprehensive drilling plan. Those statements are not consistent with Antero's actions so far with the state. They have applied to the state for those permits and indicated on their applications that they were not part of the comprehensive drilling plan. And also being outside the boundaries of the PUD he doesn't believe the county would have any jurisdiction over those three pads and the major land impact review process either.

Chairman Martin – Unless they had ancillary facilities, transportation, dust, other issues that the board would have jurisdiction on which have been identified. Again it's there with every operation; they do have some jurisdiction on each and every one of them, so they would apply any county authority they would have. The board wouldn't turn a blind eye to that and he doesn't think they have done that.
Commissioner Jankovsky went to CCI and he told this when he was meeting with the Health Department last Wednesday, and one of the health managers from a different county got up and said; well to me a healthy community is vibrant, employed and stable. He looks at Battlement right now and he doesn't see any of those three things in that community right now. He is very concerned about the economy in Battlement Mesa. As far as the HIA and he read the initial HIA and it did have things in there about employment and all the other issues this board has talked about. The thing he sees with these pads right now, other than maybe the Monument Ridge pad, but these other two pads on the southwest corner, traffic is coming off 300 Road. It's not coming through the PUD; the only real issue he sees is potentially air quality issues, and even with air quality as soon as the winds blowing, which way its blowing, it can change that air quality within a couple of hours. He grew up in Sterling, Colorado which is eastern Colorado and that used to be an oil community but now it's more of an agricultural community and there are a 100,000 cattle around the town and 10,000 people who live there. The air quality can be very noxious there at times as well and its very consistent and persistent. He understands about noxious fumes and how that can affect other people and make you sick and so forth. But he guesses he comes from a place where it is consistently all the time and it's not there for one or two nights and has been taken care of. He is not comfortable waiting for this HIA to be completed. To him the HIA gives them some standards, some guidelines that we'll be able to set up monitoring and we will be able to see what the cumulative effects are. He doesn't know that one or two rigs are going to make a difference in our decision.
Chairman Martin – It's a difficult situation. We are trying to balance quite a bit of things on this decision. First of all, we have to determine if we are going to do a Form 2A comment period. Judy has a deadline as of today and she needs to have it in tomorrow.
Commissioner Samson asked Chairman Martin to explain to make sure he is on the same page. If we go the route of commenting on the 2A Form for both of them; they have to be done by tomorrow?
Judy – She thinks what they have on their website is the twentieth but effectively its today.
Commissioner Jankovsky – If we give you direction; you don't want to know on that form other than best practices, that's the direction you need from the board.
Judy – Yeah, more because COGCC would need to know what to do with that. If we were to comment well we'd like to see best practices then she is not sure they would get a response from COGCC that would actually address the concerns.
Commissioner Jankovsky – Other option potentially was……
Carolyn – To ask for the public forum hearing and commissioners she wanted to caution them as she did before; that EnCana is first on the agenda. If they are going to consider Antero; you will have to have a motion for reconsideration because you have already directed your oil and gas liaison to ask for the public forum hearing on the Antero 2A applications outside of Battlement Mesa. You are in a different place procedurally with each of the operators and their application.
Chairman Martin – And it all comes out in the wash. He would like to consider EnCana at the present with this discussion so they can keep it separate. If we wish to do a 2A Form comment period; we craft that so Judy can go ahead and get it done. Or do we feel that we need to do again a public forum approach, public hearing on EnCana as well as we have requested Antero. This board decides we should treat everybody the same, so that question is in front of them. Do we do a 2A Form comment form or not?
Carolyn – You also have the option of doing nothing.
Chairman Martin – That's right and thinks that is an injustice to both sides. He thinks they need to come out and say one way or another. He would throw out there that they do a 2A Form comment period and he would say they must apply all of the special field rules that were in the area that apply to this area. That all oil and gas conservation review used as best management practices and the examples attached and that we also apply the mitigation approaches that are considered and identified, even though it's in a draft form; mitigation practices with the Garfield County HIA study that is into the future. At least give consideration to be applied. On the Antero one, which would be another one, but it would be a two way if we were to go the same way on 2A comment form. He would add the same type of language, but also add that Antero pads be considered as part of the comprehensive plan, which is to be submitted to the State of Colorado. All rules apply both on the outside as well as the inside of the PUD, but that would be an approach and he would just break the ice with that one.
Carolyn asked Chairman Martin, what special field rules are you talking about.
Chairman Martin – The Piceance Basin has different rules than there would be somewhere else in a different area such as Louisiana, Pennsylvania, and New York etc. Certain things, geological formations, approaches are done different and under the pilot 10-acre program Williams Energy had to do different things than ever before. If these apply to that area; then they need to go ahead and apply to all development. Which that's why we went to court as you remember a long time ago. So if those special rules apply to this field; they need to apply to the application if necessary.
Judy – You mentioned BMP's.
Chairman Martin – Right and he would take the BMP's that were attached.
Judy – EnCana's BMP's?
Chairman Martin – Yeah, I would say Antero's. He would say as a consideration; because they go into it a little deeper. He wouldn't label them as Antero's; but he would say as an example these are some of the best management practices as well as what EnCana has offered as well to be considered. That's up to the Oil and Gas Conservation group to go ahead and look through those best management practices and make their decisions. We are making suggestions and comments. We are trying to take a little wider approach and we are trying to be a little more detailed and they will have to sort out what the final order is going to be. They need to take that responsibility. That's why he says a two way comment; that's only one person.
Commissioner Samson asked Chairman Martin to clarify what he stated about the HIA proposals that will be forthcoming.
Chairman Martin – If any major mitigation approaches are discovered or recommended in the HIA; they should be considered to be applied to these developments by all companies within that area.
Commissioner Samson – That sounds to him, from what he understands, a good compromise there that they are using the tool.
Chairman Martin – That is what he is trying to do and he has read the draft numerous times and there are some common sense approaches he seen. Again they are being fine tuned; but he doesn't see any earth shattering approaches and mitigation approaches that they haven't seen before. In fact if you look at a lot of this, actually this is ahead of the HIA on some areas. If there is a major fine and a discovery that we really need to pay attention to; he thinks they need to do the study justice and also recommend for consideration the Colorado Oil and Gas Commission in this particular area that affected by the HIA be considered.
Commissioner Samson – And we would have time to do that?
Chairman Martin – During the operation the HIA is not going to be completed until May and then the public hearings will be done then. These applications will probably go forward. But only again to request that they be considered on our findings.
Judy guesses the way she understands that is that she would submit comments that say that the BMP's, that you have received which she hasn't seen, that those be applied to EnCana.
Chairman Martin – But they also submitted their own; so we are saying the BMP's submitted by EnCana be part of the application and the permit. But also consider other examples of BMP's as we are submitting here. He won't say it has to be there but we can take EnCana's name off. Looking at some of these things, even in the rules and regulations they're covered but some of them aren't but we should consider them. And the Oil and Gas Conservation Commission should see a broader range of BMP's and apply these were

necessary if they feel they are appropriate. He is giving those options with those examples. They are the ones that make that final determination.
Commissioner Jankovsky is good with what he said other than he is a little concerned about tying something back into the HIA when they don't know what the HIA is going to be or how or what the final product is. He thinks there is going to be some good things coming out of the HIA as far as best management practices. He thinks they will maybe have some guidelines that aren't there at the state level possibly.
Chairman Martin – And that is what he is hoping to get in if necessary to take care of this particular field.
Commissioner Samson – But at that time when we come to that we will make a determination.
Commissioner Jankovsky doesn't know about a resolution that has what we're talking about the HIA when we don't know what it's going to be.
Commissioner Samson – We are leaving the door open if we can use it.
Chairman Martin – And the state may say thank you very much for your comments; but this is what the order is going to be.
Commissioner Jankovsky – That's the thing with the whole 2A and actually this whole permit process is that it does fall back with the state. They are the ones, as you well know who make the final decision.
Chairman Martin thinks that some of the sticking points of the HIA have already been discussed at length because we have again the industry on one side, the health department there, the staff for the county such as the doctorate, the citizens input and we have had people who aren't even affected by oil and gas who put in their comments. So we do know pretty much what that HIA says right now. Now refining it and putting it into the final forms; we are dog gone close. He thinks Jim has reviewed most of it and the doctor has; he doesn't think they will find any real surprises in that, that are going to upset the apple cart here. But it is only going to be common sense applying those mitigation factors to a highly populated area. What we consider highly populated in Battlement Mesa is not even close to some of the other areas that have huge populations and tens of thousands of people that are there. It is a matter of perspective on population as well. Deal with it when it comes through and give us consideration. That is the cooperation that he is offering. Not all that EnCana wants or industry wants.
Commissioner Jankovsky likes this form as opposed to going through a form or an intervention; he likes the form for them to be able to submit their comments. The Form 2A; he likes them going that direction as opposed to say the intervention or other routes. He thinks this is more appropriate.
Chairman Martin – Then we need to make sure that you get all of your comments in, because after the comment period it's closed and they make their determination. If we haven't made the comments we need to make they won't even be considered. That's why he says throw as much in that comment period taking care of the issue of the citizens, the industry, economics, and the county's direction, Judy's consideration of her time. She is the one who is doing all the work and he thanked her. But we need to be considerate of that and get the comments in now.
Commissioner Jankovsky asked Judy if this was something she could get done.
Judy – Sure! She had a question; as far as the HIA is concerned, you would want to cut what is in the HIA draft already that would apply to this situation and pick those up and put them into the comment.
Chairman Martin – Not necessarily, what he is saying is if on the final adopted HIA we see major mitigation and factors that need to be applied, that they be considered as well into the future.
Judy – So that would be something for us.
Chairman Martin – Well yes and no and say that you would have to pay attention to the major considerations and mitigation found in the HIA within this area. which becomes a special field group basically.
Judy – She is trying to understand the comments they want submitted with regard to the Cook Martin pad now because obviously as you have discussed those have to go in today and then once they are submitted COGCC will make their decision as to what they want to add as COA's if anything to the permit. But obviously they can't do that in the future so they can't grab what comes out in the future HIA and drop those into there.
Chairman Martin – All they can do is to put in there, again we're requesting them to allow consideration of these mitigation factors that if identified need to be revisited, and that's what we're asking them to do.
Judy – So it's a question of wanting them to revisit at the conclusion of that.
Chairman Martin – That's right. That's the only way that you can get it in there because it is not a final document. They may say no.
Commissioner Samson – Well they're the ones that have the final say.
Chairman Martin – Except they know what's in there as well because they participated in this HIA and the findings. He thinks that request needs to be in there to honor that HIA.
Commissioner Samson – He is going to request of Chairman Martin to make a motion since you have all that down.
Motion:
Chairman Martin – I would like to make a motion that we consider sending a form 2A comment to the Oil and Gas Conservation Commission on the EnCana pads identified by the numbers that we had there, and I don't remember what those identify, and that our comment consist with iron clad language, that Judy has on all of them as well as apply a request to apply all rules and regulations in this pilot area that has been established by Oil and Gas Conservation Commission on the 10-acre down hole spacing pilot program which is there to apply to these two pads outside of the PUD as well as a review of the best management practices attached by EnCana to follow those. As well as attached best management practices submitted in this form which is identifying several areas and that if any approved mitigation approach be considered coming out of the HIA consider into the future to be applied for this particular area. Does that make sense?
Judy – I have one question about that; do we have the EnCana Cook Martin pad only I think before us right now.
Chairman Martin – That's the only one we're talking about. I though there were two EnCana pads!
Commissioner Jankovsky – If they come back in with another pad.
Judy – I believe it's just one EnCana pad.
Chairman Martin – One pad but I thought they were getting ready to do two. If that comes back I still think that comment needs to be attached to that other one outside.
Judy – If there's another 2A, attach the same comment.
Commissioner Jankovsky – We're getting something here hopefully that we can use for all the pads that are around Battlement and hopefully something we can build upon as well.
Chairman Martin – So that would be the basic part of the motion.
Commissioner Samson – Second.
Commissioner Jankovsky - I'm just trying to get some consistency in what we are doing. Maybe not only around Battlement but hopefully Silt Mesa as well. Hopefully it's a structure that we can start with and we can build upon it; but I just feel this is a way we can maybe address the COGCC without having to go to litigation, you know how difficult that can be. I'm just hoping this is the direction we can follow and have some consistency. A pattern - maybe it's not the final product but it's something we can continue to build upon as we become more educated as well.
Chairman Martin – I think that we can refine our approach. But that we also rely upon on the Energy Advisory Board in certain areas. I'm looking at a couple of people sitting on the Energy Advisory Board that also can make recommendations back to us like to this in reference to a 2A comment. These are the comments we'd like you to see addressed one way or the other as well if something comes

up. We make the final determination of course; but we need to be a little more involved, we need to take a little more responsibility and that's kind of where I'm coming from on the two way comment. This is only the beginning, we don't have to comment on every application, but in this particular case I think we need to pay higher attention to it.
Judy – When you have a situation where there is a population nearby that has concerns.
Commissioner Samson asked Judy if she was clear on the motion.
Judy – Thinks so!
Commissioner Samson asked Judy if she had any questions for the board concerning clarification or concerns.
Judy – You don't want her to come back to them and ask for general direction in the future because she thinks they will arise as they do. She said they would come back and look at this again in the future if and when...
Commissioner Jankovsky – If you get complaints yes, they need to come back to the board.
Carolyn – You haven't voted yet; but she wants to make sure that Antero's name, however Judy sends off that second set, is not identified as an Antero document.
Chairman Martin – That's exactly what they identified.
Commissioner Jankovsky – As difficult as this is for concerned citizens, industry, service association and the fact that we are all here in this room and working together. It is a very important way that they get this done and they work together on these issues.
Chairman Martin – And there is one party that is not in this room that needs to work with them and that happens to be the State of Colorado.
Judy – Is there a way that you want me; because what she will end up doing is putting a comment on a form. Do you want her to cut and paste that into an email and send it to all the commissioners?
All commissioners replied yes.
All in Favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – The next question we have do we wish to go ahead and continue the approach we did with Antero in reference to Antero on the three pads outside the PUD? Or do we wish to change direction?
Commissioner Samson thinks they have all during various meetings here have said that we want to be consistent and we want to treat everybody as fair and equal as we can. And we need to begin to do that as these things continue to come before them. Set a standard of how we are going to deal with this and make sure it's done as appropriately as we can be consistent, fair and equitable. So with that being said I guess if I understand, it's either John or I that have to make the motion to reconsider.
Carolyn – Yes Sir.
MOTION:
Commissioner Samson – And that should be worded that I move that we reconsider the question concerning the Antero intervention concerning the three pads outside the PUD of Battlement Mesa.
Carolyn – A decision that was made on December 6, 2010.
Commissioner Samson – Thank you; so I'll make that motion.
Chairman Martin – Second for discussion. Is it what we want to do and want to be consistent, is it going back on any word, and is something stuck in your crawl? Is it something that is a business approach? He wants honest opinions. Being consistent is important.
Commissioner Jankovsky – You heard me from the get go; we need to be consistent in dealing with different energy companies.
Commissioner Samson – In all fairness to the people involved as well as the companies, as well as the mineral rights owners and all the stake holders. Try to treat everybody fair and equitable so they can say okay we know where you're coming from and how we are going to deal with these things.
Chairman Martin – Then the question comes up; do we minimize the impact to the citizens that brought this to us or not. Do we feel that we have slighted them, or do we feel that we are doing a better job by being consistent?
Commissioner Samson – Well I think whenever there's a compromise that needs to be made, for lack of a better word compromise, there's always going to be some people that will live with that I guess and accept that. I mean I can liken it to the people at Silt Mesa and what we did there. I felt really good about Antero coming together with me, the stakeholders and coming to a compromise with the county. And in my mind say that we tried our best to work equitable with everybody that was involved. I think most of the people involved with that are feeling good with it to a degree. It's not everything they wanted; but they're living with it, we're going forward and we're making progress. There will always be some that will be upset.
All in Favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – Now what is our approach; we have given comments on Form 2A in reference to EnCana.
MOTION:
Commissioner Jankovsky – And I would like to make a motion that we have the same comments on Form 2A for the Antero pads.
Chairman Martin – Would you consider adding one other to Antero and that is what he got through Jon in reference that they would be approached as part of the Antero comprehensive drilling plan for the area?
Commissioner Jankovsky – I'll add that to the motion. Commissioner Samson – Second.
All in Favor: Samson – aye Martin – aye Jankovsky – aye
Judy – So those comments apply to the CDP is what you're saying you want to do
Chairman Martin – Yes.
Judy – And the CDP being defined geographically as being, as applying to the PUD only or the PUD plus ½ mile?
Chairman Martin – The PUD plus these three pads.
Commissioner Jankovsky – That could be any pads in that half mile.
Chairman Martin – Again there are only three pads identified as part of the Antero comprehensive drilling plan. That's what we are saying needs to be considered in our 2A.
Carolyn – So the fourth condition is that the three pads, Monument, Speakman A and Speakman B be included in the comprehensive drilling plan?
Chairman Martin – Be considered as part of the comprehensive plan.
Carolyn – Not that these comments go to the CDP, okay. Is there an issue about the first set of best practices being identified as EnCana's? You've asked that both the EnCana and the Antero ones….
Chairman Martin – Sure we can make that adjustment that these are the best management practices submitted, which is the largest one and has Antero's name on it. As well as examples of others and then attach those as we did.
Commissioner Samson – I want to make two statements, the first one and this is for the TV audience as well as for everyone here; just to announce again in our effort to help people understand rules and regulations, but specifically the role of COGCC. I know you two get this as well as I do and I would say many people in our county still believe that we are the ones that issue the permits. And we're the ones that makes the rules and the regulations and we're the ones that enforce the rules and the regulations on gas drilling. We know that's not true; but many people don't. They don't understand the role of the COGCC. With that being said; on Thursday, March 3rd, I want to announce that we will have, as we do every quarter the northwest oil and gas forum. And that will be basically from 10:00 a.m. till 1:00 at CMC in Rifle. But along with that since the COGCC staff and I want to emphasis not the commission, but the staff, I've arranged for them to be at a Town Hall meeting starting at 6:00 p.m. and going to 8:30/9:00 p.m., with the expressed purpose of explaining what is their role and what do they do. I want to get that out and hopefully we will be getting some ads in the newspaper inviting people to that. They will, I think they are trying to tailor some of their comments more towards the Silt Mesa area

and so on. But I think there will be a lot of general information there for Battlement Mesa people, Divide Creek area people, whoever that could use that. So I would encourage anyone who wants to know more about that to attend that meeting. The second point I wanted to make was to thank you John for your leadership there and stepping up. I think you know a lot more about, well let me rephrase that, I know you know a lot more about this than I do and I appreciate your leadership in crafting something that hopefully is the best solution for the county.
Commissioner Jankovsky – Mike the evening meeting at CMC as well with the COGCC.
Commissioner Samson – Yes, I'm sorry, yes it's at CMC in Rifle starting at 6:00 p.m. Make sure everybody understands it's not commission, it's not the commissioners; it's the staff.
Chairman Martin – And we need to communicate openly with the staff because they are the ones that can really craft other issues. They are our number one source. Thank you Judy, thank everyone here. I know that not everyone is satisfied; but neither are we and we have come up with the best solution I think that this group can come up with right now.

Adjourn

FEBRUARY 22, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, February 22, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION – Stephan H.O. Honette
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Eric Paul Hughes – Wanted to thank the Chairman, the County Commissioners, and the board meeting in the county for allowing prayer and invocations in the building. It's a blessing from God.
Clerk's Office – Jean Alberico – Public Meeting

- **Liquor License Application No Name Grill, Inc. dba No Name Bar & Grill**

Jean explained this was a public meeting. The application for the No Name Grill, Inc is complete. Today, the Board needs to set the neighborhood area for the petition and the date of the public hearing. Kevin Snyder, the applicant is out of town and is being represented by Kevin Peterson and a letter was tendered to the county attorney.
Jean suggested the area be specifically for the No Name area.
Chairman Martin - From the tunnel on through; taking in both north and south of I-70.
Jean – Yes.
Motion
Commissioner Jankovsky – I make a motion to established the No Name area from the east side of the tunnel to No Name and then both north and south of I-70 as the neighborhood area for this liquor license.
Jean – She will not be present for the meeting in Parachute on March 14 and would prefer this be scheduled for March 21. The goal is to have everything open and ready to go by the Memorial Day Weekend. Kevin is working on his food service license. The building is currently under construction and they are expecting the CO sometime in April.
Kevin Peterson – Approximately April 15th and the food service license will be submitted to the state any day now.
Motion
Chairman Martin – Will you accept the 21st?
Commissioner Jankovsky – I will accept that. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky had a chance to walk through the building, he wanted to say hats off for them doing a new building in this economy, and he wished him the best.
CONSENT AGENDA

a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. Changes to Prior Warrant Lists
e. Liquor License Renewal: Battlement Mesa Management Co., dba Fairway Café – Jean Alberico
f. Liquor License Renewal: Red Rock Diner Ltd, dba Red Rock Diner – Jean Alberico
g. Authorize the Chairman to Sign Resolution Concerning Use of Crime Insurance Coverage to fulfill elected Officials' Surety Obligations – County Attorney's office.
h. Ratification/Approval of Purchase of One Water Truck and Two Snowplows from Mesa Mack and Truck for Road and Bridge – Jim Hackett
i. Authorize Chair to Sign Resolution Repealing Resolution No. 2010-09 and Reestablishing the Oil and Gas Mitigation Fund

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to approve the Consent Agenda Items a - i; carried.
COUNTY ATTORNEY UPDATE – Carolyn Dahlgren

- **A. Consideration/Approval of Agreement Between Commissioners/Assessor/County Attorney's Office re: Legal Services – Oil and Gas Audits**

Carolyn has three originals signed by Mr. Yellico to give to the clerk. Carolyn is looking for authorization for the Chair to sign the agreement, she will sign on behalf of the county attorney's office, and Mr. Yellico has already signed.
Motion
Commissioner Jankovsky – I have read the contract and make a motion that we approve the contract between the assessor's office, the county attorney's office and Board of County Commissioners.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

- **B. Consideration/Approval of 2011 IGA Form - NECI**

In 2011, the BOCC became a sub-recipient under USDOE-ARRA competitive Energy Efficiency and Conservation Block Grand ("USDOE-ARRA-EECBG-C") by means of a sub-recipient agreement between the BOCC and Boulder County, recorded as Reception No. 796331 providing better buildings funds to ramp up the EECBG-A grant programs. The sub-recipient agreement is anticipated to be amended to include additional training monies and access to funding, "pooled" with Boulder County and other Front Range entities for leveraging property owner financing options. The DOLA contract has been extended through June 30, 2011 by

"Option letter #1" ratified by the BOCC on May 20, 2010 and recorded as reception No. _____; the USDOE-EECBG-A. Funds are available through June 3, 2010 and the USDOE-EECBG-C funds are available under the sub-recipient agreement and as it may be amended until May 10, 2013. The BOCC and the City wish to extend their 2010 IGA and memorialize amendments in funding, allocation of responsibilities, and project administration with a focus on the sustainability aspects of the New Energy Communities Initiative ("NECI" or "NECI Program") as required by DOLA program area no. 6 in the DOLA contract. Details were given.
Carolyn wanted to make sure the Board could see the changes they had made from the original form of agreement that the board had approved. She pointed out those changes. Alice and Jim can give the board an update on that of how they are going to fill in the blanks in that second paragraph which talks about funding.
Jim Rada passed out a memo to inform of the direction they are going budget wise and how they will fill in the blanks on the IGA. He explained fully the review of the books to make sure they balanced. In terms of remaining DOLA funds available grant funds and remaining cash funds, that they had already received is $328,266.00. They have some outstanding direct to pay obligations using DOLA and cash funds of $135,235.00. Those will be going out as soon as they receive all of the invoices. Removing that amount of money from the cash funds, they have a remainder $193,031.00 of DOLA grant and existing cash funds in the account. CLEER has requested that they divide the remaining DOLA and cash funds by programmatic area as follows: zero money in the residential or commercial programs, $141,360.00 in the green government program, and $26,581.00 in renewable energy program and nothing in the transportation program. Another request in for funds that the board approved earlier for some work in the transportation program and then the remaining $25,090.00 will go into the sustainability team and clean energy-financing program again for a total of $193,031.00.
Carolyn clarified the $193,031.00 includes what has been used up in the matching funds as well.
Jim – Correct.
Carolyn – Clarification was made on the $36,000.00 set aside for the City of Rifle in that original DOLA grant and this will need to be clarified by Jim.
Jim in response to Carolyn's questions said the $26,581.00 is in renewable energy and that's what's left after the money went for the fairgrounds solar array? We have removed the $82,500.00 and the $50,100.00 for the Town of Parachute for their renewable energy projects. In Jim's memorandum he still needs to determine DOLA to make sure that they haven't exceeded the DOLA limits for moving money through the various funds to make sure whether they need to have a change order or not and if there is need for a change order, they will follow the proper procedures.
Carolyn – They have $141,251.00 remaining in the original DOE grant. They have $2,248.00 left for CLEER to do advertising and outreach as per the original DOE budget work plan. There is for direct pay incentives a rebate to the community; they have $139,003.00 left. It was originally $227,500.00 on that grant. She went on to explain how revenues were cleaned up in order to know how much money to include for administration. The BOCC is not acting as the fiscal agent for funds used for the individual partnering government's projects as you have done in the past; however, you will be holding the administrative money in this special fund.
Motion:
Commissioner Samson – I would move that we approve the 2011 Intergovernmental Agreement extension amendment New Energy Committees initiative as presented and amended with the corrected figures.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
One More Extension
Jim – One other item he would like to run by the board; they have been told by DOLA that they have the opportunity to request one more extension on the contract if we need to. Being they are already at the end of February and they are just working through the structural organizational details he would like to suggest we request the extension. There isn't a guarantee, but Mr. Carter at DOLA has suggested this to him and that they get it in as quickly as possible so he can run it up the ladder. He feels with four months left in the existing grant contract and as much as there is left to do; they would like to make sure the money is spent and spent wisely. He thinks it would be a good thing to have a little more time.
Suggestion and Motion
It is their full intent to complete the grant well before the end of the year; but he would like to request an extension to the end of the year if the board approves.
Chairman Martin – That would be the end of the calendar year, not the end of the state's fiscal year.
Jim – End of our calendar.
Commissioner Samson – December 31st; so moved. Commissioner Jankovsky – Second.
Chairman Martin – And that is six months into next year for the State of Colorado.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn wanted to remind the BOCC that the way the state does extensions is unilaterally. You will just get a piece of paper signed by the state, the controller, and somebody for DOLA. The last time they brought this back to the board to be ratified by the BOCC; but she thinks this motion is adequate here. But they will make sure that Jean has copy of it so it can be in the public record.
Treasurer's Office – Georgia Chamberlain

- **A. Update on Treasurer's Office Remodel**

Georgia has done the remodel in three stages and she explained. She wanted to see if she had support from the board if the expenses were over the estimate. Right now, she will come under budget $1,500.00; but it's not completed yet and with every remodel of an old building, she doesn't know if it will go over $1,500.00.
Chairman Martin – That would be a supplemental to the contract we have and we would have to take that out of capital improvement funds. We will entertain the potential of a supplemental budget; we will have to have approval from Jim's office as well as finance identifying capital improvement funds if we should need them.
Commissioner Samson has seen the project and it looks good.
Chairman Martin – We will direct through administration to purchasing and procurement as well as finance. They will expect you to keep it tight; but work with Betsy who would be your direct contact.
Georgia – She will let the Board know when the grand opening or open house is scheduled.
COUNTY MANAGER UPDATE – ED GREEN
Postponed
Board of Health:

- **i. Garfield County Activity Guide/Obesity Prevention Presentation – Christopher Nelson R.N. and Christine Singleton R.D.**

PUBLIC MEETINGS:

- **i. Update on Citizen Input Regarding the Memorandum of Understanding with Antero – Leslie Robinson, Grand Valley Citizens Alliance and RSPN**

Leslie gave an update on the community meetings and clarified she is speaking on behalf of the Grand Valley Citizens Alliance, known as GVCA. They have two subcommittees; Battlement Concerned Citizens known as BCC and the Rifle, Silt, Peach Valley, New Castle sub-committed known as RSPN. The community meetings concerning impacts from drilling since the late 1990's. She discussed what they have been discussing lately in the Silt Mesa area as promised to the board. Garfield County residents organized

Leslie summarized the concerns of the citizens being; 1) Health impacts from drilling chemicals above and below surface. 2) Concern for drinking water and air contamination from fracing fluid and other chemicals and they believe the industry should disclose those chemicals. 3) Decreased air quality and dust and believe air monitors are needed in affected areas. 4) The economic impacts include property values declining. 5) Silt Mesa organic gardening and livestock breeding concerns have been mentioned. 6) Safety impacts include heavy truck traffic on rural roads and how those roads will be fixed. 7) The lack of land use regulations to protect citizens; here again it's their concept, this is their feedback. 8) They are also concerned about pipeline construction and the lack of oversight. People are concerned about explosions, fires, and increased roadside and drill pad accidents. 9) Concerning water supply impacts, irrigation systems and water well systems are all connected and the fear, especially on Silt Mesa, is that a spill could affect many. 10) Water rights are being purchased and converted to industrial use and everyone on Silt Mesa, or those next to drilling operations want their water well tested. 11) Concerns that drilling uses a lot of precious water that can't be circulated or reused. 12) Wildlife impacts include migration routes disturbed. 13) A strong stewardship towards the Colorado River and providing clean water to downstream users especially concerned about drilling along the Colorado River. 14) Silt Mesa concern that fishing could be affected like hunting; 15) finally, yet importantly is the quality of life. 16) People are concerned about the industrial development in the middle of rural residential areas. The GVCA, BCC and RSPN continue to conduct community meetings and they are going to hire a facilitator; their next meeting will be set for the first week in March. They are very serious and conscientious about their place in this era of energy development. Citizens depend on our members to go before elected officials like you to attend meetings with the industry, provide information to the citizens and to be a conduit to the media. They will continue to update the county commissioners on feedback that they receive.
Commissioner Samson – He is sure she is aware after the northwest oil and gas meeting they are having a town hall meeting.
Leslie – They are approaching their members to attend.
Commissioner Samson – 6:00 p.m. at CMC in Rifle and he explained it would be staff from the COGCC presenting and sponsored by Garfield County.
Commissioner Jankovsky – This is a democracy in place and the fact that you represent this group of citizens and you bring their concerns and they come and talk to us and we appreciate that. We appreciate also the fact that the industry is working with you because they also are citizens within our county and he thinks it is very important that those discussions and that dialogue continues, because he thinks with that they do have some resolution and impacts are mitigated and so forth. Certain things are done with the BOCC as you understand and many of the decisions are made at the state level and sometimes even at a federal level. But they do appreciate the fact that they are hearing from her and all citizens.

PUBLIC HEARING:

- **Second Supplement to the 2011 Adopted Budget – Theresa Wagenman**

Proof of the notice was adequate and Carolyn stated the Board was entitled to proceed.
Theresa presented Exhibit A that includes some increases and decreases to what was adopted back in December. She was not aware that the Health Impact Study going to be funded by the oil and gas mitigation fund so that will require a transfer of funds from the oil and gas mitigation fund to the public health fund, which will require a budget supplement.
Carolyn said from the conversation last week Theresa and Bob would be able to track all the money out of that oil and gas mitigation fund.
Theresa – Second, the building improvement for the road and bridge facility that houses Search and Rescue Inc. will be paid from the capital fund and not the road and bridge fund, and it will not be tied to the sheriff's capital budget. In discussions with the county attorney's office, this will from the capital fund.

Motions

Chairman Martin – Do we have a motion to close the public hearing.
Commissioner Jankovsky – So moved. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move that we would approve the second supplemental to the 2011 adopted budget as presented.
Commissioner Jankovsky -Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **Approval of Lease Agreement with Garfield County Search and Rescue, Inc. – Gene Duran**

This lease before the Board today is the standard county lease for the Search and Rescue Inc and Gene explained the substantive changes. Matters of concern were the search and rescue dogs, storage of equipment, and the rent amount. Clarification was made to allow dogs on the property as long as they are under the control of the handlers. Another stipulation was that the dogs would be allowed at the beginning of a mission or training considered by the Sheriff's office. The rent was clarified that it is just a funds transfer and it would require a budget supplement from the general fund into the BOCC's line item the same as the LoVA rent. As far as equipment is concerned, an agreement is being established for the storage in the bays.
Chairman Martin – We'll work those details out, bring it back and we'll make a final decision.

- **Recommendation to Award a Contract to Colorado Mosquito Control to Provide Services to Garfield County – Jim Hackett and Steven Anthony**

Staff is recommending Board approval for a contract with Colorado Mosquito Control in an amount not-to-exceed $132,452.10 for fiscal year 2011 to provide Garfield County with Mosquito Control Services and authorize the Chair to sign. It is a 2% increase over last year's contract and it is in the budget for this year.
Ed – It is a very modest increase.
Chairman Martin – This is the eighth year and we have seen a very small change.
Steve evaluated the West Nile program clarifying that it is generally a mosquito control program. 95% of what they do is larva sites, standing water and monitoring and the surveillance. It is very labor intensive.
Chairman Martin – Steve also does an up-to-date on the season showing how many mosquitoes are caught in the different areas and it is very valuable.
Ed said he and Steve communicate every week, evaluate the report, and decide where spraying needs to be accomplished.
Chairman Martin – In front of us, we have a request to award that contract. Do we have a motion to accept or deny?

MOTION:

Commissioner Jankovsky – I'll make a motion that we accept the Colorado Mosquito Control contract for 132,452.10 and allow the chair to sign that.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

- **Adoption of Pre-Award Procurement Processes – Jim Hackett**

Jim has provided the board with three updated procedures and explained in detail. The action Jim is requesting is to adopt the fourteen procedures as procedures to be followed from the procurement department throughout the procurement process for the county.

Motion

Commissioner Jankovsky – I'll make a motion that we adopt the procurement pre-award processes and adopt the 14 new procedures and I would like to thank Jim for his hard work on this.
Jim – We will be back with more on the 15th of March during the work session.
Carolyn – Commissioners you are adopting these for your procurement group not as an amendment to your procurement code correct?

Chairman Martin – Correct; these are procedures.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Board of Human Services:

- **i. Approval of EFT/EBT Disbursements for January, 2011**

For the month of February 2011, client and provider disbursements for allocated programs totaled $274,826.18. Client benefits for food assistance and LEAP totaled $654,794.23. Total EFT/EBT disbursements for February came to $929,620.41. The department is requesting Board approval and signature.

Motion

Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Commissioner Jankovsky – There's 1 million dollars going out in a month for assistance to people; it seems like it is continuing to go up. There are 5,000 households in this county receiving some sort of assistance out of a county of maybe 21 to 23 households. This really shows how deep this recession is still in our county. We sit here we have jobs and maybe we don't realize what your department is seeing; we hear about it from our neighbors and so forth.
Chairman Martin – Some of the items you're talking about are indicators; indicator recently is 9.1% unemployment in Garfield County. Foreclosure rates are almost 700 in the year; we are on a record pace to eclipse that in 2011.

- **ii. Consideration and Approval on 2011 Notice of Grant Award with the Area Agency on Aging of Northwest Colorado for Caregiver Support and Senior Equipment and Services**

The department received an increase from $95,514.00 to $97,212.00 for the state fiscal year ending June 30, 2011 as part of the area plan for Aging Services in Garfield, Rio Blanco, Moffat and Routt Counties. The department has received a revised notice of grant award from the area on aging of Northwest Colorado to reflect this increase. The Board's approval and signature is being requested.

Motion

Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **iii. Consideration and Approval on 2011 Notice of Grant Award with the Area Agency on Aging of Northwest Colorado for Congregate Nutrition Services**

The department received an increase of $129,136.00 to $129,526.00 for the state fiscal year ending June 30, 2011 as part of the area plan for Aging Services for Senior's in Garfield County. The department has received a revised notice of grant award from the area on aging of Northwest Colorado to reflect this increase. The Board's approval and signature is being requested.

Motion

Commissioner Jankovsky – Ill make a motion that we accept this grant for $129,526.00.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

- **iv. Consideration and Approval on 2011 Intergovernmental Agreement for Garfield County Senior Programs – Traveler Program**

The 2011 IGA with RFTA for continuation of the Traveler transportation services is being presented, without amendment, with the agreement of all involved governmental entities. The department is requesting the Board's approval and signature.

Motion

Commissioner Jankovsky – I'll make a motion that we approve the intergovernmental agreement for Garfield County senior programs with RFTA for the Traveler Program
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

- **v. Senior Programs Accomplishments in 2010**

Mary reported the accomplishments for the Senior Program in 2010.Calendar year 2010 was a very productive year for Garfield County Senior Programs. A list of accomplishments has been included and is on file in the Clerk and Recorders Office in nutrition, special programs and they served over 22,000 noontime meals and provided over 35,200 rides to seniors and disabled in Garfield County.
Chairman Martin – As you can see in the accomplishments; they asked the Senior Advisory Council that they put everything down. They are very thrilled! They are also looking at better participation within their own organization and enthusiasm from the seniors. The volunteer hours are increasing; it's fantastic.

- **vi. Program Updates**

Commissioner Jankovsky asked if Mary had any updates on state issues that may be affecting Human Services.
Mary – As you know, the governor has recommended budget is going to the JBC. The most difficult cuts were to education. They did receive some cuts to Medicaid; she has a meeting next week to see the impact of that. They are holding their own and it is going to be tough this year. She explained they did have a good fund balance to cover.

- **Crystal River Ranch – County Road 108, Traffic Calming Devices – John Martin**

Chairman Martin – They received a visit from the resident who wants to pay for the calming devices on 108 Road.
Jeff submitted an engineer's report and asked for direction.
Ed said that the report recommends no traffic devices implemented because this is a rural area and speeds are consistent with what is posted.
Chairman Martin explained that the county road splits a ranching component; CR 108 is a dead end road that leads to agricultural and access for the forest.
Betsy concurred that this is a heavily traveled recreational route.
Commissioner Jankovsky stated the traffic coming off Four Mile Road on to Dry Park Road adds more traffic than anything else does. Dry Park road is a year round road whereas it used to be only seasonal. In talking with Sue Rogers, she would like some dips in the road at least one east of her house to slow people down.
Chairman Martin referenced that Sue Rogers had offered to pay for the improvements.
Jeff explained some alternatives such as half roundabouts
Jeff Nelson – Is looking for some direction on what the board is thinking after talking to the landowner.
Betsy Suerth – The board has the report from Aldridge Transportation consultants and they have done a thorough report.
Chairman Martin asked if the other two commissioners if they want to give staff direction at this time.
Ed – The report recommends no traffic devices implemented because it is a rural area and because the speeds seem to be consistent with what is posted.
Chairman Martin –We are dealing with another issue and that has to deal with the compound, a ranching compound that is split by the county road, which is the issue we need to look at. Safety wise, both for them as well as the traveling public. CR 108 Road is a dead end road that leads to agricultural purposes and the forest.
Betsy – It is a heavily traveled recreational route.
Commissioner Jankovsky thinks the big thing is the amount of traffic that is coming off Four Mile Road on Dry Park probably adds more traffic to that road than anything else. Dry Park road has become a year round road where before it was kind of a seasonal road. So you have a lot of traffic driving right through the middle of a ranch. He talked with Sue Rogers and she was not too happy with the

report that she had in hand. She would like to see some dips in the road. She said the cattle guard works on the west end; you can hear people coming but she would like to see some dips in the road. At least one east of her house or the ranch compound to try to slow people down, she actually talked about two of them didn't she John?
Chairman Martin – She did.
Commissioner Jankovsky – One east and one west of the ranch house. You do have that cattle guard right there before you go into the ranch compound. He was unsure how well dips work as far as drainage goes but he is sure it's a problem with snow removal. They are going 25 mph through her ranch.
Chairman Martin – She wasn't looking at rumble strips because that makes noise.
Commissioner Samson – She has offered to pay for all the improvements. What are the options?
Jeff – In his opinion, the Aldridge report is something to stand behind. There are a few alternatives in there not full roundabouts but some half-roundabout situations. Reading the report he agrees just to transfer the safety issues from her personally creating a safer environment but then putting the public at risk. That's looking at it from a neutral area is what he sees as going on with just putting on speed dips. Maybe talk to a few engineers, like Betsy said talk to Pitkin and get more data on something that is out there that actually works that neutralizes the safety for both public and private.
Commissioner Jankovsky – He would like to get the ranch manager, if not Sue herself, the ranch manger involved in the discussions so they can have some sort of agreement.
Jeff has met with him in the field on site and the engineer that was responsible for managing this study. He wanted to point one item out; many people reference these calming devices and 98% of the time, they keep coming back to a situation that is in a residential development, and they do work. We are in a little bit different situation and that's where it's hard engineering wise just to say let's take that and throw it out here.
Chairman Martin - He does think that well identified dips on each end with signs, stripes on the road and identified through the model traffic code. Signing codes needs to be approached and make everyone aware that animals and people are moving through both sides of the roadway.
Chairman Martin - Betsy has something in play and Jeff needs to look at what we have as an option. The overall cost needs to be agreed upon. We still need to meet with the ranch manager to make sure that whatever is designed and selected has full agreement on. Then bring it back and get it done by construction time this year is his goal.
Jeff thinks if they could get an option that is agreeable and doesn't see a problem getting it constructed this year.
New Agenda:
Chairman Martin – Understands that there is a learning curve on this new agenda and the agenda approach. We are getting there; we have some bugs. It is running a little faster and a little smoother; if there are suggestions from the listening audience as well as elected officials and people here, please bring them forward so there can be adjustments.
Human Services Commission:

- **i. Disability Services – Challenge Aspen Mountain Valley Developmental Services, Sopris Therapies, Vet-Trans**

Pat Horowitz – Secretary of the Human Services Commission, this year they have decided for their monthly presentations to the board that they would have the grant recipients talk to board to let them know what they are doing with the funds that the board so graciously provided for them. Joe Carpenter was supposed to be here and Challenge Aspen and these are included in the presentation. Pat is the Executive Director of **Sopris Therapy** Services in Carbondale and has been serving the disabled community since 1994. Their mission is to empower children and adults with disabilities to reach their full potential. They provide physical and mental health rehabilitations services to over 300 children and adults with more than 2,500 hours of services each year. Pat thanked the Commissioners for their assistance with funding.
Chairman Martin asked her to explain the hippo therapy and the use of horses.
Pat – Hippo therapy is a modality providing services, physical and mental health services to children and adults. The movement of the horse helps very much with physical movement for physical therapy rehabilitation and the interaction between the animals and the children is very helpful for the mental health rehabilitation. They also work with veterans but that's not county money because they are from all over the country. She invited everyone to come and visit them at Hwy 82 and County Road 100 right behind Catherine's Store.
Commissioner Jankovsky asked if they were working with the autistic community.
Pat - They do and it is very successful and rewarding. The children seem to calm down and focus a lot better when working with animals. They also work with folks from Challenge Aspen and with Mountain Valley Developmental Services.
Bruce Christenson – **Mountain Valley** explained the issue with funding and gave a full account of state and county cuts in his budget. Over the past two years, they have had a cut of almost a million dollars in state funding. It is becoming very challenging to continue to even meet basic needs. They have reduced payroll expenses significantly. One of the things they are proud of is their administrative costs are only about 8% of their total, which is very low. Some challenges in addition to the cuts they are looking at is the JBC currently is projecting an additional $600,000.00 in reductions going into play July 1st. They are still hoping to salvage some of that; but right now, it looks like they are getting a significant reduction. They have over 100 people on a waiting list for adult services. He used to tell families that it was two to three hundred years; now it infinite. Because the state has established a new policy, it used to be the only way they would get additional funding was once every five years they might get one out of the state. Thanks for the county money but he is a little concerned about the reductions they are experiencing. The counties are becoming increasing important. One of the big issues is the State of Colorado accepts federal money for early childhood services. In exchange for that, they are obligated under the law to serve everybody that comes up. They have an average daily enrollment of 140 children, birth to three, with only roughly 70 that are funded. About ten of those 70 are funded with the American Recovery Act money, which no longer exists or won't after this year. They are really becoming increasingly dependent on grants, which their grant writer has done a lot of work on in the last year for children. They have had a cut of 30% from Garfield County in each of the last two years, which he thinks from looking at the human services allocations is the largest cut of any of the non-profits. He is concerned that with the $.01 sales tax, which 1/8th of it goes to health and human services, that some of the core human services agencies work very hard back when there wasn't a tax to get that passed. The pie keeps getting thinner and thinner and he thinks it will put some programs at risk. Because they really do need to depend on, even though the $20,000.00 cut they got this year from the county, yes its significant it does serve quite a few of those 140 kids. He would hope the county could prioritized that 1/8th of $.01 and try to make sure in the future if there is any way to increase it; he noticed, in fact he sent an email back in August about the $93,000.00 for a new program and matching some of the organizations are really beginning to suffer. He does recognize the difficulty of the human services commission; he served on that for 20 years.
Chairman Martin – Bruce, you bring up an interesting concept too. Going back to when this all started in 1996. Why don't we call all those partners back, look at the actual allocation and the formula, and see if there isn't a way within that organization we could take money such as the sheriff, the road and bridge some, municipalities and do a transfer. Once they receive the funds, they can go ahead and allocate those to other people within. Maybe can find some excess revenue.
Bruce – If you remember back then, when we passed the tax, a big chunk was going to the communications center, which was horribly outdated back then. Maybe at this point some of that has begun to catch up, that's a great idea, and it would be tremendously appreciated.

Chairman Martin thinks that maybe they should do, as our community, meaning the county and that tax should possibly be revisited not that they want to change the tax structure and the question; but to say are we maximizing the use of the funds that we are getting and see if we don't have a new priority.
Bruce thinks that would be a great thing to do.
Chairman Martin – As you say the pie is only so big and how we decide to divide that up within the structure we have needs to be looked at.
Bruce – And things have changed in the county. We have both grown and the demands have broadened tremendously. Back 30 years ago, we were a lot different than we are now.
Chairman Martin – Maybe a round table and he hopes Bruce would be there.
Bruce – Yes, I'm willing to participate.
Terry Rigney – Project Coordinator at **Challenge Aspen**, had initially applied for a $10,000.00 grant for three different items. One being a school series and training, one for Garfield County residents for a portion to be scholarships, and the third was training. He gave an example - Bobby Laymen is 23 years old and at the age of 16, he sustained a traumatic brain injury. He has been a participant with Challenge Aspen since 2004. Bobby puts in adaptive recreation because he has told his concern, come to them and he wants to become adaptively certified in order to teach other people how to ski. They writing the handbook on this as no one has ever done this before. Initially what was thought would be a one-year process is going to be a multi-year process. They have to be flexible in terms of how they go about the best learning experience and retaining experience for Bobby. Bobby has been participating in all different kinds of training. With adaptive recreation, specifically there are mono-skis for people who are in buckets. There is also cognitive visually impairment because he is partially paralyzed on the right side. Physical strength has nothing to do with his will. Bobby has participated in indoor disabilities, indoor basics, basics 101, indoor visual impairment, indoor special needs, outdoor special needs, into to movement analysis, functional skiing, and practice. They have waived their buddy fees to be able to have Bobby go out and practice the techniques he is learning in the clinics. He reports to them what he is learning. Bobby is signed up for this Thursday and Friday to participate in a PSIA, which is on professional ski instructors association. The money they have spent so far have been primarily for mandatory manuals for Bobby. PSIA has a mandatory membership of $100.00. However, with the non-profit rate and as a participant they were able to get the fee knocked down to $50.00. Because of word of mouth, they were able to get free lodging in Breckinridge. This will be a multiyear process but they have made the most out of the money they will potentially receive. The other $250.00 they decided to use that in the form of scholarship for one of their summer camps.
Chairman Martin – Sounds encouraging.

- **Discussion of Sign Code and Go Rental Issues – Mike Samson**

Commissioner Samson thinks they have some outstanding issues with the sign code and the land use.
Chairman Martin – It is more of a policy and direction they are looking at. He believes they took a postion; there was one-step prior to that is that we relax the enforcement of the sign code during the November election.
Commissioner Samson – What he wants to do is schedule a workshop in April. He is asking that they schedule a discussion of the sign code and advertise in the paper that anyone who would like to, especially business owners, give input on that. He will call Mr. Justin at Go Rentals because he has been in contact with Commissioner Samson several times over this issue. What date are you thinking of?
Commissioner Samson – It will be the 5th of April.

- **Consideration/Approval of Resolution Establishing Signature Authority for Individual Commissioners during Absence of Chairperson – Mike Samson**

Commissioner Samson - We have the resolution before us and he is assuming that they have all read it.
Motion
This is something that as he and Commissioner Jankovsky attended at CCI and they suggest they do this. If there is no discussion I would make a motion; I would move that we adopt the resolution establishing signature authority for individual commissioners during the absence of the Chairperson.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
PUBLIC MEETINGS

A. Request from RFTA for Support of a GOCO Mini-Grant Application, Waiver of Building and Septic Permit Fees, and Authorization for Chair to Sign a Resolution – Robert Corney, RFTA and Tamra Allen

Tamra - Supporting the Grant Application for a Mini Grant from the State Board of the Great Outdoors Colorado Trust Fund for the "Garfield County Rio Grande Trail Facility Enhancement 2011". RFTA has asked the Board to assist in their request for $44,623.00 from GOCO to provide toilet and picnic area facilities along the Rio Grande Trail in Garfield County. The request specifically from RFTA one is for the county to consider adoption of a resolution that would certify that the Board of County Commissioners are actually the applicants on the application as well as consider a fee waiver for the septic permits that would be required for the project as well as the building permit costs. Our building department estimated those cost to be around $500.00 to $600.00.
Robert Corney, the trail manager for the Rio Grande Trail, explained the Great Outdoors Colorado in their criteria as to what their eligible governmental entities for this and what they include in the mini grant application is that eligible applicants will be municipalities, counties, and parks and recreation special districts. They are the only entities eligible to apply for mini grants. He is asking as a representative of RFTA is to get a resolution passed from the Board of County Commissioners that will allow this grant process to move forward. Usually GOCO says there is a 25% match on the request.
Robert – All that is coming from RFTA.
Chairman Martin - We don't have that IGA do we Tamra?
Tamara – No, the only thing she wanted to add that the only deferred cash match would be the waiver of permit fees; it's about $500.00.
Chairman Martin - Transfer of ownership needs to be discussed. Does the actual use and placement of those facilities need to go through a land use review process and that land use process would probably be within Garfield County. We haven't seen anything like that or any agreement or any discussion.
Tamra- The intent is to get the application in on March 4 and if there is additional process to the land use the department then has a time period between March and the beginning of June in which they actually look at awarding those contracts. Concerns about transferring ownership and the actual real property can likely be spelled out in the IGA between RFTA and Garfield County on how that transaction actually takes place.
Carolyn – Does GOCO require a resolution?
Robert – They will require a resolution.
Carolyn – We can add a paragraph that says the things that you just said.
Robert – Two things; the resolution that needs to be signed. The second item looks at participant information, project information.
Chairman Martin – If we get a grant it is revenue, its income. We have to have an expenditure and what is the purpose.
Chairman Martin – And the funds that they have used before on the trails was lottery money. Conservation trust fund dollars, which was a pass through actually to them and not a grant. This time the county asking for money in the worst economic times for these types of facilities is also another issue that he looks at as optics. The original purchase of the Roaring Fork Railroad Holding Authority was an energy impact grant under Garfield County's name to purchase it too. We are still not a member of RFTA.

Robert explained the purpose for the requested improvements for this facility that they have heard from people out there. He thinks the only other thing is drinking fountains. The two approaches as to where the site facilities to be located would be in parking areas, the hinterland.
Chairman Martin has a couple of edits; he would like to stay consistent from the first through the end. That's the Garfield County Commissioners of Garfield County support the Great Outdoors Grant. Down on section one it needs to say supports; section number three says supports, not strongly and keep it consistent. Those are his only requests on changes of words. We start out supporting we don't need to change to strongly.
Carolyn – Do you want to keep the language regarding the land use code?
Chairman Martin – If we are going to exchange they still have to come back through the land use review process.
Carolyn – Yes, but it is an IGA.
Chairman Martin – One way or the other it needs to be identified since we are not putting the facilities in even though if we did it we would still have to meet our own rules and regulations on placement. They didn't look at our 1041 powers in reference to this issue; we enacted them before the corridor was finalized and it does take in facilities so that was another issues. Does it meet those requirements?
Commissioner Jankovsky - This is a little bit awkward. We are not a member of RFTA but RFTA is coming to us and they want this board to go ahead and get this grant for them and turn over the facility to them. Realizing the timeline, however he would have liked to had more time. With that said, the trail is a great asset all the way from Glenwood to Aspen is an asset for our community, tourists etc. He does support this and he thinks they are needed. **Motion**
Commissioner Samson – It's a good measure of goodwill. So with that I would move that we approve the application of a waiver for building and septic permit fees and authorize the Chair to sign that resolution.
Commissioner Jankovsky – With the changes.
Chairman Martin – Two words. Commissioner Jankovsky - Second.
Carolyn – Did I hear that there was also an application that has to be signed?
Chairman Martin – That's what this is. This is a resolution and application attached and that's what we brought forward. In favor: Samson – aye Martin – aye Jankovsky - aye

PUBLIC HEARINGS:

- **A. Consider the Request for a Land Use Change Permit for Limited Impact Review of the Chevron USA Inc. Application for Material Handling on 3.42 Acres of a 4,311 Acre Site Located 20 miles Northwest of the Town of DeBeque off of County Road 211 (File No. LIPA 6595). Applicant – Chevron USA Inc. – Molly Orkild-Larson**

Julie Justice from Chevron was present and Carey Gagnon reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed with the determination of not having the extension noticed. Carey advised they have all three for half of what is pending before the board; what they don't have is a description of proposed land use change for the extension of the temporary. That is not included in the description provided.
Chairman Martin – It is subject to challenge afterwards and that is a risk to the applicant. If we should go forward and accept that, it is subject to challenge and another hearing if we find it has been defective on notification on those two other requirements. To the applicant do you wish to take risk or do you wish to notify properly?
Julie said she could notify properly and come back to the board on the temporary facility. The permit does not expire until July.
Chairman Martin – It would be much cleaner. We could have found it is proper for the first part but not for the attachments. Maybe you should attach them all; do one filing, one notice and then come back.
Julie – The notice is sufficient for this facility; it is just the extension on the other facility is not. She can do notice on that facility and come back on that one; but that should not affect this one is that correct?
Chairman Martin – If we are just talking about the one facility.
Carey if any objections to that since the notification was proper for what was identified.
Carey stated that was correct.
Chairman Martin – We will accept notification for the first product, which is the land use; but not on the extension. He swore in the speakers.
Planner Molly Orkild-Larson submitted the following exhibits: Exhibit A – P.

GENERAL PROJECT DESCRIPTION

Chevron USA Inc. (Chevron) is requesting a Land Use Change Permit for "Material Handling" of a Produced Water Management Tank Facility that will manage the storage, reuse, and disposal of water produced from natural gas wells.

STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners **approve with conditions 1 – 20.**

Discussion was held with respect to some deletions, which Molly explained:
Molly would like to go through the conditions of approval and suggest some deletions. Number 16 would emit from this, this is the violation from condition 14. Under temporary facility and 17 showing that the Board of County Commissioners approves for the time extension. Those would be the two she would suggest. Those specifically address the temporary facility.
Commissioner Jankovsky – His concern is with the revegetation since there is a state bond of $2 million to the State.
This is fine with the state; he hates to have double regulations.
Julie would ask the board to remove condition 9; the provision for $13,680.00 re-vegetation security and agreed it is a dual bonding.
Chairman Martin – That has always been our challenge since the vegetation management also identifies there is a need to be re-vegetated based on the county standards of what was there originally. The Board grants and sometimes exempts that but usually on a discussion.
Julie – On condition 12, she would like the board to consider removal. Chevron owns the surface, minerals and water rights in this location. It is unlikely they will injure their own water rights as they are administered by their land department. Should they choose to let that water right lapse or do something with it that would impact them; that would be their prerogative.
Chairman Martin – The applicant has requested removal of nine, any discussion on the staff's recommendation of approval on nine.
Molly – This is a standard request from our vegetation manager. It is a short term versus a reclamation type of bond and it is for us to come in and revegetate things if necessary.
Commissioner Samson – Is it covered by the state?
Fred – We have this discussion ever now and again. This as he understands is to cover once construction is complete at the facility; those disturbed areas are re-vegetated. Not to be confused with 30 years from now and Chevron is gone or this is no longer needed and they have to pull that facility off the ground. That's the bond Julie is talking about that then would be used to pull out the facilities, take them somewhere else and then put that site back to what its current or general topographic scene is. That's the difference between the two. More commonly, this is on all your oil and gas types of applications. The large bond the state holds covers the removal, actually reclaiming the property.
Chairman Martin – There are two things to consider; number one it is a non used irrigated hay field at one time and the other is grease wood, sage, juniper; there is not much there.

Julie – Actually, ¾'s of this facility sits on an existing parking lot of the fresh water pond, which already has a vegetation bond. Therefore, ¾'s of this site would fall under that disturbance. She would ask if she could negotiate that with Mr. Anthony. Most of the facility will sit on that parking lot that is already disturbed and bonded with Garfield County and a small portion of it will actually take up the field.
Chairman Martin –The other item requested was number 12 in reference to a land use change permit. Review of the water commissioner so there is no impact on vested water rights.
Commissioner Jankovsky thinks that is a minor thing. Could talk to the water commissioners and he doesn't see a problem with leaving that in. Go to the water commissioner, talk to him directly, get a letter from him; it's fairly simple.
Commissioner Samson agrees with Tom; just leave it in.
Motions
Commissioner Samson – I'd move that we close public hearing at this time.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I think the only hold up is number 9; he doesn't have any problems.
Commissioner Jankovsky – I think we should leave 9 in there; it's a small amount of money and make sure once the disturbance is done it's re-vegetated. I feel somewhat bad about telling you to re-vegetate your own land, but I think it's the right thing to do.
Commissioner Samson – I'm just curious because he believes; we've gone both ways with this. We need to, I think, be consistent on this. Everything has its own history, peculiarities, and so forth. But as far as we can I think we need to be consistent, if we are going to go this way or that way with this. Let's try to set a standard here and let's do it so people know they're going to be coming before us and from now we'll just do that.
Chairman Martin – And that example is that it is already on a site that is under a different bond and it also has been a state approved oil and gas pad that we have exempted from re-vegetation on disturbance because its already disturbed. It's already bonded, therefore there is no really re-vegetation requirements, therefore we have denied it and said it's not necessary. That's 1/3 of the property you're talking about now that needs to be addressed under our rules and regulations. Because it's a parking lot right now and it's already under a bond. That's why we bring it up and that's why each one is unique; so if we want to double bond a parking lot, I guess we can. That's kind of the idea. That's why we say that each one is separate and it needs to be reviewed and bonded on its own merit or not.
Commissioner Jankovsky – I guess John, if we're gonna, there are going to be berms built and so forth and I just think once those berms are built it would be good if they had grass on them and get a lot of water out there.
Chairman Martin – And sometimes that's a condition as well simply because it won't grow and you have to haul water to make that it does and once you get it established if you stop hauling water it dies. That's the other issue that we look at; that's why each one is unique, in the environment. I'll wait for a motion.
Commissioner Samson – I would move to approve the land use change permit for material handling for a proposed produced water management facility with the recommendations, staff recommendation with the exclusion of 16 and 17 as presented. Commissioner Jankovsky – Second. Chairman Martin – To approve with conditions, removing 16 and 17. In favor: Samson – aye Martin – aye Jankovsky - aye

- **Consider a Request for a PUD Amendment (Text and Map) to Garfield County Airport Industrial Park Complex Located at Approximately County Road 319 and County Road 333, Rifle, Colorado (File No. PDAA-6349). Applicant – Airport Land Partners, LLC – Molly Orkild-Larson**

Brian Condie and Eric Rasmussen works with Airport Land Partners were present.
Eric – His understanding is the developer of Airport Land Partners authorized Mr. Condie to serve as the applicant for purposes of this PUP.
Brian – Because of the requirements of the airport project.
Chairman Martin – Do we have any written form that is required for that?
Commissioner Jankovsky thinks it is in the packet and Cary agreed we have that letter of authorization.
Carey reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Planner Molly Orkild-Larson submitted the following exhibits: Exhibit A –N.
BACKGROUND
The Garfield County Regional Airport (GCRA) serving as authorized agent for Airport Land Partners Limited (ALP) requests approval for a text amendment to the Garfield County Airport Industrial Park Complex Planned Unit Development (PUD). The PUD was previously adopted by the Garfield County Board of County Commissioners through Resolution No. 77-1 and amended through Resolutions 81-56, 81-186, 85-103, 86-101 and 2001-65. The primary purpose of the proposed text amendment is to incorporate three (3) additional uses to some or all of the ten zone districts within the PUD.
Several Resolutions were referenced such as No. 81-5, 6 Resolution No. 81-186; Resolution No. 85-103; Resolution No. 81-56; Resolution No. 86-101 and Resolution No. 2001-65.
STAFF RECOMMENDATION
In consideration of discussions at the Planning Commission public hearing regarding major grading to occur over parcel boundaries within the PUD, new solar power options available to residential communities, and to provide further clarification, County staff proposes the following conditions 1 – 3.
Brian – When he arrived at the airport in 2002, he was introduced to Airport Land Partner and got the brief history of their work with the county. They were also supportive of the airport upgrade. In 2006, when they decided on their preferred alternate it was identified that they would need several acres of the property and some major grading and extraction on that property. In order to get that accomplished they needed to come up with the PUD amendment and working with them, they decided they would incorporate their changes they had been working on along with the ones that were required by the airport. That's where we're at today; there are some that are required or requested by the airport and others that are requested by Airport Land Partners.
Eric gave a presentation and Brian said this sums up about 6 years of working with the building and planning department, the airport, and Airport Land Partners. We have everything down that they can agree on and move forward with the exception of the storage. They understand the planning departments position on that and his only insight into that; the text amendment would have to come back to the commissioners so the county is not losing anything by allowing storage in those areas as they are now defined. In addition, what it would do; it may hobble the applicant in seeking out economic development of this area. The county isn't going to lose anything by approving it. The applicant and the airport itself may be inhibited if it's not approved and then it all come back to the county in that limited impact review. If there is something you don't like or modifications they could make? Overall, after 6 years to have just that one minor thing it is good working with Airport Land Partners, building and planning.
Commissioner Jankovsky – When you're talking about solar use are you talking about a solar park? Where you would potentially have rows and rows of solar panels?
Eric – Yes, that is correct. This doesn't interfere with the airport and the FAA has approved.
Chairman Martin – so it does not interfere with the airport; that was thrown in there as part of the agreement.

Commissioner Jankovsky – The only thing; if it were all to become a solar park I just see the value of that land especially in close proximity to the airport being very valuable for industrial, commercial and more so than residential. He also sees it being very important to the growth of Rifle. He would hate to see having a solar park all the way from the airport to the south. Because that land is so important to the airport, to Garfield County, it's privately held land.
Eric – That area immediately south and for some distance is the subject of an annexation that will occur roughly in the May timeframe or in front of the City of Rifle with the preliminary plan for the development of that in an industrial park. And you are absolutely correct, much higher value uses and land values in that area. At least three or four solar farm developers and each time Eric asks about development up there have approached Mr. Howard and Mr. Howard gives them the same answer. It's a pretty high price and at that point they become much more interested in areas well to the south which puts them right in the residential area designated in the old PUD. There won't be solar farms adjacent to the airport.
Eric – We are approximately 1,200/1,100 acres, two sections and he believes the extent of the City of Rifle is much greater than that.
Commissioner Jankovsky thanked applicant for cooperation with county and CMC. He thinks it has been a relationship that has worked well for the county and for the private landowners.
Motions
Chairman Martin - Motion to close public hearing.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – Thank you for working with Brian and the county and I know this has been on the back burner and the front burner and it's been on every burner for a long time. I'm glad to see that it's coming forward. I think it's going to be a great asset; it already is a great asset. I am interested to see Rifle and the county to continue to work together. As I look at the recommended number three and then the staff recommended number three; my question is its identical except for that sentence and I'm trying to figure out in my mind why that, what is so important about this sentence? Do you understand what I'm talking about here?
Chairman Martin – Yes.
Commissioner Samson - This land use is allowed all remaining zone district shall be reviewed through the limited impact review process; I guess what they are doing there is just emphasizing that it will be reviewed through the limited impact review process; because the first statement is the same as the one. Is that where we're coming from?
Chairman Martin – In number three; the storage areas. The storage areas, and again the applicant has requested that the storage areas be allowed in all uses. The staff has recommended that it be not allowed in residential, single family, residential urban and mobile home park. All the other zones it is allowed. Is that the clarification you're looking for?
Commissioner Samson – No; what I'm saying is this is the same as that.
Chairman Martin – One is the P & Z.
Commissioner Samson – But what this is emphasizing; no, but this is emphasizing that it can come through to us in a limited impact review process later; is that what that is saying?
Chair Martin – It is still saying that these are not allowed again in the three different areas; but the rest are under a limited use in reference to all the other districts. It still doesn't include those three districts that the applicant was requesting.
Commissioner Samson – Which they want to do away with that and have it in all of them?
Chairman Martin – Yes.
Eric – Correct.
Commissioner Jankovsky – I'll make a motion to recommend approval of the proposed text amendment PUD at the Garfield County airport industrial park complex planned unit development with staff recommendations one and two and also number three to say storage area facilities shall be allowed in all zone district. This land use is allowed all remaining zone districts shall be reviewed through the limited impact review process. So just saying that, that could be allowed in all zone districts but it has to be reviewed again by us through the limited impact review process. Commissioner Samson – Second.
Chairman Martin – That is an alteration to number three that you are proposing.
Commissioner Jankovsky – Yes that is correct.
Chairman Martin – Is to allow the use in all zone districts, but subject to a limited impact review.
Commissioner Jankovsky – Yes.
Chairman Martin – Understood. In favor: Samson – aye Martin – aye Jankovsky - aye
B. Review and Direction on the issue of "Mandatory Versus Advisory" in Regards to the Comprehensive Plan – Tamra Allen and Fred Jarman
At both the Gateway Retreat and the February work session on the Comprehensive Plan, the Board of County Commissioner directed staff to provide alternatives for them to review in regards to how address the issue of "Mandatory vs. Advisory" nature of the recently adopted Comprehensive Plan. To be clear, neither the Plan nor the Unified Land Use Resolution (ULUR) currently requires the plan to be verbatim "Mandatory." The language in the plan calls for the Plan to be ***"a general statement of direction***" while the ULUR requires that land use decisions be made ***"in accordance with and shall serve to implement the goals and policies of the Garfield County Comprehensive Plan."*** The current language in both the Plan and the land use resolution are consistent with how the county has operated over the ***last 41 years.*** Also of importance during the consideration of modifying the resolution language are the existing requirements of the Colorado Revised Statutes.

- The ULUR adopted in 2008 states: "Enactment, amendment and administration of this Land Use Code shall be ***in accordance with and shall serve to implement the goals and policies of the Garfield County Comprehensive Plan."*** Further, the code uses a variety of phrases to describe the required adherence. There are a variety of phases.
- Colorado Revised States – 30-28-106(3)(a) "the master plan of a county shall be an advisory document to guide land development decisions. "[A PUD approval must require] a finding by the county or municipality that such plan is ***in general conformity with*** any master plan or comprehensive plan for the county or municipality." (C.R.S., Section 24-67-104(f))

Staff has researched the current language in the County's adopted ULUR as well as the language that is used in the municipalities' and a variety of County's land use codes. In summary, similar counties have language in their land use codes that require that staff, applicants, planning commissions and councils/trustees/boards to evaluate the "consistency" of a land use application/decision with their adopted Comprehensive Plan.
Other municipalities and counties were included in his search. He gave a complete review of their comments.

- Fred's presentation is available upon request.

OPTIONS TO CONSIDER
The Board of County Commissioners has expressed a desire to preserve sufficient flexibility in the decision-making process. Staff acknowledges that flexibility is important but that predictability should also be preserved recognizing that ultimate flexibility is *not* predicable. With this in mind, the BOCC has several options to consider in reviewing/modifying the language in the ULUR that asks for "adherence" to the plan, which Fred mentioned.
Fred reviewed the process, zoning versus the Comprehensive Plan in Garfield County
Public Comments:
Chris Janis recommended they use this as advisory document and not make it a rule.
Rocky Sheppard from Elk Springs, Glenwood Springs had a couple of comments and fully explained his concerns.

Chairman Martin – The process, you would be able to come in and petition to go ahead and make changes; but that would be on your dime is what your argument is. Most likely have to make a change on his PUD for density. However, that process is there too to allow that; but again he has to pay for that.
Fred – Helpful feedback for them would be on the directions, or at least in the memo before the board, he thinks that helps the discussion so he would ask if it's alright to get some feedback. Do the four options mean anything to you, do you have a cut on those is really the substance in front of the board today.
Kent Jolley– 832 Canyon Creek Drive. He sees it as an outright taking on this cluster development. On our properties that they own it was a two-acre density throughout the county and you're getting away from the ARRAD. He hasn't worked the formula but he's sure he has lost 30-40% of the density on lots owned which he believes is a taking.
Chairman Martin – You disagree with the type of density within that area and if you wanted to change that the process is that you can come in and request that change but it costs you as well.
Kent – He is losing something that he has today which is two-acre density.
Commissioner Jankovsky – That was a huge discussion with the planning department and that's why it ended up with a four/three vote.
Kent – It has its merits but the other thing is we are just not open for business in this county. He doesn't think perception by most people is bureaucratic, it's unfriendly, and it's tough to get things done here. He thinks no one is doing any subdivisions now so it irrelevant now but he thinks it needs to be advisory not mandatory. You people can be voted out; that's our only chance. No offense to staff here but we have no control how bureaucrats interrupt these regulations. He would like to see the board keep the authority; yes there needs to be some consistency so it has some teeth, some merit to it. Amending it all the time; he doesn't know how they rectify that or put that in action but the word mandatory really scares him as a property owner. There's somehow in this as he understands it; Fred's staff is going to meet with the staff of each town and come up with MOU is that right on how each town is going to?
Fred – IGA's.
Chairman Martin – That's realizing the different master plans.
Kent – Is that really going to work in this world; he just wonders. You're going to go to Carbondale, New Castle, Silt, Parachute, Rifle, and Glenwood and cut a separate deal at each town or make an agreement. Some of these towns are tough to deal with already. He doesn't see how; he thinks that will be very difficult for the board to accomplish. Now's probably a good time to work on it when things are slow but he thinks it is unrealistic to come up with these IGA's. Bottom line, whatever the word mandatory, wherever it shows up, he hopes its advisory.
Chairman Martin – Because you want to hold this board accountable for the final decision.
Kent – Sure! He was hosed and he wants to be able to start a campaign this election.
Chairman Martin understands he wants hold somebody accountable not just the system within the government.
Kent – Yes, this system is complex to the average person. It's to the point you have to be a pretty big time deep pocketed developer to do about anything. He hears all the horror stories and is thinking about compiling a list of them. There are two sides to every story; but there are things happening out there that don't need to.
Larry Green – Attorney with Balcomb and Green. He has done a lot of land use law in this county in the last 20 years. Talking about making provisions of the comprehensive plan mandatory or advisory, he would like them to take into account, in particular the land use designation map that is included within the comprehensive plan. The comprehensive plan is several thousand words and it talks about goals, aspirations, policies, visions, and everything like that. It is all subjective stuff so there is a lot of room to argue that a particular land use plan is substantially in conformance with all those words and the goals and the policies and people can argue about that it is complies or that it's not consistent or not consistent enough and of these general subjective terms. The comprehensive plan also includes a designated land use map, which has put every parcel of real property in Garfield County into a land use designation category. There is rural, high density, mixed use, like Rocky was talking about, there's commercial, and within those land use designations it sets forth minimum lot sizes and allowed uses. His concern with making the comprehensive plan mandatory is that the affect of that is to take the land use classification map and the comprehensive plan and it now supersedes the zoning of Garfield County, which is to the extent that they underlying zoning is inconsistent with those land use designations. The comprehensive plan, the document approved by the un-elected officials, as Tom spoke about, is now the bible for land use in Garfield County and representing developers he knows that causes many concerns about developers representing just the layperson. People ordinarily think that zoning is the first document they look at; but by making this comprehensive plan mandatory as opposed to advisory this is always the first document that you look at, particularly for the land use designation map. You can't argue that a plan is substantially in conformance with or in general conformity with the comprehensive plan if you don't meet the goals of the map. The biggest battles that he has fought in the last few years over proposed developments are frequently are not at the county commissioner level about whether this is a good plan or not; but they are at the planning and zoning commission level about whether or not his use meets the land use designation map. As Tom pointed out; if you don't get the map modified then you're at the end of your project at the planning and zoning level before it ever gets to the elected officials. That's his concern! He thinks there is another option that is contained in this staff memorandum and that's somehow to make it clear that the narrative in the comprehensive plan is apparitional and you want to generally conform to that, but this map is only advisory and that you can somehow get past the planning and zoning commission even if you project might be inconsistent with the map, provided its consistent with the other things. If you want the comp plan map to be enforced; then he suggest the board needs to take the next step and rezone the county so that it is consistent with this land use designation map.
Commissioner Jankovsky – We have talked about that to some extent; try to rezone.
Tom Turnbull – Carbondale and he is pleased with what he has seen at the table today. He thinks they all know that they have been in the ranching business and the land business so that's one use. And that use is failing, changing and he thinks they are all interested in the future of the land and therefore the comprehensive plan as it evolves. He totally agrees with Mr. Jankovsky. This plan should be an advisory document, not mandatory. Planners do their job; it's a necessary job but you are the elected officials and need to call the shots. Those shots are important for them and their basic asset is their land, not to knock the planning department. We have to have planning, we have to have zoning; but you people are where the buck stops.
Tim Thulson wanted to reiterate what Larry Green said. There are many days we are looking at a zoning map or a comprehensive plan map with a client and wondering just what color it was, they couldn't distinguish it so you could mark it. The primary problem and he has discussed this with Fred Jarman, he's not trying to be critical of the planning staff or the commission with all the work they have put into this, but where someone feels they have been rezoned essentially through adoption of the comprehensive plan is very frustrating and they feel they have been preempted any opportunity to present their project to the elected officials that can weigh the merits under the zoning code and comprehensive plan. That's very frustrating and he thinks it was a good point Tom pointed out. If you have to go through a comprehensive plan amendment and you have developed an entire land plan; you get denied of the comprehensive plan amendment by the P&Z; that's it! You can't show that your colors are the same; you're out. You have to come back with some other type of plan. He believes they need to make it advisory; he is hesitant to say that because he knows the direction of the staff. It was also to provide developer guidance so a developer could come into the county and look at the comprehensive plan map and say what's a feasible development in this area. But we have a real problem when it supersedes the zoning and it deprives a person to present their plan to the elected officials.

Dave Sturges – 1310 Riverview Drive, Glenwood Springs and thinks Commissioner Jankovsky is consistent with his experience with the county on the Ski Sunlight project. That the frustration was really the application of where he could not appeal a decision from the planning and zoning commission directly to the county commissioners. Is that correct?
Commissioner Jankovsky – That's correct; not totally because we did get an amendment. We did have an amendment approved by P&Z. He just became very much aware of the process by going through it. However, Sunlight got the comp plan amended.
Dave – He thought they had but he thinks the frustration he believes that Commissioner Jankovsky and his advocates, Larry expressed consistently this difficulty of being able to appear directly to the BOCC. He thinks that is a particular frustration that he can appreciate having represented developers for many years here. He remembers looking at the first zoning resolution, in 1976, then it was changed round 78'. He appreciates fully the complexities that any developer has in facing any kind of land use change. It is expensive, it is time consuming, it is not easy to be on the side the commissioner are too because you are required to follow the law. That is a particularly difficult responsibility; sometimes when you may feel that there is a common sense solution here but it seems elusive because the law is in your way. One of the things that have to be changed sometimes is the law. Is it in compliance, conformity, complies with and all of that. He doesn't believe that's an argument that has ever been proven in any court of law in Colorado. He would hope they would look to your new legal counsel or counsel they are comfortable with; whether in fact there is any finding that the land use designation map in a comprehensive plan supersedes the land use map. They are two different things. He thinks trying to take out the words in that area is probably not a good avenue for them to examine how they can make this system of land use change more predictable. It should not be a guessing game to an applicant or a developer. It should be predictable and he thinks that was one of the aspects that were heard by the Citizens Advisory Committee. He believes it was heard by the planning and zoning commission and what they had presented to the Board. With the one dispute about the density issue, was something that was as clear as they could make it, they understood where it fit in this whole scheme of land use change and they recommended the approval. He is not sure where the word mandatory really is going to be addressed. He is comfortable that in the public presentations and your consideration is going to be a fair and open process. He appreciated the effort that Tom and his whole team put trying to deal with a very difficult situation. Nevertheless, he thinks in fact, there may be a problem with the statute more than anything else. However, the object here is to make things predictable not confusing. He thinks there is a lot of opportunity here. He thinks the staff in opening meetings here and a good clear conversation can be very appropriate in trying to resolve this so that we are all more comfortable with what we believe the outcome is.
Commissioner Jankovsky – CRS 30.38.106 3A says the master plan of a county or region shall be an advisory document to guide land development decisions. However, the plan or any part thereof maybe binding by inclusion, the counties or regions adopt its subdivisions owing so on. To him by this part of Colorado law that the plan can be advisory. Apparently, at some point we made it binding through the ULUR.
Ken Williams – 266 South 4th Street – On behalf of the Glenwood Springs Association of Realtors however, today he is here as an individual but observed a lot of the process and they had two major issues. One was the change of the density in the lower valley versus the upper valley, the Roaring Fork Valley versus Colorado River Valley. There were many assumptions made in the process of developing the comp plan. There was no data to support the assumptions being made in the comprehensive plan. There were very few sales of two-acre parcels in the lower valley. His analysis of data was that the assumption of sprawl being produced by a proliferation of two-acre sub-divisions was just not supported. He would say that changing this zoning and especially or not zoning but density, is supported by a mandatory designation of this document then the potential for harm is a lot greater than any benefit he can see coming from it. He thinks that is an area that needs to be addressed. There is this talk about the county should be uniform; well the county isn't uniform. There's your sprawl in reference to Missouri Heights! As far as the advisory versus mandatory, his question is why don't we default back to the Colorado legislature? They created legislation that said the comp plans were advisory. You as commissioners have an opportunity to turn things around and start it back in the right direction. We are going in the opposite direction. The legislature said a comp plan should be advisory and he believes that planning and zoning commissions were also supposed to be advisory boards. How can an advisory board create a mandatory document? This maybe the crux of the whole issue! What he would say is whatever you can do to take the confusion out of the document is what he would ask for. Make it simpler, take the confusion out and make it advisory.
Tom Turnbull – One other thing that he finds quite onerous in the whole planning process is where the town has a three-mile review or they have jurisdiction; but then you have the county level of plan over that. Depending if you are out in the sticks it doesn't make any difference you have the Garfield County comprehensive plan and follow the issues. But if you're in the realm of Carbondale, like we are, you have two different sets of planning regulations to work through to see what's available by right if you will. He finds that difficult; but he is not sure if there is anything to be resolved there. Garfield County has the purview in the county outside of the city limits. Now we have this overlay of three miles, or two miles, whatever it is so we have two sets of regulations that pertain and he thinks that is difficult.
Chairman Martin wanted to put another scenario. Regional planning; you're in an area that another county would also have review process on you if you were to do a development in Garfield County base plan, complimentary of Carbondale, as well as Pitkin County giving review and recommendations. Do you think that may be a regional planning process that you could accept?
Tom Turnbull - You know what the answer is.
Chairman Martin – That is being discussed on regional planning and how we should go about and how we should get along with everyone. It goes even beyond what we have here and he agrees this is the first step.
Commissioner Jankovsky – He did hear some large landowners concerns about that; the fact that within that sphere of influence they are potentially having elected officials look at their land and in a town they didn't elect those officials. You have no vote there while you do have a vote we are the elected officials that you vote in. He did hear from that the majority of large landowners that they were concerned.
Tom Turnbull –Many of the issues about elected officials versus appointed officials is the role they play in the life of the regulatory system. There's no accountability to anyone on the outside making this a difficult position; up valley they have a trails commission that is really spinning out of control. They are making all these rules and regulations and you don't get a chance to vote on them.
Chairman Martin – Point taken Tom. With that in mind showing respect to the staff and to the planning and zoning staff, the consultant and to this board as well as putting pressure on ourselves to be the final say, I have a suggestion on a direction. He tried to edit it, it's a little rough; but the comp plan serves as a guide and is advisory to the goals of the land use in Garfield County, which the BOCC has determined appropriate. I offer that as a beginning in reference to the direction to staff on the comp plan as well. This is the beginning and try to establish direction but a respect for everyone here. The comp plan serves as a guide and is advisory to the goals of the land use in Garfield County, which the BOCC has determined appropriate. That's one suggestion along with the four others that Tamra put in there, so that would be number five.
Commissioner Samson – We have heard a lot today and he thinks the three of them are on the same page on this one and have been more or less. As he has always said, he has a great of respect and admiration for our planning and zoning commission and the countless hours. He wanted to say thanks to them and the staff; they have a tough job and they are kind of on the front line there. When somebody comes in, starts talking to the staff, and doesn't get exactly what they want and the go into the process with the commission. They are a buffer for us; they take a lot of abuse in many ways. He appreciates the work they are doing. But as he has always said whatever the legislative body is and in this case it's the Board of County Commissioners, they guard their power jealously. There can be a lot said about that but that's the plain and simple truth of the matter. One of the reasons is we are the ones

that are ultimately responsible for what is going to happen. If you advocate your power and your authority then that is not doing your job because you are ultimate one responsible to the people and how the people want the county to be run. He looks at what Tamra, and thank you, it is a very good document she presented; he looks at the City of Rifle and noticing what you have wrote here; but the City of Rifle, the planning commission shall consider the compatibility of the proposed use and site plan with the comprehensive plan. He thinks that is interesting to use the word consider. He thinks that is what they have to do and he goes back when he met last time with the mayors in their quarterly meeting. This came up and he said they want to work with them as much as they can. We do, the county wants to work with the City. When the cities do well the county does well. But we represent everybody in the county not just the cities. We always have to remember that and with that being said, he likes what John said. Maybe we could put some of this language in there. He definitely does not want his hands tied. If there is zoning, if there is a comprehensive plan hurdle, whatever the case may be to something that is a golden goose that wants to come into Garfield County; we have these certain rules and regulations he knows there are certain municipalities in this county that would welcome that and say we have our hands tied here we want this to come in, they say what we need and we've done our estimates, our research, our homework and we believe this would be the best place - but you have all this red tape. It is going to be up to the three commissioners because we are responsible to the people. We need to make that decision on big things like that and not advocate our responsibilities.
Commissioner Jankovsky – Or accountability. We have to go back to code don't we to make changes. This is for a master plan and this was a lot of work, it's a good document, a lot of input. He refers to this oftentimes. But he thinks they have to go back to their code and see how they can make this an advisory document. He likes what John came up with.
Chairman Martin thinks it is in the first paragraph under how it should apply with the rules and regulations. He thinks that is where his text amendment needs to go.
Fred – Yes it does. What he would suggest is to move this ball forward for you include, well go ahead and initiate the text amendments right away. Get that to the planning commission. Put this in your notice these were the options add the fifth one that Commissioner Martin suggested so that you have this breath of things to consider legally. You counsel will tell you even make sure you have all these things. The commissioner truly have the flexibility to consider all these things because will have a variety of opinions coming at you. Let's say you do, well maybe I prefer three over two or one or what every it is; your covered with your notice to be able to deal with all of that. That is the point he is making here. That's what they would envision; is there something different or is that okay?
Chairman Martin – Because we need to hold a public hearing on that if we should accept that, and there's a process. And those items being presented to us, we need to make a decision and that allows them to make a decision. Then we have our public discussion with the input, recommendations from the P&Z, business community and everybody else. At that point, we will make the determination and then stay in the raft.
Commissioner Jankovsky – Before we adopt the comp plan he would like to do this.
Carey – The Commissioners do not certify the comp plan, it is entirely a creature of the planning commission. Per state statute, the comprehensive plan is an animal of the planning commission. They put it together, they adopt it, they certify to you and at that point, it becomes the official comprehensive plan of the county.
Chairman Martin – We can't make a final determination today; it has to be in a public hearing and go through the notice process etc. to do a text amendment in reference to the land use regulations.
Commissioner Jankovsky – This will to the P&Z
Fred – Yes, this will go in the form of a formalized text amendment initiated by you the Board of County Commissioners. You will get a recommendation from them from a public hearing and then it will come to the BOCC and you will make the final decision.
Sign Code Issue
Chairman Martin gave direction to Mr. Green on the sign code issues.
Fred – Yes, he did and he and Dawn will work to get the notice; they will set that for April 5th.
Commissioner Issues and Commissioner Reports
Commissioner Jankovsky - Tomorrow he is with the safety committee at the Airport. He will go to the luncheon; the oil and gas information on 10-acre down hole spacing. Friday he is at GOGA in Grand Junction; he has a bit of a conflict he has been invited to the Forest Round Table in Aspen and he doesn't think he can make both of those. Monday 28th, he has the water round table at 1:00 p.m., then at Rio Blanco at 10:30 a.m. on Tuesday and addressing the Glenwood Springs Rotary Club on the 4th at Sun Light Mountain Resort.
Commissioner Samson - tomorrow, 4-6:00 p.m. Sunnyside information session, Thursday 24th attending with Mr. Green the Youth Zone appreciation Banquet from 6:30 to 8:30 p.m. at the Mountain View Church, Friday the Energy Expo, on Tuesday the 1st he will go with Carolyn to the Kiwanis Club at 7:00 a.m. He asked if they all wanted to meet in Rifle at 9:30 and travel to Rio Blanco so they don't have to take different vehicles (all yes). They will meet at the airport; and at 7:00 p.m. the New Castle meeting to talk about the Road closure, the discussion of 241.
Chairman Martin – That brings up the issue of giving direction to staff in preparation for that particular issue. Carolyn thought they were going to make nice with the Forest Service and New Castle. What they are trying to do is work out a civil approach dealing with all of the feelings on 241 Road from Mr. Kelly's driveway and gate that has been placed on the county road by the Forest Service. We need to make sure that we have a survey of 241 Road, identifying the driveway and Mr. Kelly's and where the gate is placed under the Forest Service direction. Is it county road or not; what the overall length is and somewhat of a history of 241 Road which includes Mr. Ralph Sample donating some property for widen of that particular area, the City of New Castle, the Town of New Castle putting a restroom facility there, also what requirements they agreed to in that particular area, making sure that the county lived up to their agreements on that agreement with the Samples. I hope we have that in writing. The other one is the history of the road north of the gate, is it county road, is it forest service? He believes the legal proceeding from the Gray Eagle Mine that took place under Bucky Arbaney, Marian Smith and Arnold Mackley. Carolyn – And you are sure that the county was a party to that.
Chairman Martin – Yes, he is sure they were because they wanted to make that a closed private road and it was deemed an RS2477 public access. There is also a 1908 map, which he got in trouble for saying it was a road up to the top toward the Cline Tops. 1908 it was established route by a wagon team of horses etc. for a logging operation, which was deemed an RS2477 public access to that area.
Carolyn – Do you think that 1908 map is in the Clerk and Recorders?
Chairman Martin – It should be. There was also a logging operation called the Cams Mill and that was a logging operation and sawmill in that location. There were two routes they took and they went to the top; so those are established as haul routes. At least at that time and that was prior to 1908.
Carolyn – So you want the clerk's office and her office to pull together as much of this as possible.
Chairman Martin – As much as we can.
Commissioner Samson – If we could see that before that meeting it would be helpful.
Chairman Martin – We do want to honor any agreements that are there and Mr. Kelly needs to be invited as well to express his point of view. There's also an irrigation system and some head gates about 150 yards north of the gate that is placed there at John Kelly's driveway. Actually, it's either on the county road.
Carolyn – Do you know what the ditch company is John?
Chairman Martin – Just the head gate to the Gray Eagle Ranch he believes.
Carolyn – There's probably another ditch company.

Chairman Martin - Doesn't know if there is or not. He knows that the heat gates exist up there. And the issue is from that gate is it to be motorized or non-motorized. He thinks that is what they really need to concentrate on. He did read in the paper that he had suggested that we pave the entire road. That's far from the truth. It was a letter to the editor. He is not trying to pave it or make it a super highway or anything else. He is only trying to solve the travel management issue that the Forest Service has, the agreement that New Castle has. Try to take into consideration what Mr. Kelly's issues are and keep the access to public lands. Carolyn – As she told them and when they first had the meeting about this, our own county map from the year of 1967 or 1976, that map gives them a good argument that this is a RS2477 road. The county attorney's office does not have in their files any of this material. I'm going to identify that and make sure we have our facts right and he especially wants to make sure that his facts are right and he doesn't want to give any misinformation out there.
Carolyn can guarantee them that the county surveyor will not have a survey for you by…
Chairman Martin – Actually Rob has it in his highway user tax fund and the length of mileage and we can get that length and mileage.
Carolyn – She thought he meant a meets and bounds kind of survey.
Chairman Martin – What we need to do is establish the length of road. He thought he also had some history on everyone that's ever purchased that particular piece of property from its creation and has tried to close that road one way or the other.
Carolyn – She and Jean can certainly look for the deeds.
Chairman Martin – He would look under Gray Eagle Mine or Larry Becker. His sister is Carol and Fred Kerstin's wife (Linda).
Commissioner Samson thinks they will be there but you could probably get some information from them.
Chairman Martin – Rosie will give you information on the legal action that took place. She has copies of it, multiple copies and the newspaper articles.
Transmission Towers
Carolyn – Are you expecting legal issues to arise in Meeker you have two items; the transmission line and you have the DTR radio communication site.
Chairman Martin doesn't think they will have legal issues there. He thinks they will just want to discuss it to see what comments each other have on the corridor if it goes in Colorado not in Utah. The other one is what the mutual benefit on east Douglas is if we should go together on a communications tower.
Carolyn – So if you decide to do that there will be a follow up IGA, not just a handshake.
Chairman Martin – Yes.
Carolyn – Is all of Douglas Pass in Garfield County.
Chairman Martin – The southern part of it is yes. Not all of it. East Douglas is the location of where they want to put the tower, not west Douglas. And it's north and south any way. It would go from Rio Blanco to Garfield County; but we have an agreement with Mesa County to maintain that.
Carolyn – That's snow plowing or full maintenance.
Chairman Martin – Maintenance when required.
Carolyn - If this happens the site is on land that the county owns.
Chairman Martin - Not necessarily it could be BLM land. What are the benefit to both counties as well as the BLM to having a site there? We will discuss that.
Carolyn – And this is particularly useful for emergency communication?
Chairman Martin – Correct.
Carolyn – So if there is an IGA we will bring it back and we will have another….
Chairman Martin – We won't bring the IGA we will only be talking about the feasibility, the benefit. There is a long way to go before any formal action.
Commissioner Samson – Thursday we have the Northwest oil and gas forum and that night the town hall on the 3rd. He thinks all three of them should be at that meeting at the town hall, at CMC at 6:00 p.m. Friday the 4th Chairman Martin and he leave for Washington, DC.
Commissioner Jankovsky asked how long they would be gone.
Commissioner Samson – the 10th and they will be back in Grand Junction hopefully at 4:00 p.m. John Colson – is the March 1st meeting of the New Castle Council?
Commissioner Samson – Yes, it is; it is an item agenda.
Carolyn wanted to tell the commissioners that MaryLynn did input a draft 2011 IGA on the assumption…. Chairman Martin – We haven't worked out the details.
Commissioner Samson – We still have a long way to go on that.
Carolyn just wanted to let them know it is available.
Chairman Martin – And that is almost verbatim of the original MOU. We are just trying to start the conversation with the travel management plan assisting both citizens and the Forest Service.
Commissioner Samson – And we have been requested to do so by the Forest Service as they talked directly to him.

ADJOURNMENT

MARCH 14, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 21, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Assisting County Attorney Carolyn Dahlgren and Marian Clayton Deputy Clerk to the Board.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
PLEDGE OF ALLEGIANCE
INVOCATION – Rev. Dale Fredrickson
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Dan Dunn and Jon Black from Antero were present.
Dan said a letter was sent Friday; however, he passed copies to the BOCC. It's a request to allow an additional 30-day to review the draft HIA, as it is 553 pages and 154 new pages. In order to adequately respond to the HIA draft we need more time.
Chairman Martin – Today, this is not on our agenda; therefore, we could make a determination on March 21.
Carolyn said she would contact Dr. Whitter and inform her of this request.
REGULAR SESSION:
CONSENT AGENDA
j. Approve Bills
k. Changes to Prior Warrant Lists

l. Authorize the Chairman to Sign the Resolution for Chevron USA, Inc. for Material Handling for a Produced Water Management Facility (LIPA 6595) – Molly Orkild-Larson
m. Authorize the Chair to Sign the Mylar for a Plat Amendment for Ice Minor Subdivision, Lot 1 – This Application was Approved by the Director of Building and Planning through an Administrative Review – Applicant; Chris Striefel – Kathy Eastley
n. Authorize the Chair to Sign the Mylar for a Plat Amendment for Ice Minor Subdivision, Lot 1 – This application was Approved by the Director of Building and Planning through an Administrative Review – Applicant; Craig Petersen – Kathy Eastley
o. DOLA Extension Agreement – NECI – Carolyn Dahlgren
p. Authorize the Chair to Sign the Mylar for a Final Plat and special Warranty Deed for Seaton Subdivision – Applicants; Don and Nanette Seaton – Molly Orkild-Larson

A motion was made by Commissioner Jankovsky and seconded by Commissioner Samson to approve the Consent Agenda Items a - g; carried.

COUNTY MANAGER UPDATE – ED GREEN

PUBLIC MEETINGS:

- **F. Request for Additional Eligibility Technicians – Mary Baydarian**

Mary requested two additional eligibility technicians due to the increase in caseload. The additional cost through December 31 would be between $37,521 and $38,907. Training cost and equipment of $5000 for a total of $81,428.00.

Motion

Commissioner Samson – I would move that we approve for two additional eligibility technicians through December of this year, 2011 at total cost of $81,428.00. Commissioner Jankovsky – Second.

In favor: Samson – aye Martin – aye Jankovsky – aye

- **G. Award of Four (4) Sheriff Vehicles off of State of Colorado Price Agreements – Jim Hackett**

Staff is recommending board approval for two firm fixed price contracts. One contract to Mike Shaw Auto, for one passenger van at $37,720.00 and two Chevy Tahoe's at $77,162.00 and one to Spradley Barr Ford for $28,785.00. Jim is asking the board to award two contracts in an amount not-to-exceed $114,882.00 for Mike Shaw Auto and to Spradley Barr Ford in an amount not-to-exceed $37,720.00 for the procurement of four vehicles for the Sheriff's office.

Motion

Commissioner Jankovsky – I'll make a motion that we accept three vehicles from Mike Shaw Chevrolet, one passenger van for $37,720.00, two Chevy Tahoe's at $77,162.00 and then one Ford Escape from Spradley Barr Ford for $28,785. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

- **H. Update on Garfield Clean Energy Advisory Board Proceedings – Jim Hackett**

Jim attended the Battlement Mesa advisory board meeting on February 9 and March 9. The advisory board formed the Garfield Clean Energy Authority and that motion passed. This is the process toward the goal to have a better-organized structure and a means to regulate funding. New work session will be in April for a better budget for 2012.

C. GFOA Award for Excellence in Finance Reporting – Lisa Dawson

The Finance department has received the prestigious Certificate of Achievement for Excellence in Finance Reporting from the Government Finance Officers Association of the United States and Canada (GFOA). The award was given for the 2009 Comprehensive Annual Financial Report (CAFR), which is the annual financial report for Garfield County. This is the second year the award has been presented to Garfield County. The finance department is currently working on the comprehensive annual financial report for 2010; which by statute needs to be submitted to the State of Colorado by June 2011. Lisa received the plaque and she wanted to bring to the Board.

Commissioner Samson asked Lisa to explain what this specifically entails.

Lisa – It is a very prestigious award; the Government Finance Office Association is the top professional organization for government finance in the United States. They review financial reports and we have to meet a number of their standards for clear reporting. It is rigorous and this is the second time Garfield County has received the award. It is an indicator that Garfield County is reporting their financial information to the best level they can.

Commissioner Samson – Garfield County is one of the top counties in fiscal responsibility. How many get counties, cities get this award; is it a national award?

Lisa – Yes, it is a national award.

Ed – There is 57,000 members; less than 7% actually receive this.

- **D. 2011 Fair Update – Lisa Dawson**

Lisa submitted a list of the events scheduled for the Fair August 2 through August 6.

Commissioner Samson would like being notified when the meetings are to be held.

E. Request for Fund Transfer to Cover DOLA Grant Expenditures – Lisa Dawson

Jim Rada requested an Interfund transfer from the general fund (100) to (363) grant fund for $160,500 to pay the contractor and explained.

Lisa – The Interfund transfer is to cover the charges; it is not a loan rather a funds transfer recoverable on other payments.

Motion

Commissioner Jankovsky – I'll make a motion that we approve the inter-fund transfer of $160,500.00 and that those funds will then be reimbursed. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

- **ii. Regional Economic Development – Michael Langhorne**

Keith Lambert, Judy Haywood, Juanita Williams, Sally Brands, Michael Langhorne, Julie Bjurstrom and Ben Wright were present. Michael provided the Rifle Regional Economic Development Corporation including estimated revenues and estimated annual operating budget expenses. He gave an update to the BOCC. Currently, Rifle has partnerships with the Town of New Castle and Parachute.

Michael gave an update on Rifle's projects, a multi-plex theater, rifle Main Street Program with some small business projects, the Library, a Rifle Health and Welfare Center, RFTA Park and Ride, and the governor's Bottom Up Program for economic development and working with the County. We have asked that the Governor's office have a seat at the table. Rifle Regional Economic Development is working on an Energy Tech Center with Rifle and CMC. The request to the Garfield County BOCC is for $40,000. The website is being developed and will do marketing geared specifically to site selection looking to locate business in Garfield County. Julie explained how the website is structured and added it is a huge part of their budget.

Commissioner Samson asked about Silt, Glenwood Springs and Carbondale; what can we do to get them on board with a regional economic development plan.

Michael responded by saying current leadership in Silt is looking at ways to do economic development and as of now they are not interested in joining our collaborative force. Glenwood has the Downtown Development Authority in their economic development organization and Carbondale is trying to form their own.

Dale Hancock reminded the BOCC in 2010 an RFP was issued and we are in the process of negotiations.

Commissioner Samson expressed concerns for other municipalities asking for funds if we were to support Rifle in their request for $40,000.
Michael expressed to types of economic development and partnerships.
Commissioner Jankovsky stressed how important economic development was to him and we are like everyone else in the United States in trying to bring in new businesses. However, our focus is on primary jobs whereas Silt, Glenwood Springs and Rifle are looking at secondary jobs.
Carolyn cautioned the Commissioners if they decide to go forward with this contribution saying it would require an RFP to know what they were bringing to the table otherwise it would appear to be in violation of your Procurement Code.
Chairman Martin – We are not trying to do that either; we're just getting information, seeing what partnerships are out there. The question is to Dale on the timeline for the contract. Has it been awarded or are you still negotiating?
Dale – We are in negotiations and I hope it will be done within a week. He is hoping it will be done within a week.
Chairman Martin – The budget that was set aside for economic development and the process has been identified through our budget process.
Dale – It is.
Chairman Martin – Would that partnership be open later on after we're organized and our consultant comes on board?
Michael – We hope that would be the case to work together. However, they are still seeking funding from the County in order to assist us with financial obligations. He guesses he understands what he is saying that they basically intend to go forward.
Julie – That would be her one concern because what it was not their intention to respond to RFP for economic development services. As soon as that RFP process was in place, they could no longer have communication with the County.
Sally Brands – JBS Construction in Rifle. We hired an economic development person in 1984 in Rifle and the other thing that bothers her a lot is that as soon as we do this we look to outside consultants to somehow try to figure out how we are going to attract business in Rifle. In her experience going to the conferences, one of the things that more and more realization is that you're not going to attract some outside outfit who is going to come in and create 100 jobs unless you give away the farm and in five years they're gone anyway.
Keith Lambert – Mayor, City of Rifle. The City of Rifle saw the importance of economic development a number of years ago right at the incision of Rifle Economic Development Corporation. They have been a partner with them ever since then. Of course, they are receiving great benefits from them. One of the things they realized early on that if we had local investment for local solutions that was the best way to handle it and felt that was a very important concept. As Rifle benefits so does the region. I hope if there is an ongoing conversation as has been indicated this morning with the Rifle Regional Economic Development Corporation, the County will look favorably at some point in being a partner with the organizations that are already in place.
Chairman Martin - The County is already partnered with Rifle in reference to development and economic issues such as the park to the west, the money that has been allocated to them for infrastructure etc. so they can meet those goals. Garfield County is committed to every municipality.
Judith Hayward – Mayor Pro Tem, Town of Parachute. The Rifle Economic Development Council came to their town and invited them to be part of this effort and we were more than willing; it was a unanimous vote of the council to join with Rifle EDC.
Juanita Williams from Parachute. She sees they had a tremendous amount of momentum going forward and she thinks to invest in what they are trying to do would be far more beneficial to all parts of the County. The four years of momentum and knowledge as required by the governor is already in place. She would hate to see non-funding of what the REDC is requesting.
Commissioner Jankovsky – We are working as County on economic develop. Rifle Airport is important to the County for economic development because of the infrastructure.
MOTION:
Commissioner Jankovsky - I'm going to make a motion that we approve $20,000.00 for Rifle Economic Development Corporation and those funds come out of our reserve, the discretionary funds.
Commissioner Samson – I'll second the motion for discussion. My question to you is why not the whole $40,000.00, what is your rational?
Commissioner Jankovsky – My rational is that we bring in more partners, which is the challenge. Maybe some potential partners are in this room right now. More funding makes it a broader base - that's my rational. I think the other thing is as soon as we give these funds to Rifle, there will be other groups in front of us to make the same decision again. I think what these guys are doing is the right direction. They are on the ground; Julie's working right now and paid by this group. We're 6 months to a year away from implementing it. Time is of the essence.
Commissioner Samson – Carolyn is there a problem with us doing this timing wise now.
Carolyn – I think anything else we would discuss in terms of legal challenge needs to be done in executive session; however, I would just state it is radically important that you're operating through your contract powers here. It's radically important that the scope of has to be something different than your RFP.
I didn't review the RFP so I'm not involved. Dale Hancock and Jim Hackett are going to have to work on scope of services.
Commissioner Samson – Would it be beneficial to us to wait to see when this RFP is completed within the week, what exactly happens and shakes down there and at the same time instruct Jim to perhaps start drawing up a contract and bringing it before us? Would we have the RFP contracted before we could look at partnerships with Rifle?
Chairman Martin – There is a motion on the table, so the options are to deny this motion, withdraw the motion, or table this motion in reference to the identification of what the scope of services would be so there's no conflict on your RFP.
Commissioner Samson – So what you're saying is to back off a little bit and let that get completed first?
Chairman Martin – Well, that's the risk we have to decide. Are we going to take that or not? The safe risk as Ms. Dahlgren has said is to hold off. If you wish to assist Michael and his organization, you can table it, come back after that negotiation is completed and/or he can make a request as long as there's no duplication.
Commissioner Samson – I believe all three of us want to help Rifle; however, we must protect the county in making sure things are done correctly.
Commissioner Jankovsky – I am going to withdraw that motion.
Julie – I would like to say thank you for considering our proposal. One final note that I would like to have on the record is we had a couple different people review the RFP and it was vague. I do hope as negotiations are underway with the selected firm that will be awarded that those duties will be clearly identified and spelled out so that there wouldn't be any miscommunication or misunderstanding of what we would do differently than the consultant that is brought in. I would just hope you would consider those when negotiating with the firm and that you do consider the REDC and the services that we provide for Garfield County.
Michael - I think for our county to better communication and ideas of collaborating is good for us right now.
Dale Hancock – As a general reminder, what we determined in our strategic planning in January was to have primary jobs identified as being $20.00 an hour and benefits. We're looking to have people be able to work and live in the same place.
Michael – So you will contact us.
Chairman Martin – I'll have Dale contact you.

- **EnCana Soil Gas Survey – Bracken Property**

Sher Long from EnCana submitted a statement to the board in response to Lisa Bracken; she read the letter, which is on file in the clerk's office.

- **i. West Divide Creek Seep 2008 – Update – Lisa Bracken**

Lisa was not present but she submitted a letter to the commissioners to provide EnCana's September 3, 2010 soil/gas survey report as well as the complaint she filed with the COGCC on March 8, 2010 relative to those findings. Recent data has identified the presence of what appears to be thermogenic gas in the area of the 2008 seep. While EnCana's Dr. Anthony Gorody has interpreted these results as biogenic, there is compelling reason to believe this gas is, in fact, thermogenic and directly related to production gas associated with nearby drilling operations. Lisa also provided the letter she wrote to the COGCC stating their complaint.

COMMISSIONER ISSUES:

A. **Commissioner Reports – Commissioner Jankovsky -** Monday met with Ed and staff they brought him up to speed on the NEC. Also met with Carolyn and Jim Rada on the same issue on Tuesday to bring him up to speed. He was confusing CLEER with the NEC and they are not the same. He went to the NEC meeting on Wednesday afternoon and they have a lot of work to do. There is good participation from all the communities and he had stated publicly that they did not want this to become a county department. But there is participation by the communities and they want to see this continue. It's kind of an umbrella right now and there's no real stretcher talking about forming an authority. He met with Jim Yellico, went through his office on Monday, and then had lunch with Jim. Jim had some ideas about economic development that he will share with the each of the other commissioners individually concerning personal property. He went to the Human Services Commission meeting; which is a regional meeting on Wednesday morning and it was more of an educational meeting for him. He listened to the reports, no action there; he got a chance to meet the players. That was Pitkin, Eagle, and Garfield County regional meeting in El Jebel at the community center. On Thursday morning he met with Jason Newman with Newman Construction; he is just trying to talk to some of the individual contractors and also industry and individuals in the community to see what they can do, what's in our code that can be improved and so forth and met with Fred and Tamara, he thinks they will come back before the board and see how they can get some of the regulations out of our code and make it better for businesses. That's part of our economic development that we talked about as a group so that will be ongoing. Chairman Martin – that was one of the assignments we gave our staff and our directors to go ahead and identify and to take action to the board on impediments to economic development. You're also doing your research which is admirable; we need to make sure that we do the same. Identify the right things and make a better even playing field recovery.

Commissioner Jankovsky – There will be a workshop set for that; he thinks it is in April.

Commissioner Samson – Tuesday the 5th we will have the work session.

Chairman Martin – Tomorrow is the workshop also with the different items.

Commissioner Jankovsky – Met with Julia Pratt on Thursday morning; she is with Basalt Thrift. They are non-profit and have a baler in Garfield County that bails all the items that comes out of thrift stores and from individuals as well. They bale those items and ship them to Houston and they are sent overseas to be used again. It is a great recycling effort; they are using our work enders on Thursday's to sort the items. She had about a dozen bales of clothing, about 1,000 to 2,000 pounds each. When he was at the Human Services Commission, he talked to Sandy Swanson about Defiance and what they do with their recycle stuff. Defiance, instead of using Garfield County facilities they send their clothing over to Denver. But it is a program that is kind of in progress and was interesting for him to see. Thursday afternoon he met with the Ruedi Water and Power Authority for their committee meeting. One of the things that Pitkin County asked is that the Rudi Water and Power Authority send a letter to Senator Udall about being concerned about the expansion of the Pueblo Reservoir. Possibly additional water being sent over to the eastern slope. Pitkin County has asked that they be at the table if that discussion happens. They are also asking also that the Ruedi Water and Power Authority also asked to be at the table. In his opinion, he was opposed to inter basin diversions but that they would need to see a letter like that before they could support something like that. This next week; we have a meeting tomorrow, Tuesday afternoon he will be at the Republican Central Committee meeting, meet with EnCana on Thursday to talk about some code issues and he thinks he will be at the road and bridge safety meeting at noon on Thursday as well. Friday he will be going with Commissioner Samson to High Lonesome.

Chairman Martin – To do a site inspection on what you approved to make sure everything is in order. He will be in Denver; he has seven steering committees to sit on between Thursday and Friday. Commissioner Jankovsky would like to talk with Judy Jordan and get a site tour of the West Divide, talk to some of the private landowners to become better informed. Sher Long is doing a tour this coming Thursday and I am planning to go with her on March 24.

Commissioner Samson – They will be meeting at 11:00 am in DeBeque. We had a great week in Washington D.C. The highlight was meeting with both Udall and Bennett. They were talking to approximately 36 commissioners. We met also with six out of the seven representatives. I was very encouraged from what he heard from both parties. They were very friendly to their cause, willing to listen and they wanted input.

Chairman Martin had a couple of other meetings; one with Sherwin in reference to the Secure Rules Schools Act, the money and the approach that it is in the discretionary funding on the President's budget. I offered another approach, back to 100 plus years ago. It was the original contract to take the proceeds from the sales and profits of public lands under the control department of Ag and fund that program. That's the way it's supposed to be; however, it's been derailed, which puts people to work, deals with the bio-mass, the healthy forest initiatives and half a dozen pieces of legislations passed in the last five years. Actually, they are looking at putting them to work and allowing people to go back to work as well money coming to the revenues of the U.S. Government and Treasury and the states that are affected down to the counties. I had a brief conversation with the Department of Interiors Liaison, Cynthia Moses Ned and her supervisor Michael Pool, who deals with the BLM in reference to PELT, the wild lands and Policy 3310. Some feel this is in conflict with the agreement of the State of Utah on wilderness designations etc. They will be taking that up on public lands steering committee on Friday, this week. They have offered if they sit down and come up with some sort of compromise with the Department of Interior to review that and possibly even make some changes; they said they would be open to that.

Commissioner Samson – I want Salazar to rescind his policy.

Chairman Martin – We have a workshop tomorrow 8:00 a.m. and CCI on Thursday and Friday. Commissioner Samson has AGNC Wednesday at 10:00 a.m. at the Rifle library.

Chairman Martin – Does have some items in reference to road and bridge and since he has a representative here - Mr. Green. There has been a willow tree that has bothered the entire neighborhood on Davis Point Road for five years. They want to say thank you to the road and bridge finally cutting that down. The other one is Midvalley Lane; there will be a ditch repair, which crosses underneath Midvalley Lane. Road and Bridge was in that area to do a widening project; but the citizens don't know if it will go forward or not. We would like to have clarification so I could relay that to them. Otherwise, they have to take care of their bridge the irrigation ditch goes under. Any report on 108 Road? He has been contacted again as to when are we going to start. Ed is sure that Betsy has had meetings with the supervisor and with our engineering firm to discuss the best options. Chairman Martin had over 1,000 emails to get too.

Executive Session:

Carolyn had a brief update on litigation.

Chairman Martin – Motion to do so? Commissioner Samson – So Moved. Commissioner Samson– Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

Chairman Martin – Action to take

Blue Pit

Carolyn – On the Blue Pit here has been a 106 Action filed in District Court therefore, I am seeking authority to allow a stay but only upon receipt from Building and Planning in receipt of a technically complete application.
Commissioner Jankovsky - So moved. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Sober House – State Case
Carolyn – A case has been filed in both the State District Court and Federal Court on two different types of law; therefore, I am seeking authority to continue the State Case if and when a technically complete application has been received by Building and Planning.
Commissioner Samson – so moved.
Commissioner Jankovsky if this will continue the State Case until we have a complete application then I'll second. In favor: Samson – aye Martin – aye Jankovsky - aye
Sober House – Federal Case
Carolyn – In the same case filed in Federal Court, the case may go away for lack of information.
Code Enforcement Issue
Chairman Martin – In reference to the code enforcement issue on Midland Avenue, a visit was made by the codes enforcement officer last year. At that time, we issued a cease and decease order until a state inspection was completed. It has been reported that a neighbor saw they were using a bulldozer and there was no notice posted; therefore, I am wondering if this is in violation of the stop order. There is a drainage issue and no vegetation has been completed. We allowed him to do a certain amount but he could not exceed the limits we placed. I would like you to follow up on this matter; it is outside the city limits.
ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

MARCH 21, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

Expanded Minutes are available upon request: jalberico@garfield-county.com

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 21, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
Pledge of Allegiance
Invocation
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Dave Merritt – Passed out copies of potential legislation and said he is looking for input on HB 1286, discussed at the River Districts legislative conference call Wednesday. HB1286 is an issue of tributary versus non–tributary ground water. This bill essentially does provide an authority to determine that these are non-tributary with the state engineer for authority to determine which would shorten the process. Some have concerns that it would short circuit the ability for water rights holders to appeal. He would like the Commissioners and their staff to look at this piece of legislation, consult with the others within the county, CCI and get back to him. Chairman Martin reminded Dave that is acting as our representative.
Dave – This is a cross between water and energy issues. Some folks are concerned that it gives the state too much authority. What we have is a piece of legislation that is being proposed by both DNR and the oil and gas group.
Commissioner Samson – It appears as though all of the western slope house members are behind this with17 sponsors.
Assessor's Update:

- **A. Abatements; R. Scott Fifer – Abatement Nos. 11-118 and 11-119 – Schedule No. R81002; Gail H. Anderson – Abatement 11-142 – Schedule No. R081003; Gail H. Anderson – Abatement 11-143 – Schedule No. R081003; Summit Ministries Resources, Inc. – Abatement No. 11-137 – Schedule No. R024353; Berry Petroleum – Abatement No. 11-152 – Schedule No. P909075; Kum & Go LC #4951 – Abatement No. 11-157 – Schedule No. P310872**

Lisa Warder and Sean McCourt were present
Chairman Martin determined notice was given to the taxpayer and swore in the speakers.
Sundog Enterprise BAA case
The BAA made a decision that affects the decision to others, so this is what is before you. There are to abatements: Abatement is 11-118 on schedule R81002 for 2008 is for $3,160.76. 11-119 for schedule 81002 is actually for two years 2009 and 2010. 2009 is $3,690.5 and 2010 is $3,678.08.
Commissioner Jankovsky – Is there some legislation to try to get this difference between Ag land and residential land; he didn't know if that was going to come out of legislature or not.
Lisa is aware and following that very closely to see what happens, it is a disagreement about classification. Chairman Martin – It is an issue of fairness to all of the people on assessment.
Motion
Commissioner Jankovsky – I'll make a motion that we approve abatement number 11-118, schedule number R81002 for $3,160.76 for 2008, and we approve abatement number 11-119 schedule number R81002 tax refund for $3,690.52 for 2009 and for $3,678.08 for 2010.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Gail H. Anderson – Abatement 11-142 – Schedule No. R081003; Gail H. Anderson – Abatement 11-143 – Schedule No. R081003
For 2008 taxes $3,341.88 and 11-143 for the same schedule 81003, 2009 are in the amount of $3,691.08. 2010 taxes is $3,678.64.
Motion

Commissioner Jankovsky – I'll make a motion that we approve abatement number 11-142 and abatement number 11-143, schedule number R81003 for $3,341.88 for 2008 and $3,691.08 for 2009, and $3,678.64 for 2010. Commissioner Samson – Second
In favor: Samson – aye Martin – aye Jankovsky – aye
Summit Ministries Resources, Inc. – Abatement No. 11-137 – Schedule No. R024353
The division of property tax has declared this exempt and therefore they are abating taxes for 2009 and 2010. The amount for 2009 is $14,135.48 and 2010 it's $14,197.20; the reasons is it is a chartable, religious institution.

Motion
Commissioner Samson – I would move that we approve the abatement on the taxes, abatement number 11-137 schedule number R024353 for the tax year 2009 in the amount of $14,135.48 and for the tax year 2010, $14,197.20. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Berry Petroleum – Abatement No. 11-152 – Schedule No. P909075
Sean explained this was a valuation in April and May and the tax bill went out under the old value and the abatement is $13,110.32.
Motion
Commissioner Jankovsky – I'll make a motion that we approve abatement number 11-152 schedule number P909075 in the amount of $13,110.32 for the tax year of 2010. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Kum & Go LC #4951 – Abatement No. 11-157 – Schedule No. P310872
This is another clerical error. Kum and Go actually gave them amount and it was entered into the computer wrong; the office entered it in as $7 million instead of $7,384. This abatement is for $99,665.20.
Motion
Commissioner Jankovsky – I'll make a motion that we approve abatement 11-157 schedule number P310872 for tax year 2010 in the amount of $99,665.20. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **B. PILT Application – Jim Yellico**

An impact assistance grant application (and Payment in Lieu of Taxes) is made on the 8th day of March 2011 on behalf of Garfield County of the State of Colorado to the Colorado Division of Parks and Outdoor Recreation to offset specific negative fiscal impacts as a result of the withdrawal of certain lands from the county tax rolls. The total acres involved equals 647.11 acres and the total request for impact assistance is $566.22.
Motion
Chairman Martin – It's $566.22. Does anyone need an explanation of why there is payment in lieu of taxes by the division of parks? We need to accept that and certify the signature by all three commissioners.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
PUBLIC HEARING

- **A. New Hotel and Restaurant Liquor License for No Name Grill Inc. dba No Name Bar & Grill – Applicants; Kevin and Kathleen Schneider – Jean Alberico**

Jean submitted proof of publication in the Citizens Telegram and the Glenwood Springs Post Independent on March 10. She received the application on February 11.
Mike Sawyer attorney, Kevin Schneider owner and Kevin Peterson general manager were present.
Jean – A site visit was completed and the sign was posted on County Road 129 as you come off the ramp.
Carolyn –Mr. Chairman we have both publication and actual posting so you can proceed.
Chairman Martin – Any challenges to the notification? He accepted and put into the record and swore in the speakers.
Jean – In the board's packet is the application from No Name Grill Inc. who is going to be doing business as No Name Bar and Grill for a hotel and restaurant license. Jean mentioned to them there were a couple of different categories of licenses that might fit their needs.
Mike Sawyer – This fits in with Garfield County's economic development, which is a continued build out of the Rock Gardens PUD originally approved in 2004. Rock Gardens is a multiple recreational development that includes campgrounds, cabins, rafting services, and most recently a ropes course and zip line attraction. Due to good management over the last few years, they have continued to experience growth and provide additional tax revenue as well as job opportunities here in Garfield County. In 2004, the PUD it contemplated a community building, which we came before the Board last year for approval. The PUD for Rock Gardens contemplated a snack bar service potentially with the ability to sell alcoholic beverages to customers on the site. The community building includes that facility in it and gives Rock Gardens/No Name Bar and Grill the opportunity to have these facilities for the tourist season, therefore an application was made for the liquor license to complete that permitting process. Yes, Rock Gardens was build some 40 to 50 years ago before residential neighbors built their homes in the neighborhood. The Rock Garden's community building is being constructed to facilitate primarily onsite users for those who come to Rock Gardens to camp, raft and do the zip line. It is not intended to be a destination facility for people outside of the tourist community. Petitions for and against were submitted to the Commissioners.
Kevin Schneider - This was for their guests of their property only. Kevin Peterson will be living on the property as the general manager as well as two other managers. They are very strict curfew times and there will be no zip line or rafting employees allowed on the property after 8:00 p.m. at night. The overwhelming majority of people who live in the immediate proximity of the Rock Gardens development indicated they were in favor of the liquor license. We compete with many different communities for tourist business. He has been on the Tourism. Kevin justified the need for the liquor license in order to avoid guests going into Glenwood to purchase alcohol and food. Rock Gardens have 14 cabins, a resort cabin, 10 camper cabins and 115 spots between tent sites and cabins. They have about 12,000 raft trips a year spread over the summer and zip line is between 7,000 and 8,000.
Mike Sawyer – We believe we have adequately demonstrated the reasonable needs of the neighborhood as defined by the county are not currently being met since the nearest retail opportunity to purchase alcoholic beverages is in Glenwood Springs. The request is for the Commissioners to grant this liquor license.
Comments:
Charles Donelan is two doors west of Rock Gardens and owned property since 1975. He is opposed to the liquor license being granted. A letter from Charles and Penny Donelan opposing was read into the record. The website advertises accommodations for weddings, parties and "group events of all kinds", which he believes is a violation of the PUD
Eric Mangeot lives at 1270 County Road 129 approximately 150 feet away from the applicant's property. He is opposed to the liquor license due to the lack of enforcement by Garfield County. He submitted Exhibit A, B and C. Many neighbors signed a petition in 2007 objecting the changes to the PUD. *Commissioner Samson* – I must say you have done your homework; you are to be complimented.
Mark English is opposed and his main reason is the potential for increased noise. He is very much against the whole idea of a liquor license out there but this is not based on any religious grounds or anything like the point being that when people you have heard other comments to take into consideration. It's too big, too much and not necessary.
Lindsey Louis – Vice President of Tourism Marketing for the Glenwood Springs Chamber Resort Association wanted to thank them for the opportunity to provide her utmost support of this project. We are fortunate to have such capable and enthusiastic entrepreneurs in our community. The chamber has received close to 100 groups and weddings interested to coming to Glenwood Springs to have a facility and accommodated housing. Glenwood does not have many facilities to accommodate large groups that generate a lot of revenue for Glenwood, sales tax and county sales tax. This will fulfill a definite need.
Penny Donelan - There are 60 homes in No Name that would be affected.

Mike Sawyer – This is a liquor license hearing and the standards are set forth in Title 12, which are very specific as to the considerations that you can make for granting or denying a liquor license. The PUD contemplated what is before you. Kevin testified there is onsite management to implement policies and procedures to ensure that staff conduct themselves in such a way as to minimize noise, disturbance to the neighborhood and ensure that the property is operated in both in accordance with its liquor license and as an appropriate neighbor in that community. What you see out there today is a drastic improvement over what historically had been on that property over a period of 40 plus years due to the good management of the Schneider's and their employees. Issues that residents have mentioned are germane to the approval of a liquor license.
Kevin Schneider – The bar has 20 seats per our requirements. For anyone to have an event there, reunion, wedding, etc you have to be a guest on the property and have to be staying in one of our cabins or campsites, so it is not additional new people coming onto the property rather its current guests who are already on the property.
Mike Sawyer - This is consistent with the representations that have been made at prior hearings in front of this board and that are consistent with the underlying PUD. This is a destination resort. Additionally, there are people who will come in for day use to take a raft trip, use the zip line and primarily the goal is to provide multiple opportunities. It is a venue for people who use the lodging facilities at Rock Gardens and this provides yet another ability for them to attract guests from outside of our area to capture additional monies they would spend on site and in Garfield County. They believe the evidence presented supports the findings that are required in Title 12-47-301 of the state statutes and asks that the board approve this liquor license.
Commissioner Jankovsky confirmed the Rock Gardens have been in operation for 40 to 50 years.
Commissioner Samson expressed his concerns after listening to the testimony provided by the residents.
Carolyn – According to testimony from the residents, there are three separate issues here.
Fred Jarman – Provided the board with the background of this resort. What you hear was accurate in what the PUD allows. The PUD it talks about the community building complete with a kitchen. Recently his office reviewed the PUD and issued the building permit for the community building. The minutes from the BOCC meeting state that the concept of the community building is not for rental purposes it is for family gathering including a meal who stay in the resort and explained this was subject to a zoning review and it does comply with PUD.
Commissioner Samson referencing the material Eric sent it appears to me that these people were under the distinct impression that this would not turn into a large facility and be used in the way they are proposing.
Fred the conditions are recorded in Resolution 2004-69 which says there are three things contemplated: 1) A community building/meeting hall with kitchen; 2) A separate standalone snack/sandwich bar with a maximum seating capacity of 20 chairs; and 3) Liquor license to serve at the community building and snack bar/sandwich bar.
Chairman Martin – That's what they are tied to if it goes forward. Today in front of us is a liquor application that we need to address. Is it able to serve liquor at the snack bar and their facility? As some of the residents have stated, if there is a zoning or a PUD issue that goes through Fred and his code enforcement people.
Commissioner Samson – The problem here is that the residents were under the impression that liquor would only be served at the 20-chair snack bar. The neighbors claim there were not aware that liquor would be served in the community building.
Commissioner Jankovsky complimented the Schneider's for what they are doing in these economic times going forward with the community center to accommodate guests at the Rock Gardens. He described the facility making certain to clarify this is not a restaurant for others who are not staying on the grounds. It does meet the requirements of the PUD in his opinion.
Commissioner Samson – You have all these people here today and they're concerned because it's their neighborhood. Can these things brought up about traffic and noise be considered when you consider a liquor license?
Carolyn – The entire statement out of the liquor code is 12-47-301 2A; before granting any license all licensing authority shall consider the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidence by petitions, or otherwise and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority. Mr. Samson, your staff when they issued the building permit did a zoning review; staff has found the building to comply with the zoning, which is the PUD.
Carolyn – Your staff has testified there are no violations.
Commissioner Samson – I think some grave errors were made in the situation in 2004.
Mary Ann Virgili lives at 38 Spring Loop in Carbondale. She has toured the facility as well and has known Kevin Schneider and his wife for a very long time. They are exemplary business people in the community. When she toured the facility. Kevin told her repeatedly that the snack bar and the bar would only be 20 seats. She asked him several times would people from town be able to go into the bar and he said no, it was just for people staying at the property or who had enjoyed some of the facilities that day. She was very impressed with the facility that will be for community use, weddings, groups and meetings because we drastically need a facility like that in the community. She does support the project.
Shanley Mangeot – She is also a resident at No Name and admitted not understanding this entire process. She is concerned about traffic, noise and parking. The community center has the capacity of 218 people and this is of great concern to her.
Commissioner Samson – I agree with you. The problem is in Exhibit B, which was approved in 2004. It has as one of the bullets, community center/meeting hall with kitchen. When this was approved in 2004, it was specifically granted by this board that beer and wine service would be at that community building.
Shanley – Most of the residents envisioned perhaps 15 guests coming into that kitchen to prepare their lunch for that day. They didn't picture 218 seat restaurant with the capability to host weddings on a regular basis with loud music.
Commissioner Samson – I hear you loud and clear.
Mike Sawyer – I think a distinction has to be made between a restaurant and a community hall. So, he asked Kevin to clarify. Are you intending to offer on a nightly basis seating for up to 218 people that can order off a menu?
Kevin Schneider – Absolutely not.
Mike Sawyer– Is your marketing aimed at getting residents in Glenwood Springs to come out and eat a sandwich and drink a beer or order off a menu at your bar and grill?
Kevin Schneider – No.
Mike Sawyer – The Rock Gardens is a destination resort. By definition, this means there may be people staying at hotels in Glenwood who use the rafting or the zip line, then stay after, and have a sandwich and a beer. There may be others who come to the resort for a wedding and chose not to stay at the complex but are guests of those hosting a large event or a wedding. This is in the PUD and consistent with what was approved by this Board. This liquor license is consistent with the PUD. Testimony has been heard and competent evidence sitting in front of this board to grant this liquor license and they are asking for approval at this time.
Commissioner Samson -The community and the county understands that we want economic growth and development. We want people to get to work; we want jobs to be here. As a County Commissioner, there are certain times that you have to look at things in the big picture and that is what he is doing. In looking at the exhibits and the testimony that has been presented today that the people living out there it appears that the vast majority of the people living out in that community did not envision this happening within their neighborhood. Based on that he won't be able to support this.
Chairman Martin –We have several options in front of us. 1) To continue this if necessary for review or more information; 2) We have the option to approve this liquor license with the confines of the state statutes; and 3) We can deny this but if that is the case, the findings to deny need to be stated.

Commissioner Samson – This is a neighborhood of 60 people and it might be a good idea for them as a board to hear more from those people, especially the people that were here in 2004 that continue to live in this area.
Chairman Martin –The findings you are looking for are in reference to the liquor license, not the PUD, which Ms. Dahlgren has clearly defined. Therefore, that's what we would have to limit any testimony to.
Carolyn – In response to Commissioner Samson read once more the language and all other reasonable restrictions that are or maybe place upon the neighborhood by the local licensing authority. Remember you have already placed those requirements by means of your PUD resolution approval. Commissioners we can certainly go into executive session and talk about your different powers under three different sets of regulations.
Commissioner Samson –I feel badly because I feel like some mistakes were made and these people have come here in good faith really. I hear them saying this is not what we envisioned for that area. There are concerns from neighbors about their neighborhood.
Commissioner Jankovsky – No, I'll just make some comments. First, I think there is a historical use and I think that historical use was there probably before any of the residents in No Name bought their property and built a home. Second, this being a campground I think people probably bought their own liquor and as a rafting area, I'm sure there were parties. That doesn't have anything to do with a liquor license. This facility is vibrant bringing a lot to the neighborhood. During these rough economic times, Kevin has stepped forward to upgrade this resort and he hired local contractors to do the work. It's a beautiful facility and it's going to be a great addition to No Name. I do understand the concerns about noise and the concerns from the neighborhood and I would look to the Kevin Schneider and to Kevin Peterson to address these concerns and shut it down by 10:00 p.m. or so. Being in the tourism business, a liquor license is an important part of your business and it's a way to make revenue. I do want to go back to the historical use. There was a historical use there in No Name when the two-lane highway was going through Glenwood Canyon there was a campground and rafting. The Schneider's purchased Rock Gardens and made dramatic improvements. I think we need to look to them as responsible business people and approve a liquor license.
Motions
Now I would make a motion that we close public discussion. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – Deliberation and a decision. If there is a denial, it must be illustrated that are findings to do such. If there is an approval, it needs to stay strictly with the liquor license.
Commissioner Jankovsky – I would make a motion that we approve a new hotel and restaurant liquor license for the No Name Bar and Grill Inc. Chairman Martin – Second for discussion. In reference to your liquor license, it does have the restrictions for the snack bar and the community area as defined in the approval process. All I can say is the neighbors have brought up several other separate issues and the planning staff has testified there are no violations. Today we need to make a decision about a liquor license. Carolyn – Yes, and plus commissioners I want to remind you there is no state food license yet and no CO, so I'm assuming that your motion is contingent upon these approvals.
Commissioner Jankovsky – That is correct.
Chairman Martin – And on that certificate of occupancy (CO) it must meet all of the requirements that were set out in the PUD and all items addressed. If they fail to do such as the applicant knows, the CO, the liquor license and food license would not be issued.
In favor: Martin – aye Jankovsky - aye Opposed: Samson – aye

- **B. 3rd Supplement to the 2011 Adopted Budget – Theresa Wagenman**

Carolyn received the public notice and Chairman Martin swore in the speakers.
Theresa presented Exhibit A showing the expenditures and revenue.
Chairman Martin – It is a total of expenditures of $154,553.00 and the total revenue of $160,500.00.
Commissioner Samson – We received $150,000.00 from EnCana and William's contributions to the West Parachute Interchange Project, which is awesome.
Ed – Originally, they were uncertain as to whether those funds would transfer from us because they were ascribed to Parachute.
Theresa – That was a total of $300,000.00.
Chairman Martin – Motion to close the public hearing. Commissioner Samson – so moved.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky – aye
MOTION:
Commissioner Samson – I would move that we would approve as a board the third supplement to the 2011 adopted budget.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
CONSENT AGENDA
q. Approve Bills
r. Changes to Prior Warrant Lists
s. Liquor License Renewal for Kum & Go #906, Battlement Mesa – Jean Alberico
t. Liquor License Renewal for Aspen Glen Club – Jean Alberico
u. Authorize the Chair to Sign the Resolution for Old Orchard Subdivision for a 4 Lot Subdivision (CPFF 6341) – Applicants; Roc and Mary Gabossi – Molly Orkild-Larson
v. Authorize the Chair to Sign the Mylar for an Amended Final Plat for Lot 15, Canyon Creek Estates Subdivision – This Application was approved by the Director of Building and Planning through an Administrative Review – Applicant; Michael J. Fergen and Lara M. Fergen – Glenn Hartmann
w. CH2M Hill Finalized Release to Contract 2011 – Brian Condie

Carolyn asked the commissioner to please remove "g" so she could update them on the contract. It is not properly stated and she would like to explain it to them.
Commissioner Jankovsky – I make a motion we approve the consent agenda items a-f and remove item "g". Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn explained the CH2MHill recalling an extension to last year's contract in front of the board which was a new 2011 professional services engineering contract. CH2M Hill signed that, the board also asked them to bring back the RTC's, the releases to contract under the new contract. For some reason it should have said CH2M Hill 2011 contract and release to contract number one and release to contract number two. CH2M Hill have signed and sent back both releases to contract, so today she is looking for the board's approval on three different documents. The original 2011 contract and release to contract #1 and release to contract #2. The board had asked that these be put on the consent agenda so they could see the actual dollar amounts and they are in the packets.
Chairman Martin – As presented he thinks it is fine and feels they need three motions. The first one was for professional services.
MOTIONS:
Commissioner Jankovsky – I'll make a motion we approve the 2011 professional services contract with CH2M Hill. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – I make a motion that we release to contract #1 purchase of professional services from CH2M Hill.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Jankovsky – I'll make a motion to release to contract #2 purchase of professional services from CH2M Hill.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – The clerk does have the original signature pages for the professional services contract and Carolyn will have to get to her the release to contract when they come back in the mail.
Chairman Martin - This is a good idea to make sure they have the proper signatures.

COUNTY ATTORNEY UPDATE – Carolyn Dahlgren

- **A. Fergens' Quiet Title Action - Disclaimer**
  - Melody Massey Attorney and Michael Fergen were present.

Carolyn – There are two things going on here. One was a quiet title action across the street and the other had to do with an amendment to the underlying plat. That plat is on the consent agenda today and it was just approved.
Carolyn – A request for signature authority on the disclaimer in the quiet title action, and since the board has approved the amended plat it is safe for you to disclaim your interest in the QT action.
Melody has the affidavit regarding boundary line adjustment and she will get that recorded once this is approved.

Motion

Commissioner Jankovsky – I'll make a motion we approve the disclaimer for the Fergens quiet title action.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – Do we need to think about order of recording as far as the plat, boundary line, and affidavit?
Melody – Would you like to record the disclaimer; I was not planning to do so I was going to file it in our quiet title action? I have the affidavit here, the original I can give it to you. I can bring it over today with the recording costs.
Carolyn – We'll get an original signature to you.

COUNTY MANAGER UPDATE – ED GREEN

Human Services Commission:

- **i. Approval of New Members – Susan Ackerman**

Susan – Membership Chair of Human Services Commission. She sent the board the applications for new members and the Commission has approved these members: Amy Levenson, Youth Recovery Center; Mickey Neal, Emergency Rep. for Medical Service Corp; Lauren Gueriera, Sexual assault Nurse Examiner Coordinator for Valley View Hospital; Sarah Bell-Wright, RE2 school district; Rick Blauvelt, Executive Director of the Roaring Fork Valley Early Learning Fund also known as Raising a Reader; Betty Scranton, Citizen Representative; Amy Barr from Salvation Army; and Dana Erwin from Mountain Valley Developmental Services.

Motion

Commissioner Jankovsky – I'll make motion that we approve Amy Levenson, Betty Scranton, Dana Erwin, Rick Blauvelt, Mickey Neal, Sarah Bell-Wright, Amy Barr and Lauren Gueriera to the Garfield County Human Services Commission. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **ii. Emergency/Crisis Services – Mike Powell, Lift-Up, Marian McDonough, Catholic Charities, Amy Barr, Salvation Army, Mike Pepper, Feed My Sheep, Julie Olson, Advocate Safehouse Project**

Julie Olsen, Advocate Safehouse Project; Amy Barr, Salvation Army; Marian McDonough, Catholic Charities and Mike Powell, Lift-Up were present.
Julie – Thanked commissioners for support to the Human Services Commission and especially the Advocate Safehouse project and gave some background on what the Commissioners did last year towards funds to support the Program. In 2010, we served 26 families with 28 children and 1,450 nights of shelter. Out of those 21 families with 24 children with over 1,300 nights, all were from Garfield County. In 2011, your funds are supporting the same program, and already in the first 2 ½ months Garfield has helped seven families with eight children with over 260 nights of shelter. The Safehouse Program is very important in our community; it is the last place for many people.
Amy Barr – **Salvation Army** thanked the commissioners for agreeing that she be a member of the commission. The Salvation Army was founded in 1865 in London and since then they are in 123 countries. They are working very hard in Japan right now and were there before WWI. Here in Garfield County they do is homelessness prevention as much as they can. She gave some statistics from 2007 – 2010. She projects for 2011 they will probably see about a 15% increase. Their budget is under $250,000.00 and that is an increase of $50,000.00 in the past three years. Amy assured the Board that most of that money does not go for salaries, wages and benefits. They spend 92% of that money right here in the valley. She grew up in farm family just like Garfield County. We do not see farmers or farm workers coming in for help. However, many of them are donors. She thinks it is a real credit to the agriculture community here in Garfield County.
Commissioner Jankovsky – 1260 homeless cases in Garfield County, is that correct.
Amy – No, that's only the cases they see. We work very closely with Catholic Charities etc in cooperation. One thing we pay for is gray hound tickets. We pay to move people out of this county when they don't work. It could be a rental of u-haul, a gray hound bus ticket; they make sure there is someone on the other end to accept them. We had 1256 cases in 2010 for many different reasons. We also help pay for prescriptions.
Commissioner Jankovsky – Are you seeing more homeless because of foreclosures?
Amy – Yes and one thing we cannot do is pay a mortgage payment.
Commissioner Jankovsky knows there are many people upside down because they bought between 2006 and 2008.
Amy – They are out of a job and they bought in good faith.
Marian McDonough – **Catholic Charities**. Salvation Army, Lift-up and Feed my Sheep Program are all located in the building in St. Stevens Church.
Feed my Sheep unfortunately isn't here today. However, they have seen an increase in the people that use their day program. They were averaging 25 – 30 people a day and they are now up to 40 – 50 people a day. They just closed their overnight program, which is why they are taking this week off; we had about 30 people a night through the winter. They ran their program from November 15 to March 15. Homelessness has increased. She thinks Salvation Army and Catholic Charities have both been getting people out of the valley that are unable to sustain here for whatever reason.
Catholic Charties - One of the programs is emergency assistance, which has three goals: Provide assistance with rent, mortgage and utilities. A key point is to assess the causes of that emergency and to try to help people make sense of what is going on and tap them into resources or referrals. In 2010, we helped 805 households which broken down was approximately 2,241 individuals and of those there were about 1,000 of those that had children under 18 years old. Rent assistance was to 216 households and utility assistance to 206. We provide transportation, medical, dental and prescriptions. In 2010, we provided over $13,000.00 in assistance with dental needs. Those treatment plans vary from $150.00 to $3,500.00. The dental coalition is working on dental needs and yes, we do work with them.
You're funding of $18,000 last year was used for rental assistance to 40 families or provided utility assistance to 90 homes.
Chairman Martin – That all comes from those taxpayer dollars - sales tax.

Lift Up

Mike Powell – We now have seven offices to include Aspen and Basalt food pantries. He provided the Commissioners with a scorecard that they use to keep track of the services they provide. You will see the seven offices represented there and you can see how we do monthly on the top part. He gave them one to show the 2010 results. One thing they are pleased about is our volunteer hours because we are very dependent on them. We own two thrift stores and it helps to pay our bills. It is important to try to pay part of our way so we are not completely dependent on donations. Defiance has made an offer on a building here in town and hopefully they will be moving to a better facility and be able to provide even more funds to the organizations they support. *Extended table* served about 13,000 meals in 2010. The one thing they do specifically for the Commissioners is the USDA Lobby Program, a county project that we supervise. We served 1,900 in that program in 2010. Our total clients for 2010 were just under 51,000 and many of those are repeat clients. A decision was made to out of Angel Tree Business and it was not done in 2010. Some other organizations picked it up and did a great job. His board decided since their mission was to provide humanitarian assistance, toys didn't meet their mission.
Commissioner Jankovsky wanted to talk about the thrift stores. Not only do they help provide money for Lift-Up but also provide low cost clothing for people. They provide some jobs. He is happy they are moving into a new store.
Mike thinks the odds are they will be in sometime this summer.

Advocate Safehouse

Julie Olson – Each year for the last 15 or 16 years she has come in front of County Commissioners asking for a letter of support to the Colorado Division of Housing, which are the emergency shelter grants. Last year they received $10,000.00 and they have to have 100% match. This is the way we use the Garfield County Grant – to leverage money and it works nicely.
Chairman Martin – You would like us to authorize the signature and send on that grant request.
Julie – If you sign it today, she can take it and send it to them.

Motion

Commissioner Jankovsky – I'll make a motion we authorize to act on behalf of Garfield County and approve the emergency shelter grant proposed by the Advocate Safehouse Project and authority to sign that. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Julie would like to invite the community as well as the board to the Garfield County Humanitarian awards dinner, which is set for April 11 at the Hotel Colorado at 5:30 p.m. They have some great citizens to celebrate and they would like the Commissioners to join them for the presentations.

Board of Human Services

- **i. EBT Disbursement – Mary Baydarian**

For the month of February 2011, client and provider disbursements for allocated programs totaled $283,742.73.
This month the million dollars does not include Medicaid. If you notice in the pie chart, 39% are getting more Medicaid
Chairman Martin – You have a request for an electronic benefit transfers of $1,060,659.11.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **ii. Program Updates - Mary Baydarian**

Mary – All programs have increased except childcare. This is due to people not working and staying home.
Commissioner Jankovsky – There is such a big jump on the LEAP program in February. From $31,000 in January to $126,000, this is for energy assistance but it's a huge jump.
Mary – Explained the jump in LEAP.
Chairman Martin – It's lagging about 30 days behind in payments; it was extremely cold in January and the rate increase was another issue.

Board of Health

- **ii. Farmers Market Presentation – Christine Singleton**

Christine explained they did this for the last two years. In 2010, we had a late start; the board funded them early in the season but we were waiting on the state because they were trying to do a pilot program. That didn't work so the state moved on to Mesa County to do a pilot down there Last year they ended up spending about $7,000.00 of the $10,000.00 the Board funded. She is asking for $10,000 this year. If they add additional markets in New Castle and include the Saturday Glenwood Springs Market.
Commissioner Samson – There's markets in Rifle, Glenwood
Christine – Parachute, two in Glenwood and Carbondale. The coupons given to their clients are turned into the vendors and they submit back to her group and are paid.
Commissioner Samson – Last year we approved $10,000.00 only you are only asking for $7,000.00
Chairman Martin – Did you any vendors that wouldn't take the vouchers at all?
Christine – There was one vendor in Rifle and the reason was not giving out their tax ID number.

Motion

Commissioner Samson – Why don't we authorize $7,000.00 and if you need more. With that being said, I would move that we honor the request of $7,000.00 for the continued funding of the WIC farmers market partnership. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **i. Garfield County Activity Guide Presentation – Christopher Nelson**

Christopher Nelson and Laurel Little were present.
Christopher gave a presentation mainly addressing the obesity crisis in Colorado and the U.S. He provided statistics of the populations. Obesity is a major contributor to diabetes. Overweight and obese Americans are at greater risk of developing chronic health problems such as heart disease, high blood pressure, cancer or asthma.
Commissioner Jankovsky – What are your plans for distribution?
Laurel – Once final she will obtain 500 of each language published and printed. That in itself is about $2,500.00 and they will distribute in key places throughout the county note the reception. Last week they had a team here from the CDC who will be doing a national project where they collect health data. They looked at the guide, were impressed and wished that every county in every state had one of these. They would like to post it on the website as well.
Mary Meisner – Thanked Christopher for the time and effort he put into this.

Public Meetings

- **i. CEC Overview, Change in Leased Premises Description, Assignment of Lease, Financing and Construction – Brian Condie and Mark Boyer and Paul Spencer**

Brian had a couple of changes being proposed to the Clean Energy Collective lease to help their community solar array progress with the airport. Paul gave a power point presentation, a brief update, gain approval for the revised lease area and gain approval for the lease assignment. He explained the items fully.
Mark explained they have signed a contract; an Engineer Procure and Construct contract with Martifer Solar USA and Nick Valaskic is here today. They are the construction managers and they hired Martifer Solar, which is a large multi-national company to be the EPC contractor. They will say their main focus is engineering and procurement. What they would like to do and what they have done here is subcontract all the actual work out to people within the local area and that's what they do everywhere. They are putting people

to work locally. The general contractor for the construction is Sun Sun Solar based out of Carbondale. They have also hired HP Geotech, a local firm to do the soils work. Book Cliff Surveying out of Rifle is doing all the surveying work, which is significant. They have 600 foundations to put in. They use Expert Electric, which is their AC side; they are a New Castle based company and do the electric work. They really looked to a company that could bring aggregated buying power at a national or inter-national level. This is a community array and they want to keep it as such and think they have accomplished that goal.
Carolyn reminded the commissioners that they had already approved an extension of time under the lease for when CEC had to do "significant work" as the federal law requires it. She and Brian had just been planning to get that document signed. Now some new things have come up. Carolyn continued to explain the issues that needed to be taken care of.
MOTION:
Commissioner Samson – I would move that we would approve and sign the agreement given to us between us and CLEAN Energy Collective and GCASA for the lease agreement dated, it says May effect March 1st; is that good.
Carolynn – It should be effective today upon approval.
Commissioner Samson - Upon approval. Commissioner Jankovsky – Second.
Chairman Martin – Ms. Dahlgren that clarifies everything that is needed?
Carolyn – And the clerk is fine with just literally adding a line at the bottom.
In favor: Samson – aye Martin – aye Jankovsky - aye
MOTION:
Commissioner Samson – Next, we need to change the boundaries here. Would a motion be appropriate using the stipulations as outlined in the letter, would that clarify that?
Carolyn – Or just a simple motion to change the lease parcel boundaries to those described.
Commissioner Samson – In the letter; so moved.
Commissioner Jankovsky – Brian; how much additional acreage is that on the airport.
Brian – It's about 1 ½ acres.
Commissioner Jankovsky – Is it going to affect any future use of the airport.
Brian – No, we'll still be able to maintain the flat land, they'll be able to maintain their facility better. We can't put any permanent structures in that area, so it's not a detriment to the airport at all in fact it helps us out by getting more solar arrays in there and increasing our revenue.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Discussion
Chairman Martin – Next item is to go ahead in reference to the good funds escrow.
Carolyn – So the question is are you willing to accept this new form of, if you will "turnkey" design construction and financing rather than what your form lease contemplated in the past, which was more traditional. Separation between the two.
Commissioner Jankovsky – I wasn't involved in the original lease; he didn't have that in front of him this weekend when he was reading this. The other thing is I saw your construction agreement and security agreement; there's really no financial agreement that I can see in the packet. I'm sure you have a financial agreement with Mark on everything that is being done, but I just tried to look at it through the construction agreement, through the security agreement, where is the financial agreement between you guys. I saw in the construction agreement where you put 5% down and that type of thing. I see in the security agreement where once people buy the arrays …in audible….so there's security, construction where is the financial.
Paul – What you're looking for is a standard loan document; and the way that Martifer structures the contract is a little bit unique. You sign an EPC contract that says you're gonna pay 5% down and then it says what they basically do is they say okay we're gonna describe payment terms. And if you read the payment terms within the EPC contract, which is the general construction contract, it says we don't owe them any money. Not a dime from us until this is completed and operational for at least 60 days. And then they go to the schedule of values and place in there that they are going to give you a fixed price financing cost and say this is how much it's costing you for us not to get paid until this date out here. Then all they do is say okay now we have this contract so we don't really need a loan. You have a contract here that says this and it say you don't have to get paid until this is all done and complete. Now what we need to do is we just need an agreement that says a security agreement that says in the event you don't pay us when that thing says you're gonna pay us; what do we get. What's our collateral and that's the security agreement that just says the collateral is essentially the array. The same the bank would do and the lease which is in there and all other paper to operate it and all other software to operate it as a community array. Therefore, they get everything they need; but there isn't an actual loan document for this. In addition, what they will do is they will file a UCC filing, they will take that security agreement, and they'll file a UCC filing that attaches all of the equipment. However, they cannot file that until they actually finish completing construction and we fail to pay them. Therefore, from my perspective this is actually slightly less risky from the county's perspective because it's already built. Where a bank could say hey we have construction financing to you but you're in default halfway through the contract on your construction financing because something changed in the middle that they didn't like. Now they default you and say we're not going to fund the rest of your construction run, it's halfway done. Thus is why you guys typically as for a letter of credit right. In our case Martifer has said no, we cannot even default on this until they have actually finished and completed construction and it's an operational asset out there and then we fail to pay them at that time. Which is saying a balloon construction as it would come in; they have just taken that middleman out and said we're going to give you a balloon 60 days after you're done. I hope that helps you.
Chairman Martin – That's a new way.
Carolyn – The only thing I would ask from a legal perspective on the security agreement is that something, a paragraph be added that says; no matter what this says the lease and agreement between your entity and the county controls.
Chairman Martin – That's agreed upon, that can be added to that particular agreement.
Carolyn - We don't need to sign it unless you're asking the commissioners to sign it; but you do need to understand that your security is the lease hold interest not the fee interest in the property.
Brian – Instead of a bank, we're relying on Martifer to finish the project. If they default on it, it's in the lease.
Nick – When the array is completed; its generating electricity immediately so regardless of what happens, it's doing its job and its generating revenue at the point of completion. We are very happy with that set-up.
Chairman Martin – Our risk is to accept this or not accept this.
Carolyn – Yes and what I would ask is that you allow us to make some minimal amendments to that paragraph and Tom; sorry I didn't think about putting that paragraph out of the original lease. However, it would read like many I'm sure you have seen in the past that says something about a fixed prices construction contract and a proof of construction loan from a viable lending institution. This didn't assume a turnkey operation.
Chairman Martin – Would you like to have more time to finalize that agreement?
Carolyn – No, I would be happy to put this on your consent agenda so you can see the language we came up with if you all are comfortable with this.
Commissioner Jankovsky – I want to get people to work and my hats off to you. I really thought you were going to bring in a Denver group and so I am very pleased with local contractors.
Chairman Martin – Well, why don't you be a pioneer and move into territory not occupied by any other motion and to allow that change and the acceptance of this particular approach to good funds escrow.

Carolyn – So commissioners if you're looking to approving all of this, the lease assignment can be signed today; the other items would show up on your consent agenda in a documents already signed by the new entity. We are looking for approval of a change in the lease premises as described.

MOTION:

Carolyn – So the only one left is the **good funds escrow**. An amendment to the section of the original lease and operating agreement dealing with good funds escrow to match the proposed turnkey design build, finance process.

Chairman Martin – With the added wording to the agreement that you have suggested.

Carolyn – Security agreement.

Chairman Martin – Would you accept that?

Commissioner Jankovsky – Yeah, I accept that, I don't think I could quote it but I would make that motion per our attorney concerning good funds escrow. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

- **ii. Award of Paint Striping Contract – Jim Hackett**

Staff is asking for approval to award a contract to Rocky Mountain Enterprises to provide paint striping services on various Garfield County roads. The amount is not-to-exceed $108,190.00 for the fiscal year 2011. This would be their last renewal on the contract. There has been no price increase in previous years, they have asked for $1.70 price increase, and that is purely the price of the paint for them.

Commissioner Jankovsky – I'll make a motion that we award the contract to Rocky Mountain Enterprises in an amount of $108,190.00 for fiscal year 2011 to provide paint striping services and authorize the chair to sign. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

- **iii. Garfield County Weed Advisory Board Bylaw Revisions – Steve Anthony**

In April 2009, the BOCC approved the Garfield county Weed Advisory Board by-laws as part of resolution 09-24, creating or re-creating the Garfield County Weed Advisory Board and appointing membership for 2009, 2010 and 2011. The Weed Advisory Board considered and approved by-law revisions at their February 24, 2011 quarterly meeting. Steve explained the proposed changes.

Motion

Commissioner Samson – I would move at this time that we include the voting status for representation so that it will provide for a yearly rotation between six so that each year one group would be cities of regular voting members and they would rotate the regular voting status with the next…. the following year.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Samson – I would move also that we remove the limitation of two consecutive three year terms and make it that there is no term limitation to serve on the weed advisory board.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

- **iv. BOCC Direction on Municipal Partner Contributions for the Mosquito Control Program – Steve Anthony**

On February 22, 2011, the contract was awarded to Colorado Mosquito Control for the amount of $132,452.10. Based on the 2% increase, prior mosquito efforts and history in specific locations, and geographical area, staff came up with the following suggested contribution of each partner and a list of the participating municipalities was included in the Board's packet.

Ed said in the 2011 county budget, they have $140,000.00 budgeted for expenditures with anticipated contributions from the municipalities at $39,400.00.

Motion

Commissioner Samson - I would move that we approve that New Castle fee for mosquito control be lowered from $4,600.00 to $3,500.00 and Silt from $4,100.00 to $3,500.00 for the 2011 season and that we Garfield County would pick up the balance.

Carolyn – And that the numbers in the IGA otherwise as presented.

Commissioner Samson – And the rest of the figures stay the same.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky – aye

- **v. Approval and Authorization for the Chair to Sign the Intergovernmental Agreement with the Garfield County Housing Authority – Gene Duran**

This IGA is essentially a renewal of an agreement the county has maintained for a number of years. Under this agreement, the county will allocate $102,500.00 for the services set forth in paragraph I. The funding for the project has been appropriated by the BOCC for the 2011 fiscal year.

Ed in response to Chairman Martin's questions said, $15,000.00 was the grant amount that was requested. $87,500 is the recurring administrative costs that we fund. To combine is $102,500.00.

Chairman Martin – It's a supplemental change as well.

Motion

Commissioner Jankovsky – I'll make a motion we approve this IGA with the Garfield Housing Authority and allocate $102,500.00 for services. Commissioner Samson – And authorize the chair to sign. Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Jankovsky – I would like to point out there is an item 6 in here; we do not provide any housing assistance for any illegal aliens.

- **vi. Approval of a Resolution and Authorization for the Chair to Sign the Intergovernmental Agreement with the Colorado Department of Transportation for the Acquisition of Right-of-way for the Construction of the West Parachute Interchange – Gene Duran, Jeff Nelson and Randy Withee**

This IGA is for the purpose of acquiring any land necessary to construct the West Parachute Interchange. Under this agreement, the county will allocate $1,500,000.00 for the right-of-way acquisition. The funding for the project has been appropriated by the BOCC for the 2011 fiscal year. The IGA is the standard agreement from CDOT.

Commissioner Samson – When do we hope this might be totally completed?

Randy – 2013.

Carolyn wanted to point out that your action on the contract would include action on a resolution that CDOT requires. Which is a separate document but it will be an exhibit to the contract and that lays out everything CDOT has promised and everything everyone else has promised.

Motion

Commissioner Jankovsky – I'll make a motion we authorize the chair to sign the IGA with the Colorado Department of Transportation for the acquisition of right-of-way for the construction of the west Parachute interchange to the tune of $1,500,000.00. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky – aye

Discussion

Carolyn – Mr. Chairman the county attorney's office had been instructed by you to put together an IGA with Parachute, which they did. She was getting ready to send it off to the Town of Parachute but then I found out apparently the money from the different oil and gas companies is no longer coming through the town, rather directly the BOCC is receiving it as was shown in your capital fund. Is there any further need for that IGA with the Town of Parachute or can I just scrap that.

Commissioner Samson – What would be the use of it?
Carolyn – I don't know. I don't know if the town is still planning to provide some money or not.
Chairman Martin – No that's a different project. We won't need to take action on that particular issue.
Executive Session:
Ed – Contract negotiation with Atlantic Aviation; property negotiations; and negotiation of approach with Peckam and McKinney.
Carolyn – We would be happy to have executive session 5:15 p.m.
Chairman Martin – Thinks they will take the executive items this afternoon.
COMMENTS FROM CITIZENS NOT ON THE AGENDA
Lynn Shore wanted to talk in general about the proposed drilling by Antero in the Battlement Mesa PUD. Since Antero announced its plans to drill in the PUD he has sat silent and observed the ongoing conversation that has taken place within the community. He has decided it is time for him to cease being silent. It is important to know that his comments today are his and his alone; they do not represent the position of any organizations with which he may be associated. He is here today specifically to say to the commissioners, to the audience, to the press; Battlement Mesa is going to be okay. Lynn elaborated on his experiences with the oil and gas companies. Frightening people that don't want to move into the community who should be living there. He believes the concerns are disproportionate and ill founded. Our well is good, our health is good and so he knows just because you drill a gas well you're not going to have a negative impact. It sometimes has no impact. What is going to happen in his community with the industry, naturally, they will have a few issues and we will deal with them. Nevertheless, we are going to end up being the same beautiful place to live that it is today. It is going to be the same place that you can bring your children and raise them. It will be the same place that you come to, retire, and enjoy the very rich social fabric of our community. If you are bored on Battlement Mesa, it's your own fault. It will be a good place to continue to bring business into and to grow them as the Rocky Mountain Pizza Company is now doing. They are opening a new store in our community that serves pizza and ice cream. The True Value store is moving from Parachute to Battlement Mesa because those people believe we have a bright future. He believes that too and he thinks that we need to stop telling the world we are going to turn into a toxic waste pit and say look we are going to be healthy, viable, and dynamic as they always have been. He believes strongly enough in this that he invites the commissioners to come to their community in March, 2016 and he will pledge to be there and tour the community with them and show them how fine a community we are and how little impact that this has had on their community. He will be there to say I told you so. See you in 2016.
REGULAR AGENDA
Public Meetings

- **a. HIA: Antero Resources Request for Extension of Comment Period – Jim Rada and Staff of UCD School of Public Health**

Chairman Martin – There has been a request from Antero Resources for an extension of time, Mr. Rada and his staff are going to respond to that and also listen to Antero in reference to their request.
Jim Rada on the phone I have Dr. Whitter and Dr. Adgate from the Colorado School of Public Health (CSPH)and Dr. Lisa McKenzie in the room here, she is the primary author of the Health Risk Assessment component of the HIA. I don't have any opening comments, so Commissioners proceed.
Chairman Martin – I just wanted to make sure the other commissioners have received a copy which Jim was asked to supply to you on the Health Risk, the executive summary from Mr. Kilstrom regarding the request for an extension. He passed out four exhibits.
Jim – In the packets, we do have both the executive summary as well as the CSPH response.
Chairman Martin –Let's listen to the request and then we will have response from the doctor and from the staff members and we'll make a decision.
Kevin Kilstrom, Vice President Production for Antero Resources and John Black, Authorizing Manager for Antero Resources made a request for a continuance at the last BOCC meeting and it was placed on this agenda.
Chairman Martin – Yes, so we can make a decision.
Kevin – You have four exhibits that I have passed out to the commissioners and the reasons for the extension is: 1) One the significant length of the document and time it is taking to review it; 2) A significant number of changes and new recommendations; 3) We did not receive a redline version for comparison and there are new conclusions; and 4) We believe this extension will allow us to provide feedback that will improve the changes of this outcome. We have cooperated from the beginning of this effort and we believe that an extension will allow Antero to continue in this spirit of cooperation to provide feedback that will be useful to Garfield County. Antero is the dominate operator inside the Battlement Mesa PUD and the HIA proposes actions that will significantly affect our operations. There are at least four recommendations suggested to be implemented before a special use permit is even issued so prior to any issuance of a permit, the County is to implement these four recommendations. As another example, we're to improve sound mitigation to achieve levels below 55 decibels. The current regulations call for 80 decibels in the day and 75 at night at 350 foot. The sound in this room is probably something approximately 60 decibels. Kevin addressed some of their specific comments from the CSPH; 1) Evidence that was submitted to the County as of March 21, 2011; 2) We have already been advised of the HIA changes in January stakeholder meetings; 3) Summary information but nothing they we could act on; and 4) CSPH suggested there's a minimal amount of new data only 10 pages longer but if you look at it, the Human Health Risk Assessment is 48 pages longer. The recommendations and conclusions have changed. We believe it is important that we also look at the rationale behind those changes to the conclusions and recommendations. It sadly sounds like the HIA was and continues to be driven by a preconceived set of conclusions and recommendations. The new recommendations have already been written presumably to reflect regulations of other states and they would reflect practices by the EPA and other programs. The executive summary includes more than 70 specific recommendations. In draft one there were eight summary recommendations for 56 specific recommendations in the body. Therefore, again a fair increase to the previous draft. It is necessary to understand what the basis is behind those additional recommendations.
Chairman Martin – Go ahead and read them into the record, which Kevin did.
Dr. Whitter – We do want to make points ourselves. First, is our original scope of work was what was intended by the HIA. The originally agreed to identify relevant health and community data sources which we did and environmental stressors which could affect the health of the citizens of Battlement Mesa and identify potential safety concerns, review Antero's development plan (not yet submitted) so we have been attempting to do a complete HIA without this permit application. She explained these concerns and issues including the timelines and pointed out that we agreed to identify potential data gaps.
John Adgate rebutted Kevin's comments. The decision about what they would want to see out of this HIA, it is a broad policy making tool. If you do grant an extension, we will want to have at least some discussion about extending our timeline at least and that would depend the sorts of comments that we get by extending the deadline. But, we'll point out that we essentially had a month, we had gone into February after we held the meetings we got the last set of data from Antero at the end of January the first of February. Therefore, given that and the fact that everyone's known the timeline for a while, this is the sort of the source of their position that the deadline should not be extended.
Dr. Whitter suggested that Antero and other stakeholders look at the second document and comment. Chairman Martin – In reference to your recommendations and how it affects both state regulations as they are right now as well as in our local land use review which I have noticed several in excess to what we have as standards right now. Therefore, we need a side-by-side comparison for both state and local rules and what you're recommending. The three commissioners are following this closely and it being 580 is a consideration for us too. We are depending upon staff do it. Remember that it is advisory, what we're doing is getting your assessment of that, then

we have to weigh that, how much are we going to go ahead and apply based on the ability for us to do so and also working with state regulations that we are going to try and make even more onerous or make changes through petitions or whatever, because again on your recommendations extend of the time you've gone way beyond the scope of what this is supposed to be on recommending to the rest of the different operators, taking it statewide and even nationwide according to these two statements. It gives me a little trouble simply said we wanted to be very specific; deal with the concerns of Battlement Mesa and deal strictly there and then make a recommendation so that we can apply or take them under advisement.
Dr. Whiter –I may have not have written that line clearly enough.
Dr. Adgate – What we're trying to do is come up things that might be useful ways to analysis the recommendation.
Kevin Kilstrom – In that regard that this isn't meant to be reaching when the recommendations state that proximity or nearness is now defined as ½ mile that to me would specifically reflect nothing to do with Battlement Mesa but ½ mile from any residence in the County or in the state for that matter if these were to be interpreted by someone else outside of Garfield County. In setting a one-mile offset to an EPA waste facility likewise does not is not limited to Battlement Mesa. The county has numerous EPA waste facilities throughout. There is a provision to permit EMP waste facilities and to all of the sudden to come up with a recommendation of that since it's a EMP waste facility it should be a mile away. When you start drawing one mile circles around every home in Garfield County or the State of Colorado, there's going to be a lot of space that will not be accessible for an EMP waste facility and unfortunately there will be miles and miles and miles away from oil and gas operations so they directly exceed the guidelines in my opinion that were developed; that this was supposed to be a Battlement Mesa evaluation. I don't how you could conclude anything different when you start laying on arbitrary distances.
Chairman Martin – We're not trying to fault anyone, we're just trying to come the way that we can accept and either implement best management practices, health concerns identified and mitigated.
Lynn Shore – I can't see any harm being done in allowing an extension.
David Ludlum– Executive Director of West Slope COGA. I would just like to first point out that I appreciate the commission is engaged in process that is transparent; it has been deferential to the stakeholders and compliments to engaging in such a process. It comes really down to logistics.
Carolyn –A contract takes two parties and I think UCD is your contractor so if you are going to extend the question is, what do you want UCD to do during this period of time so they will be able to estimate for you what is the cost of that work. If you're expecting them to do something else.
Chairman Maritn – I am only asking them to me time to read it , cross references in order to have a better understanding and the ability to have intelligent questions so that they can verify it or to show me how they reached that conclusion..
Commissioner Samson - Dr. Whitter, in your professional opinion what would be wrong with granting 30 more days for people to comment and digest this material.
Dr. Whitter – I don't think there is anything wrong with it; we would review the comments were and again like we did the last time we would provide response and incorporate them into the final product.
Commissioner Samson - I am speaking for the industry but what they are saying is they haven't had enough time to adequately go thru the 522 pages to bring up everyting that they might in their wisdom feels needs to be addressed and that's why they want some more time.
Dr. Adgate – We don't believe that Antero is going to collect and provide that in the next 30 days.
Dr. Whitter –We won't be able to really provide a timeline for how long it would take us to respond until we see what kind of comments we get.
Chairman Martin – Well this is where it kind of summons it up to me and it's in your written conclusions, it is the decision of risk managers, the Garfield County Board of County Commissioners in consultation with shareholders to determine if the estimated risks with all their uncertainties warrant risk reducing actions. At that point I want to make sure I understand that I understand every one of those risks and some of the conclusions and see it can either accept them support them or disregard them and so that's why I need time. Because if falls on my shoulders what we finally come down to the nitty gritty. Thank you for all your hard work and everything, you walk away; I live with the consequences on my final decisions pro or con. Therefore, that's where it is for me. I want to make the right decision and I want to do the proper way with the right information that I can support.
Commissioner Jankovsky – I'm starting to get very concerned about what the document is going to look like when we get the final document, we're not at 500 pages and we're essentially are going to be a 700 pages when we go through another extension deadline of not because of the comments. If this is a guide for us for operations within the PUD and it is information we can use for decisions making, it's, when we go through this process, it's something we will are going to be held to, I mean people are going to go back to this and say well, on page Number 400 this is what it says and this and so it's going to make the process even more difficult when we start to look at drilling and drilling applications with the PUD. I do think that Antero has a lot of risk here as well the citizens of Garfield County. Antero needs to have the opportunity to respond as they are the ones that are going to come in front of us with the well permits and drawing the PUD so I just think there are shareholders as well as other any other citizen in Garfield County, we need to give this extension. Again, I'm not sure what we're going to receive as the final outcome and how we're going to be able to use that, it's getting so big and so cumbersome that I have some concerns.
Jim Rada – How would an extension of the HIA contract affect the contract for that additional work?
Dr. Whitter – It postpones our ability to work on that as we focus more and more attention and longer attention on the HIA we don't have the ability to focus on the next step which would be the environmental health and monitoring study, so it does impact our ability to work on that next step.
Jim Rada reminded the Commissioners the contract has been extended to the end of this year; therefore if the HIA is extended for a period of months that could result in a further extension into 2012 on the HEMS design.
Chairman Martin – So noted Jim.
Commissioner Jankovsky – It is my understanding that Antero is not planning to do any drilling in 2011 or presenting to us in 2011.
David Ludlum – West Slope COGA, we're just asking for more time, that's all at this point. I believe all the stakeholders can agree that perceived health risk for the residents Battlement Mesa is of great concern to them. It certainly is for us, and our ability to do business in Garfield County. Taking a little extra time to get it right is probably a good investment from the County's perspective.
Motion
Commissioner Samson – I would move that we grant the request for extension of comment period for the length of 30 days for the HIA and I guess instruct the staff, the legal department to enter into a new contract, will we have to have a new contract.
Carolyn – No sir, it would be an amendment to the scope and an extension but I don't, is it clear to you that you want UCD to do anything or do you just want to …
Commissioner Samson – Here is my point is would it be fair to UCD to have people make comments and then say you don't get to say anything about that. I don't think that would be kosher, I think it would be best to …. But Jim what is your...
Jim Rada – I think it's important that UCD has a chance to respond.
Commissioner Samson – We've hired them for their expertise and so and so forth, we'd be cutting them short if we didn't let them respond.
Commissioner Jankovsky – I would agree.
Commissioner Samson – You're saying that would not require a new contract.

Carolyn – An amendment yes and you would be instructed Jim and me to work with UCD and bring you back an amendment.
Commissioner Samson – I'll let my motion stand as stated.
Commissioner Jankovsky – I will second that.
Chairman Martin – I have a motion to continue for 30-days and if necessary do a new scope of service with the school.
In favor: Samson – aye Martin – aye Jankovsky - aye
Discussion:
Carolyn – This is Carolyn Dahlgren, can Jim Rada and I get on the phone with both of you later this week. Dr. Adgate – Sure we can but until we see the comments, we don't not willing to commit to anything in terms of a timeline until we have some reasonable estimate of how much work it would be so it would be at least a couple of weeks after we receive all the comments, we'll need some time to adjust them and figure out how long it will take us to respond.
Carolyn – Okay, so maybe we should put off a telephone conference.
Jim – That would put us into May before we could really negotiate an extension of the contract with them if we're going to extend to April 30th.
Chairman Martin – The county itself is not under that timeline, it would be on the school and their time if they are able to complete that contract or not – that would be the issues, the other one is we may push that next phase back and if so, rightly so, not rush into something we have not completed.
Jim – And you are aware their current contract expires the end of April so we'll need to do something probably retroactive.
Carolyn – If that's the case it may be a new contract.
Chairman Martin – It may be.
PUBLIC MEETING:

- **b. Consider a Request for the Marquis Subdivision Final Plat to Create Two Lots from a ± 50-Acre Parcel – This Site is Located on Crystal Springs Ranch Road (CR 112) North of Highway 82, East of the Town of Carbondale – Applicant; Ce-Mar-Sam & Co., LLLP – Kathy Eastley**

Davis Farrar, Western Slope Consulting was present.
Planner Kathy Eastley submitted the following exhibits: Exhibit A – I.
Chairman Martin entered Exhibits A – I Into the record.
Kathy Eastley explained: On June 7, 2010, the BOCC approved a preliminary plan for the Marquis subdivision. Staff is requesting the Board authorize the Chairman to sign the mylar.
Davis - This is straightforward, it is a two-lot subdivision. Sam and his family would like to eventually build a new house on the lot. They have drilled a well, tested the water and have both legal and physical supply as well as water quality and he thinks it is ready to go. He is respectfully requesting approval for the Chairman's signature on the pla
Motion
Commissioner Samson – I would move that we grant the request for the Marquis Subdivision final plat to create two lots and authorize the chair to sign such.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **c. Introduction and Reading of Ordinance 11-01, Adopting Fire Code – Andy Schwaller**

On May 10, 2010, the BOCC directed the Fire Code Adoption and Revision Commission to review the 2009 IFC and to make recommendations concerning the adoption and revision of ordinances establishing minimum fire safety standards within unincorporated Garfield County.
Motion
Commissioner Samson - I would move that we direct staff to put on the agenda a public hearing for the purpose of the adoption of the 2009 international fire code (IFC) as April 18, 2011.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
PUBLIC HEARINGS:

- **a. Consider a Request for a Combined Preliminary Plan and Final Plat Application to Subdivide a 20-Acre Parcel into Two Lots to be Known as Sunset Ranch Subdivision – The Site is Located North of Stirling Ranch PUD on County Road 162A – Applicants; Kevin and Paula Busk – Kathy Eastley**

Temple Glassier, Paula Busk, Kevin Busk were present
Carey reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Planner Kathy Eastley submitted the following exhibits: Exhibit A – X.
Chairman Martin entered Exhibits A – X into the record.
Kathy Eastley gave a power point presentation and thoroughly explained the proposal as well as the issues from adjacent landowners.
Temple –There were three things brought up in the planning commission that came from public comment: 1) The well and the water rights to this property; 2) The access is a 30 foot non-exclusive easement that was granted during the Henderson Stirling Subdivision that serves parcel A, B and this lot one, which was of the Stirling Henderson but now would be lot 1 and lot 2 of the Sunset Ranch and 3) Surveying and comments from Mr. Buettner on the surveying and the validity of the property boundaries, property lines and they do carry title insurance.
Kathy – There is history regarding this question in this particular area, and in fact the county road status of County Road 162 and 162A. She believes that the board in the past that County Road 162A is in fact a county road and the county surveyor has testified before the Board of county Commissioners regarding the survey.
Louis Buettner is a land surveyor and he is here today to inform the commission of some facts he has found researching property in this area for the last three years. We have a screwed up mess up there and every division of the property complicates the subdivision.
Commissioner Jankovsky – I've been involved with monuments with surveyors and I understand what Louis he is saying about original monuments. Original monuments are not easy to find. You have to go back to the 1890 surveys and try to figure out what they were talking about when they are talking about a rock somewhere.
Louis – He has found many original monuments. This subdivision is prepared based on the Stirling resolution of 1983. This is a problem so let's get that problem corrected. Everybody up there in the northwest corner of section 29 and it actually is in the sections 19, 20, 29 and 30. Their land truly has a cloud on their title.
Denise Henderson owns the property the access road goes through. She was involved in the Stirling Henderson exemption initially. She guesses she is opposed to this on a number of fronts. One, when they got their exemption the county had repeatedly denied the current owner at the time was Ruth Stirling on that 40-acres because there was not enough water. Repeatedly she was denied to subdivide. She stated she did not understand how the county reverses their opinion of that well. She certainly never expected that piece was going to be divided. They are butting this right up next to a home in the Stirling Ranch that will affect their ability to sell because it will be right across the fence line where they have their building envelope. This is not fair.
Chairman Martin – There's been a site visit and Kathy, our staff person is making the recommendations to us.

Denise - The easement that is there now is already over burdened, it's dangerous because there is not room for cars to pass. The entrance off 162 into the subdivision is also dangerous. The notification should have gone deeper into the subdivision as it affects all of those people that funnel through that gate. They are putting a building envelope right next to someone else's property. The noted the discrepancies.
Kathy noted the packet of information from Adrienne is Exhibit X.
Adrienne explained her issues indepth once more to the Board, this time for Commissioner Jankovsky to understand. The County Road is unsafe and asked that the Board review the county codes for approval of driveways. The well permit for the Busk property dated 2005 is for a well closer than 600 feet from the Crouch well. How can you consider a subdivision when the property has already been split four times and encroaches on her property? The Busk property is insured by the same title company as my property. There is no legal access to the Busk property and the land has been located incorrectly. The monumentation was put in 1986; four years after her parents purchased the land she received in 1989. Mr. Martin asked me to review the Missouri Heights chains of title and without a doubt there are many issues with roads and ownerships of lands. Please help me to get my property straightened out.
Louis Buettner wanted to clear up two points. The 162 we don't know which side of the fence or if the fence is the line. That's all the way down. He asked to go back to the photo of the intersection with the stop sign. Here on the left side of the photo the road is build definitely on the Crouch property. That has been determined by him and by the county surveyor. He has told the previous board, council, you folks that the road is on the Crouch property there. If you move that road 10 feet to the right towards the stop sign that will complicate matters even worse here. The county surveyor and he found original monumentation out in the road. Adrienne stated there are encroachments on my property
Commissioner Samson – So how much land is are we talking about that is contested here. We keep talking about 70 feet; 70 feet how long? The width of the road - 30-foot road - 60-foot road.
Louis Buettner – We're talking about a two lane road 162A was constructed as a two lane dirt road and at the present time it has been oiled. The road encroachment on these lands is approximately 70 square feet at that intersection in a triangular. Communications they have had, that he has seen for the correction of that problem was a unilateral agreement stating the road would be corrected. It didn't state what was going to be corrected or an agreement. An agreement takes two; not a unilateral agreement. A construction easement agreement was submitted that was improper and not complying with the law. That was thrown out. At the present time, the encroachment of the road as to its position is in doubt. It could be 60 feet off as constructed. If you go with just the 70 foot error at the intersection of the private driveway and the road then that's 70 feet; but that will move the road, either reduce it by that 70 feet or move it 10 feet easterly which is going to affect the easement.
Commissioner Samson – So what solution do you propose?
Louis Buettner – Offered 12 steps required just to clear up the Crouch property. He proceeded to name all of the steps.
Carolyn doesn't know if these are truly county roads or just "public roads".
Kathy – They are clearly county roads.
Chairman Martin – And through what purpose, dedication or title? That's always been the problem; the county has very few roads that are P-title.
Kathy – That's correct; it was an easement she believes that was granted. In addition, the county road is at the gate to the Stirling Ranch PUD.
Chairman Martin – Right and that's what we are talking about in reference to 162A. Which property is it located on, Adrienne or the Stirling? Did the Stirling own it when they created the road? That's back to what is the real problem.
Carolyn – And not something that you can solve.
Chairman Martin – Correct. This is a large issue; back to the folks that have a subdivision. They want to divide their property based upon the information we have do we wish to go forward and close the public hearing or do you wish to keep it open and debate this issue longer.
Commissioner Samson – Are we not willing to do anything about that because it will cost millions of dollars?
Chairman Martin – It has the potential but he doesn't think it would cost that much. It would take time.
Carey – There are two issues you are dealing with and first she wanted to address the quarter corner issue. 1038 of Article 44 of the Colorado Revised Statutes provides a specific remedy for dealing with disputed boundaries. The proper remedy is through court action and not through action of the Board of County Commissioners. Therefore, even if we wanted to take action on the quarter corner it wouldn't be the appropriate forum for that request. As far as the County Road 162A, she knows this has a long history. However, everything we have received to date shows there is no evidence that the road is in the wrong location. She has spoken to Don DeFord about the issue and the county surveyor before today's hearing and he would be more than happy to return and present his survey evidence to the board should that inform their decision that it is an in fact a proper county road. It would provide legal access to the proposed subdivision. Therefore, from this offices perspective based upon what they have in front of them the evidence they have in front of them there is a legal access to the property and that's their concern with the subdivision application.
Commissioner Samson – And that's what was presented to them over a year ago when he requested all three of those county departments to check into the matter and that's what they came back to them with. Therefore, what we are saying as a county is that everything is okay the way we see it. In addition, you're saying, if he is interrupting correctly, the only way and the legal way and the lawful way to do it this party needs to sue the county in court to take care of that problem. Because our county people say it's okay, they don't and we can't make a determination the court will have to make a determination according to that state statute you just gave them.
Chairman Martin – There is another remedy; the county takes the action instead of someone suing the county, saying there is a dispute and there needs to have a court ruling on it.
Commissioner Samson – So we would then be the plaintiff
Chairman Martin – Yes we would be presenting the information to the court.
Commissioner Samson – But that would be going against the three findings of our staff departments.
Chairman Martin – Yes, that's an option.
Adrienne - To be railroaded for the 100th time is just unacceptable. She does have one solution that you might want to think about; I feel very certain that 162A is on my property and the deed that the Crouch's received was east of the fence. There was only one fence there and its east of 162A. Therefore, if you would like her to put a big giant fence up so that the Busks, or Temple, or Denise or the Stirling Ranch cannot get on their property, she will be happy to do it.
Chairman Martin – That's not what we want, we want to solve the problem.
Temple wanted to make a clarification because she too has lived on the 10-acres on the west side of the Busks. For eleven years, she is in between Adrienne and the Busk property. When she originally was looking at the property and originally going up there 162; her grandparents owned 200 acres and farmed the land, which was the now Stirling Ranch. She has history on this mountain and 162 used to make a big loop and come down by Blues. The county has never vacated it; you can still look at the assessor maps and see that centerline of that road. That county road 162 was going right in front of Adrienne's house. It is on that easement that goes along Denise and her property. She is not a surveyor but her property title is there and she owns the property. There is an easement on it and the county road is too. She knows that Adrienne has had a long going dispute of where the road is whose property etc. I also ran road and bridge for Pitkin County for 20 years and they had probably 50% of their roads were prescriptive right. The county

maintains it, it is public access for everybody that goes past that point, and you have prescriptive easement if nothing across that road. It's a mood point with what is going on right now. Adrienne has had this issue; she and the county needs to work it out.
Chairman Martin – That's right; that's what we're trying to do get to this issue.
Commissioner Jankovsky – How long has road 162A been there?
Temple – Up on the two 10-acre parcels less than 10 years. It was moved when she was starting to build her house.
Chairman Martin – Prescriptive use under state statute is 20 years.
Temple – 162 that goes through Adrienne's property, what is the prescriptive use there?
Motions
Chairman Martin – We have a motion to close the public hearing?
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson doesn't see any reason to deny the Busks their request. His question is, knowing all that they know is there going to be a cloud on their title eventually? Is there going to be all kinds of implications if this goes the wrong way or the right way?
Chairman Martin thinks the challenge would be do they have legal access. He thinks that's where it is right now.
Commissioner Jankovsky – What is the access for the driveway, Kathy?
Kathy – It's a 30 foot non-exclusive easement.
Commissioner Jankovsky – What does non-exclusive easement mean?
Kathy – It means that anyone can use it; it's not limited to the three homes that were originally contemplated in that area.
Motion
Commissioner Jankovsky – I'll make a motion that we approve with the ten recommendations from the planning commission we approve the subdivision for the Busk property known as Sunset Ranch Subdivision. Commissioner Samson – Second.
Discussion
Chairman Martin – As in the past I still thinks there is an issue that we need to resolve that we haven't and that is 162A and the location it is. Does it give legal access etc?
Commissioner Samson – I'm thinking the only way this is ever going to get taken care of is it will have to go to court.
Chairman Martin – I agree.
Commissioner Samson – It's the only way it's going to get done.
Commissioner Jankovsky – Maybe we can work with the property owner and in a friendly kind of dispute to try and figure out how to resolve this. I hear and see your frustration I don't think it has to do with the Busks and I think what Louis said doesn't have to do with the Busks but there has to be some way to satisfy some of your frustration and concerns and I would like to actually have a tour up there sometime so you can show me what's going on.
Denise – Why has this become Adrienne's issue? I don't know why you are even contemplating having them use the north access; which would be the other side of anything that Adrienne is going to do. However, you haven't even asked for input for as to how much that will cost or directed them that they should come back with something like that. I feel like this is all of a sudden some completely different issue and haven't addressed any of the issues that I've brought up.
Commissioner Jankovsky – I've heard your issues and I appreciate you brining those up again and I hope that your neighbors heard them as well and they take that into consideration. Nevertheless, I do think they have a legal right to, at least they meet our comp plan, and they meet the zoning. I think they have a right to have the subdivision in my opinion as one commissioner.
In favor: Samson – aye Jankovsky – aye Opposed - Martin – aye
Chairman Martin – All I can say is we still have an issue that's outstanding and we need to deal with it. Commissioner Samson – Do we want to address that?
Chairman Martin – I think we should.
Executive session
Carolyn – Property negotiation that come under 2464024E that allows you to go into session but we will need to keep an executive session record. Mr. Green had a property negotiation, Brian Condie had a lease agreement negotiation question and actually, the third one was a process question about interviewing the county attorney candidates, which doesn't have to be in executive.
Chairman Martin – Do we have a motion to go into executive session.
Commissioner Jankovsky– So moved. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – Motion to come out of executive session?
Commissioner Jankovsky – So moved. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – No action needs to be taken.
Commissioner Reports
Commissioner Samson – He and Commissioner Jankovsky went up to High Lonesome and had good visit with Scott Stewart and Paul. He has quite an operation there and has some big plans. They spoke generally about possibly bringing in top scientists and it sounded like he already had.
Commissioner Jankovsky - Very interesting concept on that ranch and multi use being a dude ranch, working ranch and had a lot to do with wildlife conservation and bringing in scientists from all over the county to look at those things. The thing that amazed him was that its 300 square miles and most of it is in Garfield County some into Mesa. Jean asked if they were still talking about getting a liquor license for up there; did they mention anything.
Commissioner Samson – They did not mention that. Jean – They have been talking quite a bit with the Department of Revenue on what they needed to do.
Commissioner Jankovsky – They are a dude ranch and said they purchased their wine from Palisade. However, they may not serve it.
Jean – Hopefully, they don't serve it, because even if it's complementary they still have to have a liquor license.
Commissioner Jankovsky – There are some things he wants to talk to Fred about tomorrow; some of the problems they had with the dog kennel regulations and their frustrations.
Commissioner Samson – They gave them the name of Fred and Tamara to contact them to talk about some specific things.
Chairman Martin – Thinks all they needed to do was say they were working dogs. There are different definitions and requirements; but if it's a regular dog kennel then they apply. If you have working dogs, they are exempt from Fred's regulations.
Commissioner Jankovsky – They said it cost them about $150,000.00 more than they thought it should have.
Commissioner Samson – Tomorrow 8:00 am special meeting. Chairman Martin – Yes, it's a work session on economic development, zoning requirements and total rewards with the election officials input in reference to the request from administration on increase in salary. Don't forget the big one on April 5th. Medical Marijuana, risk assessment and mitigation.

ADJOURNMENT

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 4, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk to the Board.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION – Moment of Self Reflection and Silence

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Bob Millett – 0166 Deer Park Court in Glenwood Springs. I am here today for HB 1223 regarding the proposed changes to the Colorado Oil and Gas Commission. This is a very bad bill that has come up in the House. A handout was submitted to the Board, which gives you some of the facts on it. Ray Scott originally submitted this bill and it was introduced with modifications, and it has been amended and submitted to the Attorney General and passed the Attorney General committee last week and it's going to the House. It seriously changes the composition of the Colorado Oil and Gas Commission. The current composition is 9 members with fairly balanced representation from government, industry, environment, wildlife, agriculture, etc. Scott's original bill wanted to chop this down to 7 members, which would be like returning to the way the organization was structured before 2007 with only 7 members, 5 of whom would be from the oil and gas. It has since been modified with an amendment shown on the lower right panel but it still has 5 members from the oil and gas experience and the other representation, some from DNR, local government, etc. It still presents a very non-balanced commission as we've had. I'm here to urge you as County Commissioners to take a stand on this and with a letter to the House of Representatives to vote no on this bill.

Bill referenced those supporting the Bill to leave it as is including Glenwood Springs City Council, New Castle Town Council and Pitkin County. Additionally, Charlie Montgomery of the Colorado Environmental Coalition is asking that you consider this and draft a letter. So, are there any questions?

Chairman Martin – No, just let you know that Mr. Samson serves on the AGNC Board and they are discussing that bill, I serve on the steering committee for CCI, we discussed the bill, it is in the monitor position right at the moment and the discussion is going on. Tom have you had any exposure to this bill.

I know Club 20 has also discussed this bill.

Bob – Club 20 is supporting. What I'm asking you Commissioners is to draft a letter in opposition to this, how do you stand on that?

Chairman Martin – At the present I don't oppose the bill and I'm not supporting the bill; I'm reading through it, 11 people are way too much for a committee you can hardly get things done with 9 so it's back and forth and we're discussing it.

Bob – I'd like to point out that this is something that's a very timely things. It is going before the House so if the Board is willing to take a stand on this it is something that should be done shortly. It's very urgent that you guys take a stand on this. The other governmental bodies have taken a stand and I would like to see you guys do that too.

Chairman Martin – One way or the other.

Mock Trial Folks –Chuck Aragon introduced the member of the team, Hope Whitman, Joseph Ciborowski, Erica Arnsman, Grace Gamba, Eileen Klomhaus, and Isabel Carlson. Chuck gave a background of his experience with the Mock Trials. All of the members of the team do not necessarily want to become lawyers, but all feel it is something that will benefit them in whatever endeavor they chose. It wasn't until 2002 that Glenwood Springs High School won its first Mock Trial State Championship from that point on we have won four years in a roll. It's been over 20 years since a Colorado team has won the National Tournament in 1991 – Evergreen High School won it and Glenwood Springs High School has never won the national tournament. The closest we've ever come in second place. We're here today to ask for money in the amount of $3000 to cover the rest of our expenses. We will be gone the Tuesday, May 3 until the Sunday May 8. He explained the reason for traveling to the Nationals early mentioning skirmishing is a huge part of Mock Trial, you know kind of working out all the mishaps and fixing things. We skirmish four different teams from around the Country to practice before we get into our actual competition Friday and then spend Friday and Saturday competing and we come back home on Sunday.

Commissioner Samson – Will the $3000 do the trick for you or do you still need to raise money on top of that?

Chuck – I understand that will do the trick for us. I don't know a lot about the financial aspect but I do know that is really what we need to raise and that's what's left is that $3,000.

Motion

Commissioner Samson – Well, I can tell you being in education for 30 years that the Mock Trial competition is a great thing for young people and I know about it from Rifle High School and I would definitely support us taking $3,000 out of our Discretionary fund. I would make that motion that we give the Mock Trial Team of Glenwood Springs $3,000 to help with their expenses.

Commissioner Jankovsky – And I will second that motion. No statement, just go get them.

Chairman Martin – Wes came a couple of years ago and that's when you guys were high and they passed with second place, we supported you then and now we've got a bunch of young upstart attorney's and we have to face those attorney's every meeting. You're willing to go ahead and give money to them. Ms. Dahlgren, any words of wisdom to these young kids. All those in favor of awarding $3,000 to the Mock Trial say, aye. Go for it.

In favor: Martin – aye Samson – aye Jankovsky – aye

Commissioner Samson – If you do win the National Competition, I think it might be good for you to come back and give us a report, even if you don't win, come back and give us a report. Do you have your case?

Chuck – We do it came out April 1 only a couple days ago, we've been reading it frantically, we actually have our first meeting tonight and then we have meetings the rest of April. It's actually about land rights, because it's in Phoenix there's a tribe that's involved and then a company who's trying to expand a uranium mining well.

Commisioner Samson – On Tribal Lands.

Chuck – Yes, but the Tribe subleases the land to this company over 40 years ago and now they are asking for the expansion and the Tribe is saying that is going against out contract. They're trying to get their lands back.

Commissioner Samson – Good luck. Thanks very much for being here. We'll look forward to you being back.

Chuck– With a trophy too.

Executive Session – Carolyn stated that Georgia Chamberlain has requested an Executive Session that is confidential under the open meetings act because it involves confidential tax information.

CLERK'S OFFICE: JEAN ALBERICO

A. REQUEST FOR THE BOARD TO APPROVE A RESOLUTION AUTHORIZING THE COUNTY CLERK TO CONDUCT THE NOVEMBER 1, 2011 COORDINATED ELECTION AS A MAIL BALLOT ELECTION.

Jean Alberico submitted a request to the Board to consider a request to approve a Resolution authorizing the November 1, 2011Coordinated Election by mail. She explained how traditionally the County has conducted the off odd year elections by mail. She gave statistics saying 70% of the voters have requested permanent mail-in ballots. At this time, I know for sure that some school board director elections and there is a possibility there may be a statewide questions. We have sent a letter to all of the Special Districts telling them the timeframes, the date of the Coordinated Election and we're just waiting to hear back.

My request is that you approve this Resolution.

Motion

Commissioner Samson – I would move that we approve the Resolution concerned with the approval of the Board of County Commissioners for a mail ballot election for the 2011 election to be held on Tuesday, November 1, 2011. Commissioner Jankovsky - Second.

In favor: Martin – aye Jankovsky - aye Samson – aye

LIQUOR LICENSE – TRIGGER BOWL LLC DBA RIFLE FIRESIDE LANES

Jean introduced the applicant John Langstaff and explained that his was a late addition to the agenda. Trigger Bowling LLC will do business as The Rifle Fireside Lanes. New liquor license applications mean new businesses and new establishments, you need to set the area of the neighborhood so he can go out and circulate his petitions and you need to set a hearing date. He's hoping that he will set a hearing date as the first meeting in May, which would be May 2, 2011, which would be not less than 30-day requirement.

The neighborhood was set later in the afternoon, the last item.

Motion

Commissioner Samson – I would move that we set the liquor license hearing for the Trigger Bowling LLC dba Rifle Fireside Lanes for May 2, 2011 for the hearing date. Commissioner Jankovsky second.

In favor: Jankovsky – aye Samson – aye Martin - aye

COUNTY SHERIFF UPDATE: LOU VALLARIO

Lou gave the update.

Jail Update

Lou – Our jail population has been hovering right around the 130 number for close to a year now. We see our fair share of criminal activity and things are going well. We're going to be hosting a Homicide Trial slight impact to the way we're structured. The trial is set for 6 weeks, it a lengthy intense trial.

Model Traffic Code

Lou – Regarding the Model Traffic Code, the first quarter revenues through the year 2011, we're generating about $28,000, which would put us once we take out Vale Funds and what goes to the State Treasurer for certain surcharges, etc, looks like we're going to be depositing with the Treasurer around $24,000. This puts us on the mark to about $100,000 in the Model Traffic Code revenue this year. Carolyn and I discussed the parking problems in Battlement Mesa as some residents had concerns understanding the limitations. I got a map from Rob Hykys to help out but part of this is still the confusion that we all have between County roads, public road, private roads where we can and can't enforce. The other issue we're going to have to establish some sort of parking schedules and parking is an issue. That would require specific neighborhoods and schedule no parking either on these streets at specific hours/days, possibly even 2-hour parking. Carolyn had mentioned a couple of concerns, she met with the Kiwanis Club and they had some questions about traffic enforcement due to the gas industry vehicles in that Battlement Mesa area. Carolyn – We need a working group to figure out how to do these schedules.

Lou – We need to sit down with the particular people in the neighborhood or Battlement Mesa Association if we're talking parking. We need to look and see if there are any areas we need parking enforcement, understand right now it seems like the biggest issue we have are cars and trucks that might be parked on the shoulder roadways and currently all these statues pertain to on the roadway. If we want to look at something about parking on the shoulder, we would need to establish that criteria. If it's a matter of speed limits, we look to either the state law as they have suggested speed limits in residential areas, county roads, etc state highways.

Chairman Martin – The idea of sitting down with various folks would be great, that's what we wanted to do.

Commissioner Samson – I'm glad to see you giving us money back, it's awesome.

Lou appreciated hearing that from the Board.

Rifle Honor Camp

Chairman Martin – There is one question in reference State Budget and the proposed cutting of services at the Rifle Honor Camp. He asked Lou to check into this and find out if it's just a rumor or some truth in the matter. We're looking at trying to save about 55 jobs and a few other positive things within the community from Community Corrections and all the other programs.

Lou – The other piece of keeping the facility open is the fire crew that operates out of there, which has been essential for us with wildfires in our area.

CONSENT AGENDA:

a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. Changes to Prior Warrant List
e. Authorize the Chairman to sign a resolution of approval for the Sunset Ranch Subdivision located on CR 162A. Applicants are Kevin and Paula Busk – Kathy Eastley
f. Authorize Chair to sign IGA for Mosquito Control – 2011. The original is upstairs in MaryLynn's office. Carolyn said we had to get many signatures.

Commissioner Jankovsky – I will make a motion that we approve the Consent Agenda.

Commissioner Samson - Second. In favor: Martin - aye Jankovsky – aye Samson – aye

COUNTY MANAGER UPDATE: ED GREEN

I. TOTAL REWARDS – KATHERINE ROSS

Ed – As you recall we had an extensive work session in March to discuss the Total Rewards Program and you asked we put this on the agenda for action in the first meeting in April.

Katherine Ross introduced Mary Larson, Human Resources, and Lori Goodwin Human Resources.

Chairman Martin asked Katherine to give a refresher for the listening audience and the record.

Katherine explained the two work session. Total rewards includes paying within the pay structure if that is recommended, any change in compensation if that's recommended, and any changes in health care, dental and vision for the year. She reviewed the 5 pages and the summary. We are part of the CBET non-profit pool and the pool this year has determined this year that the 2011- 2012 rate 91% on which they base their calculations. Ours is 8.48% so that has helped to keep our rates down. Our rates are projected to be 6.5%. We have budgeted for these cost increases, we were very close with finance as soon as we get the numbers and projections; I'm very comfortable with the numbers. We're anticipating the increase cost 6.5% for it to be $481,400 lower than we anticipated with the cost being an increase of $522,500. Summarizing then on page 5 we're here today to ask you to direct HR to do the following things: The pay structure to be moved 1% from our alignment; Ask that the pay for performance increases for eligible employees be implemented; We ask that it be implemented for both the annual pay increases and any 6-month pay increases which would be forth coming; and To pay for the 6.5% increase in premium costs and with that you would have to authorize me to sign the required documents because there are specific documents that have to be signed that were actually due last Friday.

The cost estimate for that on an annualized basis is $1 million including the amount for the remainder of the year would be under budget total of $627,000.

Ed – Our original budget for these two items was $1.7 million that was mitigated by the fact that we eliminated 26 positions in 2010, so the revised number is what you see that is the $1.092M.

Chairman Martin - We are going to see a huge boom in foreclosures I think in 2012. Revenues are one of the issues and we've discussed that at length.

Discussion and Motion

Commissioner Samson – Well, I'll jump into the hornets' nest, it's a tough deal, I have to speak frankly and say I feel badly in a lot of ways that the two years I've been on the Commission we have not given raises to employees and I don't like that, I like that feeling; I think most of the employees know why we as Commission have not done that; but is wish I had a crystal ball and I could see what was going to happen next year, but the way I'm feeling right now I think we probably should honor this request because we have not given raises in the past two years and I don't know what we are going to be able to do next year. With that in mind, if we're going to do something, this is probably the year that we should do it and make no promises for next year. Commissioner Jankovsky – I agree.

Chairman Martin – Well, we never made promises in any year.

Commissioner Samson – That is my trend of thought right now.

Chairman Martin – I understand, and the biggest concern was and hopefully we do not fall into this bear trap, that we do honor the request and next year we have to cut people. That is one of the biggest discussions in the two workshops that I've dealt with, we understand that is on the line. Also, understand that one of our best and most valuable assets are our employees. We have absorbed many costs in reference to health insurance and other benefits increased from holiday time, personal time and tried to work with everyone. We have given flextime so that everyone was able to work their schedule out and still give the best performance to our customers, our citizens, keeping that in mind that we do work for the citizens so I hope we will make the right choice. The request it to have a motion on all four items that have been requested.

Commissioner Samson – That would be my motion. Commissioner Jankovsky – I'll second that.

Commissioner Jankovsky – A number of statements, I think this year is the time to do this and I think if we don't do this, this year, next year we may be in a situation where we can't. We need to do that this year because it will put us in a real tough position next year. The reason I say that is that I think we have this health care piece that is so volatile that next year we're going to potentially it may not be 6.5% and next year we may not be able to offer the same PPO's that we've been offering for a while. This does $1 million that we need to absorb in budgeting next year and so the attrition part is very important if we can through attrition cut another 10 plus position, that's $600,000 and I think also looking at our budget, there's places where we can trim up the budget and make this work. The important thing too, is that these dollars going to our employees do stay in the community so they're used in the community as opposed to us doing a study that's from somebody outside the community, so I think when looking at the budget, that is very important. I think now is the time to do this because I think next year is going to be, we're looking at less revenues possibly because of values of housing are going to go down, so I think we need to do this now.

Chairman Martin – All right, just to set the stage again for a final vote, this is within the budget. We did anticipate a request through the budget process and had a hearing. We have done a study, a projection of the next 5 years on revenue and expenses. We have trimmed down all of the capital projects, put our priorities hopefully in place, and established that we're not increasing any taxes of any kind. We're not cutting employees but we're doing through attrition and efficiencies. We will request all elected officials to look at their budget for 2012. Call for the final question. All in favor of approving all four requests say aye.

In favor: Martin – aye Jankovsky - aye Samson – aye

Chairman Martin – It will unanimous, we'll be in this boat altogether, we put priority on our employees and their efficiency and the product they give our citizens that we work with, hopefully this is a challenge to our citizens and our elected officials to do even better than we have in the past. Thank you very much.

CITY OF RIFLE – SPRING CLEAN UP

Ed presented a letter from the City of Rifle that was not in the packet. Last year they had asked us to have the per count rate in support of this Spring Clean Up, which w did.

Betsy – Last year the Spring Clean Up cost about $2700.00 to the landfill fund that is an enterprise fund, so because it's a relatively small percentage of the budget, we feel we can move ahead with this and provide that same benefit to the City of Rifle. to work with them. Several things at the staff level to make it easier for both sides and that is for them to do the proper sorting. We can work with each other and keep those costs to a minimum.

Ed – We're not at 2.4 cents anymore. I think it is 3.4.

Chairman Martin – Yes, we increased it. The request is to still go ahead and have this cooperation with the City of Rifle on their clean up. Do we have a motion to approve or oppose.

Ed – Do you want half of whatever it is?

Chairman Martin – Yes.

Commissioner Samson – Well, they've asked for fee of 1.2 cents per pound.

Ed – That is based upon the old rate.

Commissioner Samson – I would honor that, I don't have a problem with that.

Motion

Commissioner Samson – I would move that we approve the request by the City of Rifle for the citywide clean up for 2011 that is scheduled for May 9 through May 20 and have a fee of 1.2 cents per pound and honor the request for free dump or a special fee as such at 1.2 cents per pound.

Commissioner Jankovsky – I'll second that motion.

Chairman Martin – Further discussion.

Carolyn – I was confused, Mr. Samson was that….. it's not a free dump is it as fee of 1.2 cents per pound.

Chairman Martin – They were just fishing to see if they could do it for free. So you're motion is to approve the special rate of 1.2 cents per pound for the City of Rifle on their clean up for those dates.

Betsy – Commissioner Martin, if I might add, we do have some limitations, the electronic equipment is one limitation so you might add with prior limitation.

Commissioner Samson – Is there anything else, what should we put in there to make…

Chairman Martin – Just say Hazardous Waste.

Commissioner Samson – Do we list all that or just say the same ….

Betsy – The same limitations as historically per pound.

Commissioner Jankovsky – I will approve that clarification.

In favor: Jankovsky – aye Samson – aye Martin – aye

Ed – We will coming to you in May to have a discussion about the landfill there are several large ticket items we need to do in order to get the budget in order for that.

II. AWARD OF 2011 DOLA CLEAN ENERGY GRANT CONTRACT TO CLEER- JIM HACKETT AND JIM RADA

Jim Hackett and Jim Rada presented the award of a contract in an amount not to exceed $193,031.00 to CLEER to provide continuation of the DOLA Clean Energy Grant and authorize the Chair to sign the contract if approved. This will end the very first DOLA grant this year.

Motion

Commissioner Jankovsky – I'll make a motion the Board approves an award of a contract to CLEER in the amount of $193,031.00 to provide the continuation of the DOLA grant for Clean Energy in 2011 in accordance with the scope and service and authorize the Chairman to sign.
Commissioner Samson - Second. In favor: Martin – aye Jankovsky – aye Samson - aye
Chairman Martin clarified his vote in favor was because it is fulfilling the obligation and it does run out at the end of the year. There was no continuation of that particular issue.

III. PURCHASE OF AN ASPHALT PATCH TRUCK FOR THE ROAD AND BRIDGE – JIM HACKETT

Motion

Jim Hackett presented the award of a sole source contract to O.J. Watson Equipment for the purchase of one Schwarze RP006 Road and Asphalt repair patch truck for the Road and Bridge Department for a fixed price contract in the amount of $180,114.00 and authorize the Chair to sign if awarded. Jim explained that currently Road and Bridge has the same piece of equipment there so there will no need for upgraded training or new training on a different truck so the costs are there for the training. The fleet department currently has the parts and training to maintain the truck and O.J. Watson is the source patch truck in Colorado.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
Commissioner Samson – One question, Schwarze is the company that specializes in making that kind of equipment.
Commissioner Jankovsky – What are we going to do with the truck we have right now? Does it stay in the fleet or what happens? There are options – it does need repair and there is build up in the hoses and plugs everything off and not as efficient as it used to be. We can keep it, work on it and use it for spare parts.
Ed – What would it cost to repair it? Is it cost effective.
Response – We don't know for sure until we get in and look. The truck is about six or seven years old and runs all day long. In favor: Martin – aye Jankovsky - aye Samson - aye

AUTHORIZATION OF COUNTY ENGINEER RANDY WITHEE TO EXECUTE AN ACCEPTANCE CERTIFICATE FOR THE INSTALLATION AND OPERATION OF THE SOLAR PANELS LOCATED AT THE GARFIELD COUNTY FAIRGROUNDS – GENE DURAN AND RANDY WITHEE

Gene Duran and Randy Withee gave a summary and background saying that on October 18, 2010, the Board of County Commissioners (BOCC) awarded the County Fairgrounds solar panel contract to Rockwell Financial Group and Sol Energy. Staff is requesting authorization to sign the Acceptance Agreement to commence the generation of electricity and recommends County Engineer Randy Withee to sign the acceptance certificate since he is familiar with the solar services agreement and the installation of the panels. The acceptance does not constitute ownership. Rockwell maintains ownership pursuant to the solar services agreement. This is a complex operation and this is the final step before it powers up and starts supplying the power to the Riding Stables.
Randy – Updated the Board on the purchase agreement. Overall the entire program over 20 years what they projected is going to save the County about $347,000 as an estimate.
Ed – If some future board decides to move the Fairgrounds, what happens to the solar panels?
Randy – The deal is right now is that these solar panels and this system is to be at this location. You'll have to work out different details, depends upon where you locate it, if you locate within the Xcel program or Holy Cross. We can look at purchasing them after seven years. There is a ribbon cutting on April 21.

Motion

Commissioner Samson – I think it's great that we're going to be saving $347,000 – that is awesome, so I would move that we authorize Randy Withee our County Engineer to executive the acceptance agreement for the installation and operation of the solar panels located at the Garfield County Fairgrounds.
Commissioner Jankovsky - Second. Randy, at the end of 20-years does Rockwell own these or do we own them?
Randy – They still own them. They are responsible for removal of them on the roof unless we as a county want to go ahead and purchase them. That is the 20-year life of the panels.
Commisioner Jankovsky – Does Rockwell get a certain amount of electricity that's being generated, what's their benefit.
Randy – I think their benefit is based on the tax.
Gene – Yes and primarily, they get to sell the energy back to the grid that we aren't using. That's their incentive out of the agreement is that it generates sufficient power for the Riding Arena and any excess power they can sell it back to the grid.
Commissioner Jankovsky – I hear that we're going to use more power than these solar panels.
Randy – I think that's the program with Xcel, you couldn't produce more what you are using so but we looked at about 256,000 kilowatts throughout the year. This produces 144,000 and it reduces our bill.
Gene - It is a flat fee for the length of the contract of the 20 years, so that we're not subject to any volatile increases in energy costs.
In favor: Martin – aye Jankovsky – aye Samson - aye

Executive Session

Carolyn alluded to the confidential item regarding sales tax and we need legal guidance regarding negotiations with RE1 and legal guidance regarding potential litigation associated with the 5% preference rule. The reason for the Executive Session is that this involves a confidential tax information under Section 29.2.106 and then the second thing I would like to update you on a piece of litigation in which the County is not a party but in which we filed an Amicus Brief, the Grand Valley Citizens case. I can publically that the Supreme County has accepted Cert on that and after I update you in executive session, we may need some public action. The Procurement Code preference rule, I need to give you legal advice and as Ed said he needs to update you on some events that occurred last week; the RE1 negotiation I assume has to do with the Housing Authority and whether or not BOCC is going to continue to support a potential Affordable Housing project in Carbondale.

Motions

A motion was made by Commissioner Jankovsky to go into an executive session to discuss those items that have been presented. Commissioner Samson – Second. Motion carried.
A motion was made by Commissioner Samson to come out of an executive session. Commissioner Jankovsky – Second. Motion carried.

Action Taken:

Carolyn – Only one item, the County Attorney's office is seeking direction by motion to file an Amicus Brief in the Supreme Court case that you know as Grand Valley Citizens Alliance vs Colorado Oil and Gas Conservation Commission. This is to support the right of individual citizens to go directly to the Colorado Oil and Gas Conservation Commission, rather than having to come to you and have you intervene on their behalf or in the general sense. It applies to the 2A location applications, the things that you dealt with earlier this year with Battlement Mesa and Silt Mesa.
Commissioner Samson – I would so move. Commissioner Jankovsky – Second.
Chairman Martin said he would like to review it. In favor: Martin – aye Jankovsky – aye Samson - aye

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

None

RESOLUTION REGARDING REDISTRICTING 3RD CONGRESSIONAL DISTRICT – MIKE SAMSON

Chairman Martin – Commissioner Samson has an item on a Resolution regarding Redistricting. Commissioner Samson – Evidently they are holding various meetings throughout the State concerning redistricting that will take place on a federal level and there was a

meeting in Grand Junction and I believe it was heavily attended. Some of the feedback I heard that have encouraged us as a Commission to take a stand on the 3rd Congressional District staying as a Western Slope and not be put in with some other Congressional District and I feel very strongly about that.
Chairman Martin – The 2nd Congressional District.
Commissioner Samson – That was the talk, I think there certain individuals but a small minority that expressed the opinion that they would like to see Garfield County put in the 2nd Congressional District. I don't know how the other Commissioners feel but I do not think that is a good idea. I think the 3rd Congressional District should stay as a Western Slope and that Garfield County should be part of that, so with that being said, I think we should draft a Resolution and sign it and send it off to the authorities. I believe it is a Redistricting Committee.
Jean – yes, Democrats and Republicans appointed it. I think the Grand Junction was the last meeting.
Motion
Commissioner Samson – I don't think it has to be anything elaborate, just a whereas clause and be it known that, Whereas, Garfield County is an integral part of Western Colorado and as such we believe we should be represented united with our other Western Slope Counties together and a continuation of a 3rd Congressional District. Be it therefore known that we, the Garfield County Commissioners of Garfield County, Colorado hereby state that our support is to stay as such.
Commissioner Jankovsky – I will second that motion. I strongly and when I use the word strongly, I mean strongly feel that we need to stay in the 3rd Congressional District. I have personally sent an email not as a Commissioner but as a citizen, to the redistricting committee stating that fact.
Chairman Martin – I think a Resolution similar in your motion is there and has been seconded, I strongly feel that we need to remain on the Western Slope instead of being associated with the 2nd Congressional District, even though there is good representation on everyone, but we need to have a united area here. We have common interest on this side whereas the 2nd we seem to be at odds, so I would say we call for the question on Resolution and the wording thereof.
Commissioner Samson – My question would be, could we get that printed and sent off by today or tomorrow.
Carey– As part of your motion you need to authorize the chair to sign it as well.
Commissioner Samson – Part of my motion would be that all three of the Commissioners should sign it.
In favor: Martin – aye Samson – aye Jankovsky – aye
GARFIELD COUNTY REDISTRICTING AND SENATE DISTRICTS
Commissioner Jankovsky – While we're on this discussion, it would be nice if Colorado House Representatives or District would have Garfield County in one district as opposed to two different districts.
Jean – I think it might it be difficult, it depends on the Census. In Garfield County in the Senate Districts, you only have 3 precincts in Battlement Mesa that are in Senate District 7. As such, don't have any say in what happens because it's all Mesa County plus those 3 precincts. That is an entirely different process than is going on now. This will be a different committee and I don't think begins until August. They're are going to be appointed by May and it's not all legislators, it's party representatives, then different people do that redistricting. We're hoping that they can agree and it doesn't end up in court like it did the last time.
Chairman Martin – We agree.
Jean – It will make it very difficult for them to give us the lines right at the beginning of the year and we have to everything ready for Caucus. Then the other thing is the boundary lines of the Commissioner District because the numbers are getting out of balance.
Commissioner Samson – We may not have to do any precinct boundaries, it'll be Districts 1, 2 and 3.
Jean – The numbers I'm looking at right now are many. We still need to cancel or pull many voters off the records of people who we know are gone. If you look at our inactive voter, the inactive failed to vote people and then there's the inactive undeliverable. They've been sent things and their mail has come back meaning they are not there anymore. There is a critical point in Rifle, Precinct 22. Precinct 15 in New Castle is big too but they're talking about raising the numbers. This is one of Scott Gessler's ideas of increasing the number of voters that you can have in a precinct because of the high number who are voting by mail already. Most of the Clerks are using combined polling places so it really doesn't matter if I have 4 or 5 precincts in Carbondale; they all vote in the same place anyway at least for those who haven't voted by mail. The County Commissioners have the job of making the final decision on redistricting the Commissioner District. There is a committee made up of Democrats and Republicans, they make a recommendation and then the Board decides. District 1 is the biggest one population wise.
Commissioner Jankovsky – Is District 1 actually smaller than 2 and 3.
Chairman Martin – Geographically, District 3 is the largest.
Jean will provide the Board with some numbers. I think we should think about setting up a committee and have recommendations. It needs to be completed by July by September it is absolute. The first thing we need to do is set up a committee. I have called the parties and they will get back to me. Then I will put something out in the newspaper for interested citizens to come and we'll have a couple of meeting and show maps and look at the numbers and then let the process begin.
COMMISSIONER ISSUES: COMMISSIONER CALENDARS
Commissioner Samson – Tomorrow, April 5, Work Session consisting of Sign Code and Medical Marijuana.
Chariman Martin – There's a presentation in front of the Board of Realtors on Wednesday by Commissioner Jankovsky and Administration at Valley View Hospital at noon.
Commisioner Samson – Tuesday, April 5 – 5:30 – 7:30 Governor's Economic Meeting in the Glenwood Springs Community Center – it's just a community event. Commissioner Jankovsky will plan to attend.
Commissioner Jankovsky - The Energy Advisory Board (EAB) may be meeting on Thursday afternoon to be confirmed with Judy Jordan and if so he will attend. On Saturday evening, the Lincoln Day Dinner.
Commissioner Samson – On April 11, we have the Human Services at 5:30 P.M. at Hotel Colorado. On April 12, I will be in Delta for the RAC meeting. The Fairboard meeting is at 6:00 p.m. and it could be a problem. Chariman Martin agreed to attend.
Commissioner Samson – An AGNC meeting on April 14 in Mesa County. On April 16 the appreciation banquet 11:30 – 1:30 for the seniors at the Rifle Center. All the Commissioners are invited. April 19 – We will be meeting with Phil McKenney concerning the County Attorney position.
Chairman Martin – On the 21st is the Transportation Regional Planning in Eagle between 1:00 and 3:00 p.m. A ribbon cutting on the 21st at the Solar Farm in Rifle – 10:00 a.m.
Commissioner Samson – On the 25th I have the Mayors meeting in New Castle. Thursday, April 28 at 1:30 p.m. I have a meeting with the Communication Board. I went to their last meeting in March. On April 29, we are doing interviews with the finalists for the County Attorney position.
Commissioner Jankovsky – This week I have NEICI in the morning and Human Services in the afternoon for meetings and also meeting with Shelly Coop, this is her last week as a counselor to talk about NECI.
One thing coming up in May, you guys will be at the Satank Bridge opening and I will be in Montrose for a training session for CCI, that's a Coordinator training for the counties to work with federal government. As a Coordination agency as opposed to a Cooperating agency.
Chairman Martin – We are a Cooperating agency now with the federal land supervisors but we are going to move up a step and become a Coordinating. That is good.
MID VALLEY METROPOLITAN DISTRICT REQUEST FOR BOCC POSITION ON A

SERVICE PLAN AMENDMENT – FRED JARMAN AND JON FREDERICKS
Fred Jarman, Lee Leavenworth attorney for the Mid Valley Metropolitan District, Cole Reynolds, Executive Director of the District and Jon Fredricks who was here on behalf of the Oscar and Wilma Main Ranch Company were present. Fred stated there is map included on the back of the document.
Lee – We are here today to request a determination by the Board that the District does not need to prepare and submit for approval and amended service plan. Lee explained the District's service plan, the current EQR's, the subdivisions served and those proposed. The developer who wanted to go onto the Mid Valley central water and sewer system asked that this Board make the same determination we're asking for today that is we not be required to prepare an amended service plan. You have made that determination with the regard to the TCI Lane Ranch Company property. Lee submitted a map displaying the current service provided by the District. The District was not legally able to contractual to provide that service without an inclusion. They did file a petition for inclusion, the District approved that by Resolution and approved an inclusion agreement that provides water and sewer service. They would need to comply with our rules and regulations and our technical specifications with the extension of that service. The District is very viable and very functioning, it has $81 million dollars plus assessed valuation and we have a very low and reasonable mill levy, our water service charges are some of the lowest in Colorado. The District has in place all the approvals it needs to expand its sewer plant to a 100 million gallon a day plant; it is currently at ½ million gallons a day. The plant will enable the District to serve everything all the way down to the Catherine's Store including all the Profit property if and when they would ever choose to come into the District. Presently, they have their own water and sewer facility that serves the trailer park and their commercial properties, the bowling alley etc. We're here today to ask that the County not require us to do an amended service plan that is our request, it would be in our minds an unnecessary expense and our request we believe is consistent with the County's earlier approval of the same request for the TCI Lane Ranch property.
Carey – In response to Chairman Martin's questions, she didn't have anything unless the Board has questions, the point was to avoid any need for an executive session.
Lee – I did want to add, I have a copy for the record, that we made a similar request to Eagle County and Eagle County did write back that "We can concur with Mid Valley Metropolitan District's position and modification of the approved Eagle County's service plan and the approved 1041 permit are not necessary to accomplish the goal and in providing service to the Oscar and Wilma Cerise Main Ranch Company property in Garfield County." We do have a sign off from Eagle County on this issue as well.
Cole Reynolds - The only thing I would add is that the District has committed to provide service at whatever level of the comp plan designation density is applicable at the time of development of the property. There currently are no plans for developing the property but the District has committed to serving the property whatever the County determines the appropriate density level.
Chairman Martin – The receiving line of the sewer line is still in Eagle County, am I correct.
Lee – Yes, the plant is located in Eagle County.
Chairman Martin – You're just extending the service plan which is delivery service of water and receiving of the waste water.
Lee – The District made that decision as a policy matter because it believes very strongly that the proliferation of ISDS systems in Garfield County or in Eagle County will cause a degradation of water quality in the streams and rivers that we all enjoy so much. Therefore, it made that decision to extend service down in Garfield County.
Chairman Martin – And the other provider of services for themselves, which is a privately owned one is on the south side of 82 has a golf course etc; there's no interference with that service.
Lee – No, they are a private system at the ranch. They recently upgraded their plan and they provide service within the Ranch at the Roaring Fork and to the Aspen Equestrian Estates property. There is another plant located at the Blue Creek Ranch Development - a small package plant that just serves that development and would not be capable of providing service to this property.
Motion
Commissioner Jankovsky – I will make a motion we do not require an amended water and sewer plan by Mid Valley Development for the Oscar and Wilma Cerise Main Ranch Company.
Commissioner Samson – Second.
Chairman Martin – So there is no need for a re-authorization or expansion of the service plan that's what I understand. In favor: Jankovsky – aye Martin – aye Samson - aye
FIRE CODE – ANDY SCHWALLER
Chairman Martin – We have to do a formal reading.
Andy Schwaller – I failed to do this at the last meeting and I apologize but it will only take a couple of minutes.
Chairman Martin – This is a formal reading of the Fire Code issue that we have in front of us.
Andy – Correct, the Ordinance will be discussion on April 18 and this is something we have to do prior to discussing it on the 18th. Looking at my script here, I would like to introduce a proposed Ordinance titled, the Garfield County Ordinance Number 2011-1. This Ordinance is amending 2005 - 1 and 2006 – 1 related to the adoption on the 2003 Fire Code and the adoption of the 2009 International Fire Code.
Chairman Martin – That is the official reading.
Andy – In the record correct.
Carey – Just to make sure so it's the adoption of the 2009 International Fire Code relating to the 2003 International Fire Code.
Andy – Correct.
Chairman Martin – No other action is required other than we have it on record that it is the official reading and that is scheduled for April 18.
Andy – Correct.
CONSIDER APPROVING A RESOLUTION FOR ADOPTION OF THE ROARING FORK WATERSHED PLAN AND DISCUSSION IN REGARDS TO IMPLEMENTATION OF THE PLAN – MARK FULLER, ROARING FORK CONSERVANCY AND TAMRA ALLEN, LONG RANGE PLANNER
Tamra – Moving this further on the agenda, Commissioners and we have Sharon from the Roaring Fork Conservancy. We had scheduled and invited the Roaring Fork Conservancy to present the watershed plan in March and Mark Fuller indicated at that time they would be coming back with the request to you all to actually adopt a Resolution for the draft plan, which I have a copy with me. I want to follow up after Sharon's brief discussion actually about potential implementation.
Sharon – Actually, I don't have a presentation. I'm here to answer any questions that you have, we gave you a presentation at a work session.
Commissioner Jankovsky – At this point this is still a draft plan, why would we adopt a draft plan as opposed to waiting for the actual plan to be completed.
Sharon – We'll probably come back and ask you to adopt it. What we're trying to do right now is to show forward progress and momentum of the watershed planning process. We want to make sure we're getting everyone on board as we progress.
Commissioner Jankovsky – Right now I don't have a complete comfort level because I haven't been through the whole plan so I would like more time. I'm not ready to vote on this.
Commissioner Samson – That's fine.
Chairman Martin – Do we have an actual timeline that you are looking at?
Sharon – We're asking for a public comments by the end of May and we're having a public meeting on May 26.

Chairman Martin – Will that be time enough to absorb that and to be make sure that we can support or make amendments to that?
Commissioner Jankovsky – Yeah, again, I just don't quite understand we're at a draft level and I just have a hard time accepting a draft plan as opposed to the finalized plan.
Chairman Martin – Then what we will do is we'll defer in reference to an actual resolution until we have that comfort level and until we can address any issues that we may or may not have.
Sharon – We'd be happy to come and answer any questions you have.
Chairman Martin – You'll be open to that and we can ask Tamra to have you present when we have those questions.
Tamra – To that note, I'm wondering if it would be well suited to you all to come back in the beginning of June after the Roaring Fork Water Conservancy has held their public meeting to report back how that meeting was in the end of May. Open it up for the Board to ask additional questions in regard to the watershed plan. There is a lot of content and I think from the Commissioners' standpoint focusing a lot on the actual implementation matrix in the back of the plan; it is important and relevant as it applies here in Garfield County but if that is something you hope to do, I'll make sure that is scheduled.
Chairman Martin – I would also actually here the comments and the discussion during that as well. There may be something I could offer prior to that for clarification, but you may want to attend those particular issues and you may not be able to take part in those but to actually listen. If we do that as a Board or more than one of us we need to make sure that we notice that we are taking part at least in the audience as a public meeting. You let me know how you want to approach that issue and we'll do the proper thing.
Tamra – We'll get you a meeting information for the scheduled meeting on the 26th and then move forward.
Sharon – We are continuing to have meetings on implementation strategies and we'll have more to report on that as well.
Liquor License Neighbor Boundary for Trigger Bowl dba Rifle Fireside Lanes
Jean submitted a better map of Rifle; you may want to change the neighborhood. What you said this morning is you wanted them to start at the Rifle Truck and Trailer, so if they do that, then it's these residences on both sides of the highway up to here and then to the Rifle Golf Course. Is that still okay with you?
Commissioner Samson – I think it would be fine because that takes it in towards Rifle but the residences in this area, here's what it says, as soon as you turn this corner you've got houses right along there and these people are going to be impacted.
Chairman Martin – You could make an adjustment so that it is a CR 296 at this particular intersection north to take in this area, is that what you're looking at instead.
Commissioner Samson – You were thinking of making it smaller.
Jean – Well you guys have said it was just a few houses on either side of Hwy 113.
Commissioner Samson – Going north that's when I said that.
Jean – This is fine so I will let him know and he needs to do.
Chairman Martin – That is close to the school as well, the Deerfield Park and all that area and Palomino Park, north of that.
Commissioner Samson – No, this is Deerfield Park.
Chairman Martin – Deerfield Park north is what we're looking at.
Jean – Not a problem

ADJOURNMENT

APRIL 11, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 21, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
PLEDGE OF ALLEGIANCE
INVOCATION
CONSENT AGENDA
x. Approve Bills
y. Changes to Prior Warrant Lists
z. Authorize the Chairman to Sign a Land Use Change Permit for the Jolley Water Impoundment Located Southwest of the Town of New Castle on Jolley Mesa – Applicant; Richard and Mary Jolley Family LLLP – Kathy Eastley
A motion was made by Commissioner Jankovsky and seconded by Commissioner Samson to approve the Consent Agenda Items a – c. Motion carried.
COUNTY MANAGER UPDATE – ED GREEN
Public Meetings:
- **RESOLUTION ADOPTING CHANGE TO RULE 5.7 LOCAL VENDOR PREFERENCE OF THE GARFIELD COUNTY PROCUREMENT CODE – JIM HACKETT**

Jim explained on November 1, 2010, the BOCC approved the adoption of the new Rule 5.7 – Local Preference.
Discussion
Commissioner Jankovsky – What was the discussion on the multi-national businesses that may have corporate headquarters here in Garfield County, such as LaFarge, United and what was the outcome of that?
Jim – If their corporate headquarters are here they would be considered, if not such as United's corporate headquarters in Grand Junction and he is not sure where LaFarge US headquarters is located. He knows their main headquarters is out of Paris, France.
Commissioner Jankovsky – If they don't have their corporate headquarters here they would not be qualified for this. Jim – They would not qualify.
Commissioner Jankovsky – That's probably most of the gravel companies at this point in Garfield County; is that correct or do we have some that are independent operators?
Chairman Martin – Fred Fry, the Grant Brothers and Grand Junction pipe are here, plus a few others. Realizing it will not make everyone happy however, we can come back if it's not working and readdress and make changes if necessary.
Motion
Commissioner Samson – I would move that we approve the resolution regarding Garfield County Procurement Code Rule 5.7 and authorize the chair to sign. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
- **RECOMMENDATION TO AWARD HIGHWAY 6 & 24 COUNTY ROAD 300 INTERSECTION IMPROVEMENTS CONTRACT TO FRONTIER PAVING – JIM HACKETT AND JEFF NELSON**

Jim explained the bid opening was held on March 31, 2011 and six companies submitted bids. All bids were reviewed and the low bidder was Frontier Paving. Staff is recommending the board award a contract to Frontier Paving with a not-to-exceed amount of $1,086,861.15 for the Highway 6 & 24 County Road 300 Intersection improvements.

Discussion

Commissioner Jankovsky – There is just a $3,000.00 difference between Frontier and Mountain Valley.
Do either one of them get local preference?
Jim – Yes, Frontier Paving qualified for the local preference; however even without the local preference, they still would have been the low bid. It is within the budget and includes the Q & A and QC amounts.
Chairman Martin – There will be some recovery costs.
Jeff – In addition to the not-to-exceed, that is just for construction. It's all within the budget with Q & A and QC with the engineering observation involved.

Motion

Commissioner Jankovsky – I'd make a motion that we accept the award for Frontier Paving for Highway 6 & 24 in an amount not-to-exceed $1,086,861.15 and authorize the chair to sign.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **County Road 306 Update – Betsy Suerth and Jeff Nelson**

Ed Green – We may need have an executive session to discuss this.

Executive Session:

Chairman Martin – We have one declared executive session item which will be the update on County Road 306, property acquisition etc regarding property acquisition and negotiation strategy.

- **CONSIDERATION/APPROVAL OF CHANGES TO IGA FOR FORENSIC INTERVIEWING – EAGLE COUNTY**

Motion

Carolyn – The Board approved this in late December; but once it hit Eagle County they wanted to make a few changes. From her and Mary's perspective, it's not substantive but it looks different from what the Board saw. Primarily the folks over in Eagle wanted a limitation on the number of hours that the Eagle County caseworker could work over here. If it goes more than 10 hours a week we would have to have the approval of the supervisor over in Eagle County. There is also an agreement on sharing the cost of training this person. Those are the two major differences and they are asking the Board to authorize John to sign this again. Commissioner Samson – So moved. Commissioner Jankovsky – Second.
Chairman Martin – The other commissioners visited the facility?
They have not.
Carolyn – A multi disciplinary facility allows investigation of child abuse and neglect and primarily sexual abuse in an environment that is more amenable to the child's comfort. So the child is not interviewed repeatedly because the whole team is there.
Commissioner Martin thinks a visit on an individual basis, just to see how the facility is set-up.
Carolyn – Call Mary and she will be happy to take them over there.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – Why is it only 6 months?
Carolyn – Mary wants to make sure that this works out. Under our contract with the child advocacy center, we are responsible for supplying this person. It could be an internal employee or it could be somebody by contract. Right now, we don't have anyone on our DHS staff that has the specialized skills in forensic interviewing.

- **REVISION TO COUNTY MANAGER LETTER OF ENGAGEMENT**

Ed – Probably need to do this in executive session; one other item is negotiate strategies regarding an economic development opportunity at the airport.

Motions

Commissioner Jankovsky – I'll make a motion to go into executive session.
Commissioner Samson – Second.
Carolyn – For the benefit of the press we are going into negotiation under executive session under 246424 Sub E and D; certain sections will be conferences for legal advice and others will be determining positions relative to matters that are subject to negotiation.
Chairman Martin – Any actions expected after executive session? Carolyn – Yes.
Chairman Martin - Motion to come out of executive session? Commissioner Samson – So moved.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Action:

Motion – Negotiate with Grand River Ranches and Bossley Springs – CR 306

Carolyn – There were two items; one was your county manager's employment contract and the other was authorizing negotiation strategy; authorizing negotiating authority for Betsy and Jeff as to County Road 306. Two different property owners; Bossley and Grand River Ranches.
Commissioner Samson – I would move that we authorize Jeff Nelson and Betsy Suerth to negotiate on behalf of the Board with Grand River Ranches and Bossley Spring Creek concerning with County road 306.
Chairman Martin – Within the perimeters we've set.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – The next item is in reference to Mr. Green and living up to the contract and the conditions of the original agreement.

Motion - County Manager's Employment Contract

Commissioner Samson – I would move that we change or amend Mr. Greens contract to reflect that he would receive the same pay increase as authorized by the Board at our last meeting. Which would have been a 2 ½% pay increase?
Commissioner Jankovsky – Second and I would like to just tell Mr. Green in his three months being here that has very pleased with the quality of the employee he has working for him at the county. I'm also very pleased with the way that the county has responded to the goals the commissioners set in January.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **UPDATE ON I-70 MOUNTAIN CORRIDOR FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT – TAMRA ALLEN**

Tamara submitted the update. A complete document is on file and available upon request.
On March 11, 2011, the Colorado Department of Transportation issued the final Programmatic Environmental Impact Statement (PEIS) for the I-70 Mountain corridor. The final PEIS contains some clarification and changes resulting from comments received on the revised draft PEI that was issued in September 2010. CDOT is requesting any comments on this final PEIS be received on or before April 11, 2011 for their incorporation into the record of decision. The final PEIS covers 144 miles between Glenwood Springs and the Denver metro area. It crosses five counties and directly serves 20 communities. The PEIS details the first tier (no-construction) of a Programmatic NEPA process. The document encompasses data gathered and presented over a 10 year period and

provides background on the Consensus Recommendation of CDOT for needed transportation solutions with stakeholders, responds to comments received on the revised draft PEIS, and identifies the preferred alternative for the corridor. This corridor has noticeably increased traffic for more than 15 years.
Tamara continued saying that recreational travelers experience traffic delays and congestion on weekends and holidays on both sides of the corridor. This will increase with additional populations and employment; it also has a negative impact on the local and statewide economy, decreases mobility, including freight traffic, compromises the ability of emergency service providers to respond promptly to emergencies and increased frequency of accidents.
CDOT in the final PEIS has identified they were in favor of advanced guide way system and additional highway improvement. All of the improvements are assumed to be needed to meet the 2050 purpose and need. The preferred alternative is estimated to cost between $16.1 billion to $20.2 Billion. This final PEIS has worked over the course of the past 10 years to address the concerns of potentially impacted communities, environmentalist, other stakeholders and the overall impacts to the local, regional and state economy.
Tamra requested direction from the BOCC if there were a desire to submit a letter on behalf of the County to be included in the public record of decision on this Tier 1 Final I-70 Mountain Corridor PEIS.
Discussion
Commissioner Martin – I have attended some of the meetings taking place with the I-70 Collation. There are a few safety projects they want to implement most being around the Twin Tunnels on I-70 in Idaho Springs and a decision made not to change the speed limit in Glenwood Canyon leaving it at 50 mpr.
Anything from changes in lane widths, they are looking at six way directional traffic. An AGS which is called a guided system; they are looking at some kind of train or high speed rail through the corridor as well as a number of interchanges and other types of improvements that are listed. Actually some pretty decent graphics in the executive summary. Those improvements range anywhere from 16.1; which is their minimum preferred action to 20.2 billion dollars of improvements. It is a major corridor for I-70 for economics as well as for transportation, recreation for those people coming out of the Denver Front Range area. This has been over a 10-year project to create this programmatic EIS. It has been an intensive project. Today is actually the last day to submit comments for the record of decision.
Chairman Martin gave the history of this I-70 Corridor study beginning in 1996 at a cost of $1 million and at that time it was unacceptable; however, the result of the second the I-70 coalition final, is estimated to cost up to $18 billion. That's a huge increase.
Tamara – There have been several funding alternatives looking at Federal, State, potential local funding and it may include a toll road. Nothing has been decided thus far.
Redistricting:
Carolyn handed out a resolution and explained the powers that be would like to see Garfield County moved into District 2.
Discussion
Chairman Martin commented it is not because of populations; it is because of other issues.
Carolyn –There is a belief that we have more in common with two because of our ski areas. It requires all three signatures of the BOCC and directs your clerk to send this off to the redistricting committee.
Carolyn – Rollie Heath and David Balmer are the co-chairs.
All of the commissioners signed the Resolution..
EXECUTIVE SESSION: Update on litigation and probably request for public action on both or one, Collins and Pifer. She also put in the boards packets the information on the affordable housing issues because of discussions they had regarding RE1. She didn't know if they wanted to discuss contract negotiations further or if they just want this information to think about when it comes up again. The items for executive session are Collins and Pifer.
Motion
Chairman Martin - Do we have a motion to go into Executive Session?
Commissioner Samson – Before they do that he asked Jean to send a copy of the resolution to Scott Tipton's office. So moved.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – Motion to come out of executive session? Commissioner Jankovsky – So moved.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky – aye
Motion – Pifer Litigation Settlement
Carolyn – In the Pifer litigation, we have reached a settlement consistent with the mediation that the board authorized Gale to do and we are looking for signature authority from the Chairman to sign the settlement agreement that was in their packet, which can then become a public document.
Commissioner Jankovsky – So moved to accept the stipulation and settlement agreement as just mentioned and to allow the chair to sign that settlement agreement. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
COMMENTS FROM CITIZENS NOT ON THE AGENDA:
Darren Smith thanked the Commissioners for a job well done on the medical marijuana issue, as there are ongoing challenges of framing this industry in Garfield County. He is concerned about how they will be able to frame these things concerning negatively affecting what they are trying to do in growing business here in Garfield County.
Chairman Martin – Darren you will experience that at 6:30 p.m. on May 3rd because there is a joint P &Z and the Board of County Commissioners regarding rules and regulations and the approach to zoning and everything else will take place on that evening. So you are invited and be sure to spread the word about the meeting.
PUBLIC MEETINGS

- **a. Authorize the Chair to Sign the First Amendment to the Strong Subdivision Improvements Agreement – Applicant; George Strong on Behalf of Una Development, LLC – Fred Jarman**

Karl Hanlon was present for Mr. Strong.
Fred – The final draft is in your packet for the Strong Subdivision Improvements agreement. This is the agreement that lays out what needs to be done and by when for Mr. Strong's development now under the ownership of Una Development, LLC. More time is needed to put the infrastructure in place but from the staff perspective, they have no issue with this and recommend that the board authorize the chair to sign.
Karl – Explained the delays due to the weather conditions. In conservations with George, there would not be any problem and as soon as the weather permits, they will get the power in.
talked to George and he said he didn't think there would be any problem with this and certainly anticipated that it would thaw quite as early as it did, and get quite as muddy as it did to get that power in.
Motion
Commissioner Jankovsky – I'll make a motion to authorize the chair to sign the first amendment to the Strong Subdivision Improvement Agreement. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **b. Staff request for Direction Regarding Full Review of the Special Use Permit for "Extraction, Process, Storage and Material Handling of a natural Resource" for the North Bank Gravel Pit, Conditionally Approved by the Board of County Commissioners in Resolution No. 2008-73 – Operator; LaFarge, NA – Kathy Eastley**

Sean Frisch and David McConaughy, Attorney with Garfield and Hecht, P.C. were present.
The following Exhibits A – K were submitted. Chairman Martin accepted A through K into the record.
Planner Kathy Eastley explained the Board of County Commissioners conditionally approved a Special Use Permit on a 237-acre property for "Extraction, Processing, Storage and Material Handling of a Natural Resource" for the North Bank Gravel Pit, located between the Colorado River and Highway 6 east of the City of Rifle. This is recorded in Resolution No. 2008-73. She explained the annual reports due,
Staff has intermittently received complaints from adjacent property owners regarding site conditions, particularly the amount of site disturbance and compliance with the phasing plan. A site visit was scheduled for November 19, 2010, see attached photos. In attendance were adjacent property owners Lee Estes, Rob Snyder (on behalf of John McBride) and LaFarge representatives Sean Frisch and Dan Knox. Based upon review of the site it appeared that there were issues regarding site disturbance and phasing issues and a letter was provided to LaFarge requesting an Annual Report to verify compliance with the conditions of the approval. LaFarge provided a report and an amended report, which substantiates the compliance issues and identified. Operational activities are located in Phase B1while the area actively being mined in B2.Ten (10) acres are currently disturbed within Phase B1, which constitutes the entire area of that phase. Seven (7) acres is currently disturbed within Phase B2. Condition 10 requires that the completed phase be reclaimed with 6 month of completion. Pursuant to the phasing timeframe submitted by LaFarge, mining is Phase B1 should have been completed in September of 2009. Full reclamation of B1, other than the conveyor corridor, should have been completed in the summer of 2010. The area has not been reclaimed. Compliance with the timeline would require that Phases B1 and B2 to be fully mined and fully reclaimed. Extraction activity in Phase B3 would be completed in August 2011. Currently LaFarge is 70% complete with Phase B2 and there are no current plans to move into Phase B3 for extraction. Staff provides the information so that the Board may determine the necessity of scheduling a public hearing for full review of the permit. This full review could result in a requirement that LaFarge comply with the terms and conditions of the existing permit, or the Board may consider amendment to the existing conditions.

Discussion

Commissioner Jankovsky – There's not as much gravel is being taken out and there has not been as much restoration. Some of the restoration hasn't happened because of the tram (conveyor belt) that's in there. Kathy –That's correct; it really is a twofold issue here. One is that they are not in compliance with the time frames and phasing that was originally part of the proposal. The second part is that because they do not comply with that timeframe they have more area to seed out there than what was approved to occur at one time. Because they have 10-acre phasing area, it was assumed that those 10-acres would be disturbed and in order to move into the next phase within six months reclamation needs to commence. Meaning you would assume an area of disturbance of 10-acreas at one time. So we do have greater than 10-acres of disturbance at the site. I believe is it between 17 and 20 acres.
Commissioner Jankovsky – But that first 10-acres specifies the conveyor belt. The way it is set they can't unless they move the conveyor belt to reclaim that acreage. Is that correct?
Kathy - The conveyor is a 20-foot easement or area that it would need to occur in. We would assume based upon the proposal that was presented to the Board of County Commissioners that the agreement to reclaim as they went that some reclamation would be able to occur outside of the area of the conveyor belt.
Sean – As far as a good mining floor approximately three years now since the approval and they have gone through Phase B1 and have moved into about 70% of phase B2. They found quickly after their approval that they made estimates of about 500,000 tons a year and the market dropped off fairly sharply. In one of their responses identified in Exhibit J, they talk about only actually mining out about 225,000 tons a year right now. That has put them behind in their mine schedule that was presented. LaFarge has been doing work and once they got through phase B1, they did bring the slopes back to the 3 to 1 requirement. They have moved as much equipment as they can to get it off that site. The conveyor has to stay as well as the fuel tanks. They have not completed the slopes because of the conveyor. There is some more work to do on the bottom, the toe side of the slopes. They have not top soiled the slopes and put seed down because of the completion that needs to occur. In reading through this LaFarge can go back and put the topsoil in and put seed down if that is what's desired. However, they would have to re-disturb a portion of that to finish the slope and put the final piece of seeding into the reclamation once the conveyor comes out. The two deficiencies identified, LaFarge felt they were in compliance to the amount they could be. They are behind in their mining schedule. They do expect the market to rebound within the next year or so. That will get them back on the 16-years they had proposed initially. Additionally, they are asking for direction on that as well. Would you like to see an updated phasing plan with some of the newer numbers they have pending?
David – One thing that Commissioner Martin might recall there was testimony he believes both at the planning commission and at the Board of County Commissioners about the phasing plan and some comments from the adjacent property owners. The result of that was a condition that they flip flop the phasing plans so it would go in the other direction than what was originally proposed. The Board did include a condition that there is an amendment to the state permit to accomplish that, which their engineer testified about it at the time. That was done and he is thinking maybe this issue with the conveyor being in phase B1 and not B2 may have slipped through the cracks; there in flip-flopping the phasing. B1 was supposed to be the later phase and now it was the earlier phase. There was some testimony at the Board of County Commissioners hearing where Commissioner McCown asked what would be left in Phase B1 after the mining was completed. Sean's predecessor did state on the record that the conveyor was going to stay in B1 as mining moved to B2. We need clarification in terms of how the conveyor staying there ties in with timing of the reclamation. Would this require an amendment or just some direction? The only other point on the tanks being above the flood plain; it does say they are supposed to be down in pit according to county's permit but that conflicts with the state department and state trumps so their hands are tied. He doesn't think an amendment would be required because state law controls. Again, they are happy to try to accommodate.
Chairman Martin – On one hand it says you must agree to and adhere to all permitting agencies. Therefore, we have a conflict.
Kathy- The issue is that reclamation is supposed to be complete in phase B1 and staff understands that they can't reclaim where the conveyor is; but, the other reclamation of that area has not been completed. There are 8 phases with each phase approximately 10-acres.
Lee Estes lives adjacent to the property across Highway 6. The way the plan was originally intended he never did understand why they started on that phase and they did all the wetlands first. The conveyor ends in the middle of the project and he understood when this all started they would start on the east end of it and just move right on down. They you could have gone back and reclaimed that land as they went and it would have been finished. He never understood how they were going to pull this off. He wanted to show some photographs and gave them to the commissioners. Some showed when they first started they didn't have a water wagon which they were supposed to have. They made lots and lots of dust but that was later corrected. He made numerous phone calls to the Army Corp of Engineers and was told these would all be just temporary. All you would do is go in and there and cut brush and lay the conveyors down. He assumes it will all have to be removed when it's complete.
Chairman Martin – Assured Lee that was part of the conditions.
Lee has issues with notice in that his house is ½ mile from the gravel site.
Chairman Martin stated the Board has not heard much lately in regard to noise; but you still have a noise complaint issue that you're bringing forward.

Lee goes down there every occasionally because John Martin or John McBride owns 2 acres there and he can take guests onto his property. He watches everything as closely as he can but it's a nightmare. The way it looks at this time. The habitat is all dead; the eco system is destroyed from the east property line clear into Rifle. If they could just start reclaiming something, put some grass back in and something for the eco system because we have no wildlife at all on that river.
Commissioner Samson –What you're asking for is a more consorted effort on their part to reclaim what they have torn up so the eco system and the wildlife will return as quickly as possible. Is that correct?
Lee – Yes, that's where he is coming from. He would just like to see some habitat restored as quickly as possible. This gravel pit disturbs him. The gravel pit seems to be exempt from doing reclamation and understands that seed will not grow they will install sprinkler systems.

John McBride bought the property about 35 years ago and they sold the property to Scott Balcomb. They kept the little house they had there because right in the middle of the property; its 50 feet from B1 because their kids had spent a lot of time there and thought the grandkids could enjoy it as well as they had. Then Scott showed them a plan that was extraordinary for the restoration of the lakes and they thought this makes sense. It's not going to happen overnight but they should keep it and even though they go there infrequently it would be a great asset to have in the future for recreation. He spent a lot of time hunting and fishing on the property and knows it very well. When this came before the previous Commissioners, he thought they more or less had a contract with them as they proposed it and there was a time schedule. There was a commitment to restore the land after a pod was completed and that included shaping, grassing, planting, mulching and even water was in there. They were supposed to refill the phasing. That was one of the reasons he kept this property because in 10-years it would be a great asset and a wonderful place to escape the high country. He understands the economy. The great Blue Herons and the bird life are gone. He believes that LaFarge was committed to restoring as they went the unique qualities that were there. He knows it's going slow and the conveyor belts etc, but to him they had a contract within six months of finishing any area, that area must be reclaimed including topsoil, seeding, mulching, sapling, planting and water filling of the lake. His suggestions to be implemented would certainly make him happy and put this program back on track with the original agreement.
Scott Balcomb – Manager of North Bank Holding, LLC, the record owner of title to the property and the holder of the permit. They are the ones that leased the property to LaFarge. Scott explained how the mining plan and explained the history. Originally, LaFarge wanted to start on the west and right at the end of the bridge and the conveyor across the river. In discussions with his office and Mr. McBride they changed their mining plan entirely and decided to start on those eastern pods; B1, B2 and B3 so that they could mine those out and be basically gone from the area away from Mr. McBride's two acre dwelling. Mr. McBride wanted that change to get into the critical area, mine it out, reclaim it and they would be gone. They spend at least $1 million dollars on additional equipment trying to accommodate the wishes of Lee Estes and Mr. McBride. The problems they are experiencing are due to the slow economy that derailed all of their expectations. However, they are committed to the mining plan. Leaving B3out would handicap them and in the end handicap the local economy by leaving less gravel available for the market. He doesn't think the BOCC should force a change in the mining plan on them rather they should recognize the impact of this lousy market together with their effort to accommodate their desires to get in mine and get out is what lead them to this juncture. If anything and the BOCC is willing then have LaFarge do some reclamation that might have to be re-disturbed in the foreseeable future as they finish out B3 and get completely out of this area.
Sean – In the hearing it was fully explained why they starting mining where they did. They had the conveyor come over from across the river on their Mamm Creek site. That was the starting point for all the phases. The history is why they started to do the west phase first. Through some negotiation they decided to do the B phase on the east side first to get in and out as quick as they could. In terms of weeds, LaFarge has a weed control plan and is committed to irradiating all the weeds they can. Sean said he doesn't have the authority to abandon any part of their mining permit. If that is the desire he could take it back to operations, but he believes that LaFarge would like to maximize the reserve as much as they can. They are holding out for the market to switch back and they will be able to start mining those 500,000 tons again so they can get out of there quicker. LaFarge is willing to increase some of the reclamation. The reason they held this back was that they knew they had to re-disturb it again when the conveyor came out.
Commissioner Samson – If hearing him correctly you are agreeable to Mr. Estes and Mr. Balcomb's suggestion that we need to start this reclamation. How many acres are we talking here; what would that include?
Sean – Probably B1 right now would be those 10-acres that have been disturbed completely. We have actually done the 3 to 1 slopes excluding where the conveyor is located and the toe of the site. We can put topsoil and seeding in those 10-acres. They are about 70% through B2; they expect to be done with B2 and moving into B3 this year. Once they finish B2, they can also continue to get that reclamation, the topsoil is done.
Commissioner Shawn – Up to 20-acres by next year, is that what you are saying and you're willing to do that.
Sean – Yes.
Sean – Fingers crossed they will be into B3 in 2012. They have that area almost stripped and ready. Commissioner Jankovsky – How many tons are in B3?
Sean - About 500,000, each phase was estimated at 500,000.
Commissioner Jankovsky – Once you get into B3 you are about 2-years before you are out of B3.
Sean – That would be there estimate right now if the market stays the same.
Commissioner Samson – Then you would go down to 1A and start moving.
Commissioner Jankovsky – If things go as they have been doing in 2014 you should be reclaiming B3 and your reclamation plan. Are there ponds in B3?
Sean – The entire B Phase is called for as a pond and the A Phase would be another pond or lake.
Commissioner Jankovsky knows how they are distributing the soil now; but he also knows if you reclaim as you're supposed to we could have a beautiful area there again with habitat and wetlands.
Sean – LaFarge is still committed to the full reclamation plan, the lake and everything you called out. It's just timing wise that things have slowed down a bit. That's why the reason they didn't put topsoil because they would have to re-disturb once they pull the conveyor out. They wanted to do it all at one time, it's cheaper and better. But if you want topsoil and seeding; they can definitely put that in there now just with the understanding that when the conveyor comes out there will be an area of disturbance on all three phases.
Chairman Martin – That would have to be acceptable.
Commissioner Samson – Do we need to draft something up or verbal direction on what we want and what needs to be done to make sure it is done correctly.
Carey – Sure, but she wanted to ask the applicant a question. She understands the reason that staff raised this for the Commissioners attention is that you are presently and possibly in violation of one of your conditions of approval. One that doesn't conflict with other state permitting requirements and that's in particular condition number 10, which states within six months of completing mining in any phase as designated on the proposed phasing schedule of mineral extraction. That completed phase must be reclaimed including topsoil, seeding, mulching and sapling planting. Are you representing to the Commissioners today that you will comply in total with this condition of approval?
Sean – His question would then be do the topsoil, seeding now, and have to disturb it when the conveyor comes out or wait until completed and do it all at one time, is that what you are asking.

Chairman Martin – That is what we set in place in reference to the neighborhood review. When could you start on that particular issue?
Sean –Within the month, he will have his operation people notified that they need to start putting topsoil up and seeded.
Chairman Martin – To be fair to the neighbors and understanding the economics, we can make sure that you review the entire site. Make sure that the area of B1 is back to the 3 to 1 slopes etc. Start your process of reclamation, which is the dirt, the seeding and moving on to B2 when you finish. When you hit B3 we understand that you will be working on reclamation of two and when three gets finished you pull everything out. We do recognize there has to be disturbance. We need to work along with the neighbors and to that plan to try to get the topsoil in. The other one is going to be the dust control this summer depending on the weather patterns; it could be very dry and dusty. We need to make sure you have some kind of dust control mitigation. Staff is looking for the review of the entire site as it is progressing throughout the rest of the year. Would September be a good site review to make sure these things are done, or would you need a sooner site visit?
Kathy - September would be an appropriate time and would give them some time to get some of that work completed.
Chairman Martin asked of the attorney if he was hearing everything right to give the direction in reference to again review the site, start the reclamation, have a weed control, do the vegetation management, some kind of dust control measures and then a review in September before reclamation and other issues.
Commissioner Jankovsky would like to get an update on this phasing plan. He is hearing 250,000 tons a year. We need to review that or have it come back to the Board as well if you're not going to be out any time in the near future as to what you had in your plan. The other thing on vegetation management if there is any Tamarisk or Russian Olive over there, we need to make sure it is eradicated.
Chairman Martin – That is another issue that changes the environment, which is going through on the south side. We have the Division of Wildlife's property just up the way from the United Pits, which is another issue that the City of Rifle, Garfield County and the division of Wildlife are working on.
Carey wanted to address their concern that maybe the phasing plan needs to be revisited. Because the application was approved on a particular phasing plan if you do want them to revisit the timeline or the way that is going to be implemented then that is best addressed through a revision to a condition of approval and there is a procedure set forth in the Code for doing that on a special use permit.
Commissioner Jankovsky – Otherwise they are out of compliance aren't they.
Kathy – Maybe what we can do is September when we have the annual review this year, we can see if the economy has progressed and they would be able to say at this time we would be able to come into compliance with their timing.
Chairman Martin – That's a possibility.
David thinks they have clear direction on the work they need to do over the next few months. Perhaps at the completion of that work they could submit an updated report saying what was done and try to work with staff to identify any remaining issues. If there are some unresolved issues and they need to do an amendment then they could do it all at once as well as issues about the tanks. At present, they are premature to identify those issues.
Lee Estes doesn't understand how the lakes are going to fill and when they are going to fill. He understands this is going to be one large lake with a floating pond. So there will be no water going into there before completion of everything?
Chairman Martin – One phase B3 is completed, and then they start the reclamation and the filling of that pond.
Lee – You'd have to put a dyke in to hold the water from where they are working. Is that what's going to happen?
Sean would have to re-review the reclamation plan and the DMRS before he could answer that correctly. That's why he thinks they are reclaiming back to 3/1 and putting the seeding and everything in because it won't be full of water until much mining is completed. Even if it's just ground water, if one side fills up the other side fills up as well.
Chairman Martin – As far as the full filling up of the pond or the lake; that would not take place until after they pull out the conveyor. Otherwise, it would not be secure enough to hold all that water. The original plan because of other concerns required they altered their plan.

Executive Session:

Motion

Chairman Martin – We have had a request for executive session on contract negotiation; both on his request, Ms. Dahlgren and Mr. Green. We will convene in about five minutes in the back room.
Chairman Martin - Motion to come out of executive session.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – There will be no public action in reference to the contract negotiation after executive session.

Commissioner Issues:

a. **Commissioner Reports - Commissioner Calendars**
Commissioner Samson asked if they were all going to attend the appreciation banquet for seniors on Saturday, April 16 at 11:30 a.m. to 3:00 p.m. at the Rifle Senior Center.
Carolyn – Clarified with respect to posting saying no posting is required as it's a social event. Chairman Martin – We are guests of the seniors and they want us to share in the excitement about getting the awards they will be giving to other folks.
b. **Approval of Minutes**
c. **Commissioner Agenda Items**

ADJOURNMENT

APRIL 18, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 18, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION – MOMENT OF SILENCE

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

None

PUBLIC HEARING:

4TH SUPPLEMENT TO THE 2011 ADOPTED BUDGET – THERESA WAGENMAN

Chairman Martin determined adequate notice was completed. Chairman Martin swore in the speakers.

Theresa Wagenman, Finance Department and presented the amendment in Exhibit A. She explained the changes. Requested to allow the Finance Department to make those changes as shown in the Supplement #4.
Commissioner Jankovsky – On the back sheet, it looks like you dropped one on 1930 under the oil and gas mitigation fund should be moved to133 retirement fund and the same with the $4400.00 to capital expenditures fund versus the solid waste.
Theresa said Commissioner Jankovsky was correct.
Corrections would be made and Theresa will provide Jean with a corrected copy.
Motions
Commissioner Samson moved to close the public hearing. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
Commissioner Samson – I would move that we approve the 4th supplement to the 2011 adopted budget with the corrections made by Commissioner Jankovsky. Commissioner Jankovsky- Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
ASSESSOR'S UPDATE
CLOUGH SHEEP COMPANY, LLC – ABATEMENT NO. 11 – 205 – SCHEDULE NO. R210301
Chairman Martin determined the applicant was notified by mail.
Chairman Martin swore in the speakers.
Maggie Broker and Paul Shoeppner presented the abatement for 2008 valuation saying the petitioner states that the taxes assessed against the above property for the property tax year 2008 are incorrect.
Paul - This is a piece of property that Clough owns that is isolated on the river; it is in the West Rifle Exit where commercial buildings are located. When Clough broke this up, he did it in several pieces and it all went under commercial. This piece is a little island in the river that is not commercial value so we compromised with the people, put the value at $50,000, and changed to vacant land.
Chairman Martin – It was known as meander land under the original description of the US.
The 2008 appraisal has been reduced and the abatement is $4037.88.
Motions
Commissioner Jankovsky moved to close public hearing. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky made a motion to accept the approve Abatement No. 11 – 205 – Schedule No. R210301the Clough Sheep Company, LLC in the amount of $4037.88. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
CONSENT AGENDA:

a. Approve Bills
b. Liquor License renewal for J. Thomas Schmidt & Co dba Ironbridge Club

Jean Alberico asked that we remove the item b the Liquor License renewal for Ironbridge so I can give you an update on the state of the modification of premises that was approved a couple years ago.
Motion
Commissioner Samson – I would move to approve the consent agenda presented with the exception of pulling the liquor license renewal. Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Item b. Jean – For Commissioner Jankovsky's benefit, Jean reviewed the history, the renewal of the license, her conservation with Dan Gunter on the State Liquor Enforcement office, his response to not hold up the renewal, the lack of a timeline for the clubhouse to be build and referenced this was part of a PUD. Ironbridge is meeting in June and there is a possibility they may downsize the plan. I verified with the State Liquor if they did build a grill they would not have to change their class of license and they can remain optional premises.
Jean – If they modify what they said they were going to do, we have all the drawings on file and you can certainly compare that with the type of building permit.
Chairman Martin – Their liquor license does not expire now.
Jean – It is up for renewal so they need to go forward.
Chairman Martin – We need to take action today for a request for a renewal and then they will need to go through the building process and any other changes will come back to us. We will need a motion to approve.
Motion
Commissioner Jankovsky – I will make a motion that we renew the Liquor License for J. Thomas Schmidt & Co dba Ironbridge Club. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
COUNTY MANAGER UPDATE: ED GREEN
Ed Green gave his updates.
PUBLIC MEETINGS:
ADOPTION OF POST-AWARD PROCESSES FOR THE PROCUREMENT DEPARTMENT- JIM HACKETT
Jim Hackett submitted the Adoption of Procurement Post Award Processes and included 2 updated procedures, 20 Disputes and Resolutions and 21 Cure Notice and Termination from the Work Session held on March 8, 2011. On 20, I added what you had asked to add that any litigation first be noticed to the Board and also on 20 and 21 if you look at the top they will says "pending approval of the Garfield County Procurement Code rewrite" and become effective after that resolution. Those two will set pending until that time. I anticipate if everything goes well we'll start in front of you with work sessions in July for the rewrite of the Procurement Code so by the end of the year these two should be effective and working.
Discussion
Chairman Martin – You have requested we adopt the 10 procedures and go forward.
Jim – Yes, and that will make 24 total adopted procedures.
Commissioner Samson – No questions, just a comment. At the last AGNC meeting, Commissioner Meis from Mesa County expressed a desire to have some kind of a regional procurement on preference discussion and I suggested to him we need to get together in the future and compare notes.
ChairmanMartin – That is one of the things that we built in when we can address individual items such as that, come back to Procurement Code and make it adjustments where necessary. We are doing that.
Carolyn – Do you want staff to chase down that comment or are you saying the Commissioners should meet together.
Chairman Martin – Commissioners will be putting that together and AGNC, etc.
Ed – That might be a good topic at CCI for the Western District in Vail the summer conference in June.
Commissioner Samson – Do you think we could put that on the agenda?
Ed – That is not a bad idea.
Motion
Commissioner Jankovsky – I will make a motion to adopt 15-24 new procedures for the Procurement process. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

GARFIELD COUNTY LEASE FOR SAR AT 2102 AIRPORT ROAD - JIM HACKETT
Jim Hackett and Mike Alsdorf presented the summary saying we looked at five potential lease spaces and those are included in the packet for the Board. All those were located along Airport Road so that there was easy access to the Sheriff owned equipment for Search and Rescue. We settled on the property at 2012 Airport Road based on the fact that it was the best fit, no tenant improvement finishes that needed to be done in the building, it fell in line with the average square foot cost in that area for lease. We met earlier this month with Search and Rescue with Mike. Mike has toured the facility.
Mike – It's a larger storage/garage area but the office is smaller, so we will have to work with that part of it but it is acceptable. Jim and I spoke with the landlord as to what he was going to do as far as removing some things and finishing some of the construction he had started, I think it will work.
Commissioner Samson – Mike you feel we're okay with this and a better fit actually than what we had planned.
Mike – Well our hope was to stay by the equipment but I think it will work.
Jim – We'll be adding an addendum to the lease prior to signature. Jim noted in the standard commercial lease for the Board, the BOCC would be responsible for any damage to the property. We'll work to mitigate this with the sublease with Search and Rescue. One interesting item is that the doors for maintenance and the glass are excluded by the landlord. We're getting clarification on that so if the bay doors were to break during the course of the lease, we would have to have to repair. I suspect that is based on the amount of use that the landlord expects to see. Indemnifications are mutual; however, we will be identifying SAR Inc to address that in the sublease as well and if the landlord is approached by a buyer, we have the first right of refusal to purchase the property for the same amount that is being offered for purchase.
Carolyn – It is so common that Jim didn't think to make a point of it. I want to make a record on it and that is the landlord understands that because you are a governmental entity this has to be a year-to-year lease based on appropriations and budgeting so you have to change the standard language to fit your local budgeting law. Another positive about this is that we don't have the parking issues that you had at Road and Bridge, this will allow an easier situation and less conflict between Road and Bridge traffic and Search and Rescue Traffic.
Jim – It does alleviate our concerns, it doesn't completely alleviate SAR Inc concerns because there not enough parking right there in that parking lot for the amount of vehicles they have on a meeting.
Mike – I think the biggest restriction would be the parking but, however because most of our operations are after hours, I think we could share a parking lot with the neighbors and that has been mentioned to them.
Motion
Commissioner Samson – I would move that we approve the lease between the landlord and us as the BOCC at $2,500 a month for a total of $20,000 for the year 2011plus the utilities.
Commissioner Jankovsky – I'll second that and allow the Chair to sign.
In favor: Samson – aye Martin – aye Jankovsky – aye
Carolyn – Commissioners, we'll be back with an amendment to the 3-party MOU and with the sublease.
RECOMMENDATION TO AWARD MAGNESIUM CHLORIDE CONTRACT TO GMCO CORPORATION – JIM HACKETT
Jim Hackett submitted the summary of solicitation, necessary board action and staff recommendation to award indefinite deliveries; indefinite quantities contract CMCO Corporation in an amount not to exceed $374,250.00 for providing and applying magnesium chloride to various Garfield County roads for the Road and Bridge Department. In accordance to Rule 5.1 of the Garfield County Procurement Code, we put out a posting in Rocky Mountain purchase and system on March 21 and the Post Independent on the March 23 and 28 and in the Citizen Telegram on the 24 and 31. Both of the bids were subsequently reviewed for compliance with the terms and conditions of the IAB and both were found to be responsible and responsive, GMCO Corporation was the lowest bidder. It is staff's recommendation to make the award to GMCO.
Motion
Commissioner Samson – I would move that we approve the award by the Board to GMCO Corporation in an amount not to exceed $374,250.00 for providing and applying Magnesium Chloride to various Garfield County roads for the road and Bridge Department and authorize the Chair to sign. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
SILT TO RIFLE TAMARISK/RUSSIAN OLIVE UPDATE – STEVE ANTHONY
Steve said we have discussed this a couple of times.
Chairman Martin agended this in February and then when we had the combination with Rifle City Council in February, a week or two later.
A power point was presented.
Chairman Martin – I've seen them working over there and it's beginning to show and also with the folks there are United Pits, that project seems to be going well too. Are you going to do some burning there?
Steve said that was going to be up to what the gravel pit operators want to do. They could work out something on their own with a swift crew but that part is ….
Chairman Martin – Slash piles and everyone is worried about that because of the potential of hazard.
Steve said I think will do something, but I'm not sure. I think they will do a combination of burning some and we have an Eagle issue we have to work around.
Chairman Martin – Smoke and noise are the other ones. Make sure we do not disturb the fledglings.
2011 WEED BOARD APPOINTMENTS – STEVE ANTHONY
Steve submitted letters for reappointments and one new applicant, Cassie Cerise. He explained that Ms. Haywood and Mr. Elderkin did not apply for reappointment. At the present, Steve is waiting on Parachute to designate a person to serve for Parachute to replace Judy Haywood. We have five vacancies that expire this month; we have four citizens expressing interest. Steve gave the names of those as regular voting member and one municipal representative.
Motion
Commissioner Jankovsky made a motion that we accept Cassie Cerise, Thad Nieslanik and Janet Olson to be appointed as regular voting members and Tom Whitmore as a municipal representative to the community weed advisory board. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
CONSIDERATION/APPROVAL OF IGA WITH GARFIELD-PITKIN ASSOCIATION OF CONSERVATIONDISTRICTS FOR LAND STEWARDSHIP PROGRAMS – STEVE ANTHONY
Steve thanked Carolyn and her office for working on these and putting quite a bit of time into these documents.
Steve submitted a memorandum to the Board regarding consideration of an IGA and stated that since 2000, the Vegetation Management Department has collaborated with the Conservation Districts, which is the umbrella term for the Mount Sopris, Southside and Bookclift on the cooperative noxious weed cost share program. This program provides financial assistance to eligible landowners located within Garfield County. This program has been budgeted through the Vegetation Management Department.
Separately the County Commissioners have also funded other conservation and stewardship programs with the Conservation District. This year the amount funded is $150,000, which is the Commissioners contribution to the Conservation Districts, and it has the $37,000 contribution which comes out of the vegetation management line item and that is for our noxious weed cost share program.

Chairman Martin – This is standard and they all items that have been budgeted.
Motion
Commissioner Jankovsky made a motion that we accept the IGA between Garfield County and Pitkin Association of Conservation Districts with budgeted items of $37,000 and $150,000 and allow the Board to sign the IGA and the other documents/attachments.
Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
CONSIDERATION/APPROVAL OF IGA WITH BOOKCLIFF AND SOUTH SIDE CONSERVATION DISTRICTS – TAMARISK AND RUSSIAN OLIVE TREES – STEVE ANTHONY
Steve presented a memorandum to the Board regarding consideration of an IGA and stated that in December 2008, the Vegetation Management Department discussed with the Board of County Commissioners a project to be managed by the Bookcliff and South Side Conservation Districts. This is an amendment to an existing IGA signed in 2009 for another Tamarisk project. We have been calling this the Mamm Creek Project.
Bret Jolley came before you last fall and updated you on this from the South Side Conservation District. This would amend that agreement and provide for a revised agreement that would go through the end of this year to provide for the $75,000 that the Conservation Districts already have and I hope we will have crews working on Mamm Creek and the other project at the same time. That is my goal.
Carolyn wanted to point out paragraph 19 on page 5, which says that this IGA supersedes the earlier one.
Chairman Martin – This will enable to transfer those funds to use it on the ground instead.
Motion
Commissioner Jankovsky – I'll make a motion that we approval the revising, the governmental agreement with Bookcliff and South Side Conservation Districts for the Mamm Creek Tamarisk project in the amount of $75,000 and allow the Chair to sign.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
CONSIDERATION/APPROVAL OF PARTICIPATING AGREEMENT WITH USDA, FOREST SERVICE, WHITE RIVER NATIONAL FOREST – STEVE ANTHONY
Steve – This one is an agreement with the US Forest Service and this is a participating agreement but it is along the same lines and a brief background on it, the County applied in July of last year for a grant with the US Forest Service through a program called the Secure Rural School and Community Self-Determination Act of 2000. This is administered by the Grand Mesa, Uncompahgre, and Gunnison National Forests (GMUG). We applied for this last year with the focus of the work would be done in three primary areas, the Hunter Creek/Upper West Mamm Creek, Cache Creek and Glenwood Canyon. The first two areas are very significant I think because they are up in the higher country a lot of biannual thistles up there that eventually find their way down to Morrisiana Mesa and Taughenbaugh Mesa so the good one to do, did want to say thank you to Commissioner Samson for helping us out with that as part of the RAC (Resource Advisory Committee). The grant is $15,000 in 2011 and $15,000 in 2012 totally $30,000. Then part of getting the grant before you we have to consider the participating agreement, an annual operating plan and financial plan. If you approve the participating agreement that would be good for 5-years and then the annual operating plan and financial plan is something that we can look at with partnership with the Forest Service each year.
Carolyn – It's important Commissioners to know that this grant money can be used within the Public Works Department.
Motion
Commissioner Jankovsky – I will make a motion that we approve a Participating Agreement, annual operating plan, financial plan in the Weed Management with US Forest Service in Garfield County.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – Thank you Steve and I'm glad to see the Forest Service participating.
HUMAN SERVICES COMMISSION:
YOUTH: THE BUDDY PROGRAM, BOY SCOUTS, GIRL SCOUTS, YOUTH ENTITY, YOUTHZONE
Katherine Provine with the Buddy Program, Carman Pittinger with the Buddy Program, Virginia Bricken with Girl Scouts of Colorado, Cindy Graves with Aspen Youth Experience, Lori Muller with Youthzone and Jim Graham with Boy Scouts.
The Buddy Program
Katherine and Carman explained the Buddy Program, thanked the Board for contributing to their cause and reported the program has grown from 50 to 150 youth in the last year due to two changes in the Buddy Program. She explained those changes reported that we have School-Based and Peer-to-Peer Mentoring Programs in the Carbondale Schools, took on Aspen Youth Experience as well local programs when they closed their doors and added another 75 youth to the Buddy Program Youth Roster.
Carman gave some testimonials received for the youth. Thank you for your dedication to our program. It's making a lot of changes in our youth.
Girl Scouts
Cindy Graves, the new community relations manager with Girl Scouts, Virginia Bricken is the membership manager and we thank you for your support of our organization. Your grants have helped the girls of Garfield County to do great things with their community from helping at soup kitchen, the canned food drives to pajama drive for abused women and children. These girls are very focused on community service.
Commissioner Samson – It is a very good character builder and leadership skills are developed. I encourage you to continue.
Cindy - With your support, we can. Some of our girls that go though Girl Scouts end up going onto college and becoming executives, attorneys, and other educated women of power in the world. Many become CEO's.
Youthzone
Lori Miller from Youthzone gave a quick update. We've been in the valley for a long time, we serve Aspen to Parachute with four different physical locations where we have staff available. Most of our kids come through the court systems; we have usually about 1000 kids a year that we work with and 200 parents. Restorative Justice is an awesome program working with kids who are victims and the offenders so any petty theft charges etc they literally sit in a circle and talk to each other about what went wrong and as the offender I have to admit that I did something and take responsibility, it's not punitive but it's restorative. We would like to have you call and say I would like to sit in, what are you doing, Restorative Justice is an awesome program, we love to have community members as part of that and we actually need to have community members so anytime that you would like to see some of our programs in action.
Chairman Martin – No questions, just for Tom and the diversion money that goes to the District Attorney's office actually comes from there and it directed to Youthzone to do this. We see that every now and then once a year in the budget. We're happy to do that because we see where it goes and the results.
Boy Scouts
Jim Graham - I am brand new to the organization and new to the area. One thing that we have changed this year is we have our paid professional based in Garfield County in Rifle. One of the things that I like to mention is with your dollars we are able to put 6 boys underprivileged boys that would not have been able to come into the program without that help. Thank you very much. Boy Scouts consists for 4 divisions, Cub Scouts, Boy Scouts, Petro Units and exploring. We go from ages 7 to 21 within those divisions. We

focus on boys and youth. It cost about $150 a boy in the program. We now serve a total of 413 total youth in Garfield County, that's 6% of the total available so we are working on our membership.
Chairman Martin – Anyone who wants to see the enthusiasm the Blue Gold Banquet over at the Methodist Church once a year, you can see a lot of excitement. Many projects and the parents are involved.
Like all of you, parents getting involved – amazing, you just don't have children give them away and let society raise them we get to take action and be part of that. Thank you very much.

BOARD OF HUMAN SERVICES:

APPROVAL OF EBT/EFT DISBURSEMENTS FOR MARCH 2011

Mary provided the EBT/EFT disbursements for March 2011 saying a total for allocated programs totaled $275,552.32. Client benefits for Food Assistance and LEAP totaled $724,965.30. Total EFT/EBT disbursement for March came to $1,000,517.62. Mary is requested approval of these expenditures.

Motion

Commissioner Jankovsky – I will make a motion that we approve the EBT/EFT for March in the amount of $275,552.32 and authorize the Chair to sign. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

CONSIDERATION AND APPROVAL ON THE NORTHWEST AREA AGENCY ON AGING GRANT APPLICATION FOR CAREGIVER SUPPORT AND SENIOR SERVICES/EQUIPMENT PROGRAMS

Mary presented the request of Board approval and signature on the State Fiscal Year 2012 application for the continuance of the Caregiver Support Program and Senior Services/Equipment Programs. The application, budget information and associated assurances are required for funding through the Area on Aging. The amount requested totals $132,744.40 for both programs.

Motion

Commissioner Samson – So moved. Commisioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

CONSIDERATION AND APPROVAL ON THE NORTHWEST AREA AGENCY ON AGING GRANT APPLICATION FOR GARFIELD COUNTY SENIOR NUTRITION PROGRAM

Mary presented the request for Board approval and signature on the State Fiscal Year 2012 application for the Garfield County Senior Nutrition Program. The application, budget information and associated assurances are required for continuing funds for nutrition services through the Area Agency on Aging. The amount requested totals $138,831. Food and gas are going up and we are requesting an increase.

Motion

Commissioner Samson – I move that we approval the Northwest area Agency on Aging Grant Application for Garfield County Senior Nutrition Program in the amount of $138,831.00 and authorize the Chair to sign.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

CONSIDERATION AND SIGNATURE DELEGATION AUTHORITY FOR SINGLE ENTRY POINT

Mary presented the request for Board's approval and signature on the Contract Attestation for the authority to perform Single Entry Point function for State Fiscal Year 2012. A copy of the Agency letter from CDHS and Contract Signature information was in the Board's packet.

Motion

Commissioner Samson – I would move that we approve the Signature Delegation Authority for Single Entry Point.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

PROGRAM UPDATES

Mary provided copies of the reports for the Board's review.

LEGISLATION

The bills that we have supported in the Health and Human Services Committee are moving through the legislature; a couple of them have been approved, one that has yet to be approved but some solid backing is the retention of the 40% in TANF reserves. The other issue announced is maximums for health care policy and finance is now taking all the of the initial Medicaid applications. We'll be watching that very carefully as of course it affects our Medicaid families and the rest of our programs. Differential Response Garfield County is a pilot county and in the research project, we received the first quarterly report. Our numbers are consistent with the other medium sized county in the project and we received excellent feedback from the agency that is sponsoring the projects.
Chairman Martin – Are we still talking about the Kiosk in the self-serve and entry. Are we still holding on that particular approach?
Mary – The Kiosk has moved forward, they're working very well in Garfield County, we are one of the pilot programs and at very minimal expense and to great advantage for the clients. I think the issue is keeping the application process is user-friendly as possible for our constituents and so we will be closely watching. The other Medicaid applications, sites and how they interact with this site at our office.

BOARD OF HEALTH:

WIC CONTRACT

Mary Meisner presented the approved task order contract – Waiver #154 to be effective upon approval by the State Controller, or designee, or on 5/01/2011, whichever is later. The Task Order shall end on 9/30/2011. The contract price shall not exceed $22,600.00. This is for the Breast Feeding Peer Counseling Program, through its WIC Program based on research-based components of a successful peer-counseling program, it's as identified in the model. It is by the Food and Nutrition Services (FNS) so it's a program that we would like to put into our overall WIC program and extend what our WIC educators are able to do. Christine Singleton is the registered dietician in charge of our WIC program. She would be the coordinator for the program and then we would have one of our WIC educators who would be the point person. I think this would be a valuable service in our community.

Motion

Commissioner Samson – I would move that we approve Task Force Waiver No. 154 for $22,600.08.
Carolyn – I don't know it Tom has seen one of the these. The state enters into a master contract with you, and then these task orders are actual releases to contracts. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

HEALTH COMMUNITIES CONTRACT AMENDMENT

Mary Meisner submitted Contract Amendment No. 1 for Health Communities Outreach and Case Management to increase the number of required community activities per month. This is another amendment that is part of our master contract granting us another $1,679.02 to our existing contract for an expansion of some work in the community. This links our clients with Medicare, Medicaid and some rare instances for young families to providers and a resource that helps them with the application to encourage our clients to find a medical provider. The total for all State Fiscal years is $15,606.22.

Motion

Commissioner Samson – I would move that we approve contract Amendment No. 1 to 2211-0134, CMS #24574 not to exceed $1,679.02. Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

UPDATE ON AIR QUALITY MANAGEMENT PROGRAM – PAUL REASER

Paul Reaser presented a brief update and power point presentation regarding:

- **Air Quality Monitoring 2012**
- **Countywide reduced engine idling campaign**
- **National Air Quality Awareness Week (May 2 – 6) – "Share the Air" both indoor and outdoor**
- **5-Day Medial Campaign**
- **EPA Community –Scale Air Toxics Ambient Monitoring Grant**

Grant Request

If our grant proposal is successful, we would 1) Characterize near source emissions and determine emission factors specific to natural gas well completions; 2) Describe local scale hazardous air pollutant concentration gradients from well site to residential structures during well completions; 3) Determine if regulatory setback distances from well heads to residential structures are adequate to protect residents from exposure to hazardous air pollutant emissions during well completions; 4) Build a diversion transport model and provide information for existing models on source contributions of hazardous air pollutants from well completions; and finally to identify representative mar key for long term monitoring well pads. One big reason for appearing before you today is to seek a letter of support letter from the Garfield County Board of Health to accompany our grant application which is due no later than May 23, 2011 if support of the very ambitious project.

Commissioner Jankovsky – My concerns as I look at the HIA; I feel that they put out 7 different items that they have concerns about and I think we can mitigate all of those, the only one I don't understand is the air quality. I don't know if the School of Public Health is the right person to come up with a program, I don't know how the industry is tied back into that, see if there's some give and take but I do think we need to have…from my perspective as a Commissioner that is what I need to understand the air quality in Battlement Mesa area.

Chairman Martin – I think we just need some more baseline data and see what the scope of services are to be assigned, etc and what can be accomplished on that. Now Paul also had the how many years of monitoring.

Paul – We have been monitoring since 2005 that's really more geared toward long-term monitoring.

Carolyn – Do you want the full application in your packets?

Chairman Martin – I think an abbreviated; I don't think we need all of the data, that is a big document.

Paul – Yes it is.

Chairman Martin – Just the basic scope that they are trying to accomplish a working guideline then get that to us so we can make sure.

CEC SOLAR FARM AND HOLY CROSS CONSTRUCTION EASEMENT AGREEMENT – BRIAN CONDIE AND MARK BOYER

Mark Boyer and Carolyn Dahlgren were present.

A letter was submitted from Holy Cross Energy saying they have completed a design and cost estimate for the installation of the line to the Garfield County Solar Farm at the Airport.

The estimated cost for the extension if $54,600.00, which is due as a non-refundable contribution. Your contribution will be adjusted to reflect the actual cost by making a refund or further assessment. Execution of this document constitutes an agreement to pay any further assessment in a timely manner.

Our power facilities must be installed on an easement. The request is to please execute and return the enclosed documents. Conditions were submitted. We attempt to complete all projects in a timely manner. However, highest priority is given to maintaining service to our existing customers. This fact, along with inevitable construction delays, will not allow us to guarantee a project completion date. When Holy Cross Energy is in receipt of the Owner's check in the amount of $54,600.00, all necessary executed easements, other permits, if required, a completed "Residential Load Information and Meter Location" form or "Commercial Load and Metering Equipment Information" form, the executed trench agreement, and the signed original of this letter agreement, the job can be scheduled for construction.

Discussion

Carolyn – The contract is definitely between you and Holy Cross.

Mark Boyer with Clean Energy Collective reported that what you have before you is a letter from us as well as a letter from Holy Cross requesting an easement be placed across Airport Property.

Motion

Commissioner Jankovsky – I will make a motion that we approve the easement and location of easement based on the fact that CEC is responsible for the cost and provide a receipt of payment and allow the Chair to sign.

Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Carolyn – I just want to make sure that Tom knows is essentially a construction agreement and it will be followed up by the actual easement document that has the as-built description.

TRANSPORTATION IMPROVEMENT NEEDS ASSESSMENT: INTERSECTION IMPROVEMENT COST AND FUNDING OPTIONS – BETSY SUERTH

Jeff Winston and Betsy Suerth submitted the update with background and objectives.

Background/Objectives – Betsy's presentation

Over the next 20-years, Garfield County is facing the need to improve many intersections throughout the county. Some of the improvements are needed for safety reasons (such as sight distance), and are therefore more urgent, while others are related to accommodating the traffic associated with growth that may occur over the next 20 years. Some of the needed improvements are modest, involving new or extended turn lanes, while others are more extensive—involving complete intersection remodeling (such as installing a roundabout).

The total amount estimated for intersection improvements over the next 20 years is approximately $19.5. Of this amount, approximately $12.5m will be needed in years 2 through 10, with the remaining amount to be needed gradually over years 10 through 20.

Analysis by Betsy Suerth on 28 intersections, grouped into 3 categories. 5 intersections representing the typical conditions were selected for a full review, including aerial photographs and overlays.

Funding Options:

A. Expand the impact fee program
B. County assumes funding responsibility, to be repaid by future taxes.
C. Expand and embellish the Partnership approach

Q&A

Betsy said there are still a number of questions that need to be answered.

Jeff Winston and Dan Cokley with SGM gave a PowerPoint with color photographs of the intersections identified.
(On record with the Garfield County Clerk and available upon request).
The power point identified:

The Challenge

- **The traffic impact fee program**
- **Partnerships (CR 204 and CR 300)**
- **CDOT**

Intersection Analysis
Mamm Creek – Proposed Improvements
Davis Point – Proposed Improvements
Catherine's Store – Proposed Improvements
Cattle Creek – Proposed Improvements
CMC – Proposed Improvements

The Transportation Improvement needs assessment intersection summary table of these 5 intersections identified was an overall estimate as County Primary - $6.0m; Developer Primary $7.0m; and UGA $6.5m for a total of $19.5million
Dan's power point showed the 5 major intersections in color.
Betsy – Last year the County Commissioners acknowledged the shortcomings of several intersections with County Roads and State Highways and at that time directed staff to study the needs and present an approach to address the needs. Today we will review our approach, the methodology and the results of the study. We will present three funding options for BOCC consideration and we're asking for your direction for preference on this options.
Jeff Winston- Explained the funding options and asked for direction. We've looked at all 5 of those intersections and they each have a variety of needs, some of those needs are related to safety and some are related to capacity. Some are residential, industrial, commercial and so they all vary a great deal. At the end of the day, the bottom line is that it looks like when we apply those typical conditions to all of the intersections; we're talking about $20 million dollars just for the intersections. The County share of that if you accept the way we've broken out those down between the various intersection responsibilities, County, developer and urban growth area types, our of that $20 million approximately the County share ends up about $12 million and we thing that the future developers will contribute about $5.5 million and the municipalities might contribute about $2 million in round numbers.
Betsy – So I guess we can take these questions one by one or you can pick out the ones that jump out at you the most, have a dialogue and try to formulate some direction for us to move into, formulating a policy and presenting back to the Board in the future.
CR 300 - UPDATE
Commissioner Samson – Before we start how are things progressing with the intersection at CR300. What is the latest?
Betsy – The project has been bid and as far as I know, it is in the process or already has a contract with Frontier Paving.
Chairman Martin – We will contract with Frontier paving now they are negotiating and value engineering.
Betsy – We will be breaking ground in the coming weeks, weather permitting.
Commissioner Samson – Does that arrangement financially seem to be working well?
Betsy – I will be coming to you in the first meeting in May to talk about finalizing that funding arrangement with the various partners and so far so good. Travelers Highland PID will have a Board meeting that same afternoon following the BOCC meeting, make some decisions on the dedication of funding toward that intersection, which would be a reimbursement situation using that 50-mill levy.
Commissioner Jankovsky – It's different for every intersection.
Chairman Martin – It is, so we need flexibility.
Commissioner Samson – Because the partners are so different that is one of the things.
Commissioner Jankovsky – I think it's a combination of A, B and C – the County assumes responsibility, partnership approach, impact fee is not going to work that well if we're going to have that program it should be countywide and from my understanding it is not.
Betsy – Yes, there's no significant fund accumulation although funding has been used for overlays and certainly has not covered the cost of those overlays.
Chairman Martin – It is only supposed to be a proportional share and you cannot expect to cover everything in reference to those fees. This obligates the county to do the rest, which goes back to the priorities. What is our priority; do we set those or the policy setting those for us and we have to live up to them. That's the double-edged sword on those policies.
Chairman Martin – That's great – I think it's time. You guys have been doing a good job but because of the hard times these types of issues, we need to be more involved.
Ed – I agree.
Betsy – One more question before we wrap this up, we had vision from CDOT to have some stakeholder meetings with the public. We talked about that on a project crew and what do you Commissioner feel about that at this stage in the game or would like us to come back to you and then talk about that in the future, getting input from stakeholders around those intersections.
Chairman Martin – This is what CDOT does, that's why we have it between $14 and $21 billion dollars between Morrison and the Tunnels. They got everyone involved and that's what drove the cost up.
Betsy – Would you like us to come back with this prioritization presentation.
Chairman Martin – I think you need to call it recommendations because the Board will have the final determination on priority. It is like the staff meetings, it's not that everybody participated but the transportation commission will establish what the priorities are going to be.
Commissioner Samson – Thank you for your work.
Executive Session – Two Items, 106 Action update and a liquor license
Motions
Commissioner Samson moved to go into Executive session to discuss the two items mentioned.
Commissioner Jankovsky – Second. Motion carried.
Commissioner Jankovsky – I will make a motion that we come out of executive session.
Commissioner Samson – Second. Motion carried. Advice only – no action.
Carolyn – You have given me directions to deliver a deliberative process document for you which I will bring back down to you for your review and you can decide if you are going to take action.
COMMISSIONER REPORTS - COMMISSIONER CALENDARS
Humanitarian Award Dinner
Commissioner Samson reported that the Humanitarian award dinner was nice.
Commissioner Samson – About 210 people there, very well attended. What was need was the Senior Awards Banquet.
Commissioner Jankovsky - I have a special meeting tomorrow at 8:00 a.m. then I have a Colorado Work Force meeting on the 20th at CMC it is a teleconference; on Thursday, I'm meeting with Tamra to get an interview on the Code Rules and Regulations, get started on that; 10 a.m. set for the Solar Fairgrounds Ribbon Cutting – I may have a conflict. Mr. Samson and I are traveling together Monday to Denver meeting at noon with new business that's coming to Garfield County – Bayou Well Services, I called and welcomed them to the County and they wanted to meet with me, they are from Houston, they do a lot of work down in the Bayou. On Thursday the 28th I am meeting with Jill Bowl from CMC to discuss Transportation Issues up to their Spring Valley Campus.
Commissioner Samson – On the 29th, we have interviews for the County Attorney position. We need to have a meeting to come up with questions.

Carolyn stated that was going to occur on the 19th.
Chairman Martin – The 28th there is a social engagement, which is a get together at the Hotel Colorado with the Commissioners and folks for an evening appearance of the candidates at 6:00 P.M.
Carolyn explained the purpose.
Sunlight Mountain Resort
Commissioner Jankovsky – There will be a press release coming out very soon from Sunlight Mountain Resort stating that we've hired a new assistant manager who will taking over a lot of my duties up there so that will get me to being just part time up that at Sunlight Mountain Resort.
Library – Raise a Reader
Commissioner Samson – On the 28th I will be tied up until 7:00 P.M. for the "Raise a Reader" for the Library.
Satank Bridge
One or both of us will be there on the 21st for the ribbon cutting. I have the Mayor's meeting at 10:00 a.m. in New Castle on the 25th and that will be from 10 to noon.
West Enders
Commissioner Jankovsky – I may go out to West Enders on Monday, the 25th as well.
Commissioner Samson – The West Enders is sponsored by the BLM.
Chairman Martin – I will be there, it is from 4-9 P.M. at the Marriott and it in reference to their findings on Hydro Fracing.
Communication Board Meeting
Commissioner Samson – On Thursday, the 28th Communication Board meeting at 1:30 p.m.
Lunch and Learn at Sheriff Annex
On Wednesday, the 20th, at noon the topic is regulations of oil and gas industries.
Commissioner Samson – The week after that, the first week in May we are going to be busy. Monday meeting, Monday evening with PC, Wednesday the Energy Summit and then Thursday and Friday the Symposium and Friday all are invited to the CMC graduation. I will be speaking.
POLICY 3310 - WILDLAND
Chairman Martin – I did go to Denver and the federal government has obligated the entire County and their staff from planning to engineering to this Board, attorneys etc in reference to the approaches that we will see going on right now. Number 1) will be the revamping of all the resource management plans for BLM, implement possibly the policy 3310, which is Wildland, and insert that into their process. The other one is going to be at the US Forest Service.
Commissioner Samson – Before you leave the Wildland, I was under the impression that the funds for that were taken away and that is done away with for this year.
Chairman Martin – Not necessarily, the policy there has been there since December and many RMP's are already started with that particular review process inventory. We'll see how it goes.
RESOURCE MANAGEMENT PLANS AND TRANSPORTATION MANAGEMENT PLAN (TMP)
Just be prepared to participate in the revisions of the Resource Management Plans both with RAC and face to face with the different stakeholders. The other one is definite from the US Forest Service; some folks have decided that the Colorado and Idaho Roadless Initiative Plan that was approved by all the Governors and sent to the Departments of Agriculture doesn't have enough land so they have ordered it to be redone. So we will start again. That was a 3-year process of roadless inventories, etc and those will be started all over again and we must participate with that – the other one is the Travel Management Plan, which is coming out, not to be confused with the Roadless, two separate issues but because the Travel Management Plan is out we have to have a copy, review it etc and it deals with everything from County Roads, Access off of County Roads to public property etc to the US Forest Service Public Lands that we need to review that to see if there are any discretions or any impediments to our access to public lands for our citizens etc. We must have the planning department get a copy of that particular document. We have 40-days to respond to it and time if running.
Carolyn – It was not on the website last week.
Chairman Martin – I understand, but as soon as it is official and out, we have 40-days.
Commissioner Jankovsky – That was 10-years in the making, that Travel Management Plan and it stated back when they did the Forest Plan back in mid-90's – unbelievable 15 years.
Chairman Martin – We will be looking at that one and it must be reviewed and if we have concerns we must make the proper informational exchange.
Commissioner Samson – So at this time we are giving the staff, the planning department, the direction to review that and come back to us.
Chairman Martin – This Board needs to be doing that review.
Commissioner Samson – We need to schedule a work session.
Ed – Perhaps in June.
East Elk Creek – Site Visit with the Town of New Castle
Commissioner Samson - Back to the Elk Creek, we have a request from the Town of New Castle because when we went there we said we said we would go there as a commission and do a field inspection, etc.
Chairman Martin – We were shooting for the end of April because of weather and road conditions and the last week of April is very busy. The first week in May is extremely busy so we can look at May 10.
Commissioner Samson – Are you planning on Tuesday, May 10.
Chairman Martin – Yes, because we get busy again as the year roles on. On May 10, we need to do a road trip.
Commissioner Samson – We as this Board could do it during the day, I don't know how many in New Castle can in the day. They want to meet with us, so I'm going to say 5:30 – 6:00.
Chairman Martin – We will have to see if we can get the Community Center to do that and then we need to advertise that as well as confirm with New Castle.
Commissioner Samson – No, what I'm saying, how long will it take to travel up there, look at this and get back for a meeting. Or, are we going to day one day to do the field trip.
Chairman Martin – We need to do that field trip as the Board of County Commissioners and not the community, some staff members, Forest Service and a few of folks representing New Castle to go up there, look at it, make some recommendations.
Commissioner Samson – Why don't we direct our staff i.e. Mr. Green to contact the parties that you just specified and see if May 10 at 9 a.m. would be a good time to meet.
Chairman Martin – Then schedule a public meeting at 6:00 p.m. at the New Castle Community Center.
Commissioner Jankovsky has a conflict with the 10th of May, it would be all right if it was late in the afternoon. 2:00 p.m. on the May 10 would be fine.
All the Commissioners agreed.
COMMENTS FROM CITIZENS NOT ON THE AGENDA:
SATANK BRIDGE

John Hoffman – I just came down for the Satank Bridge and I wanted to thank you guys, it looks great, it's going to feel great, it is getting a lot of good use and thank the community for that. It's a wonderful amenity and hope you get a Plaque on there and put your names on it so this will be 100 years and I'm proud of that.
Chairman Martin – John, you started this process a long time ago and the old pink bridge is now the Satank Bridge, it's a Historical Designation, the State of Colorado recognizes it and the unveiling and official opening with be May 12th Thursday and the public is invited. It will be a morning event. The cost to restore the bridge was $1 million dollars. It will last another 100 years.

PUBLIC HEARINGS:

ADOPTION OF THE 2009 INTERNATIONAL FIRE CODE – ANDY SCHWALLER

Andy stated this is the public hearing to discuss the possible adoption and it was posted in the Citizens Telegram – the entire document.
Carey – The notice only needed to be published on the regular agenda and Andy accomplished the notice as necessary. Carey noted it was published for 1:15 p.m. so we are early, would you like to proceed.
Andy – I believe the Code Section says it must be listed, it could be listed with the City, State and I believe I have some discretion as the Building Official if it is truly historical but no one has gone through the hoops to make it that way.
Commissioner Jankovsky – On the sprinkler systems for commercial, is that the same as the 2003 Code.
Andy – It is very close, there were some changes in the Building Code for 2009 versus 2003 Building Code so we adjusted the provisions in here to match that.
Commissioner Jankovsky – I'll just state that I am concerned about sprinkling in residential and the cost that it would add to the building, but that's not for here and now, we'll deal with that in a couple of years.
Chairman Martin – And each fire district is allowed to increase it but Garfield County has the baseline and everyone builds off that one. We're still going on that premise, have at least minimum standards set by the County and each Fire District increases it. It's unfair that the district comes and talks about us and their citizens within their district if they can or cannot match it.

Motions

Commissioner Samson – I would so move to close the public hearing. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move that we adopt the 2009 International Fire Code as presented.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – Thank you guys, it has taken over a year to go through it sentence by sentence. Thanks for doing the work.

CONSIDERATION OF A REQUEST FOR A TEXT AMENDMENT TO THE INDUSTRIAL ZONE DISTRICT USE TABLES CONTAINED IN SECTION 3-501 OF THE UNIFIED LAND USE RESOLUTION OF 2008, TO ALLOW RECYCLING PROCESSING FACILITY AND SOLID WASTE TRANSFER FACILITY AS A USE BY RIGHT. (FILE TXTP-6690) THE APPLICANT IS IRMW LLC A COLORADO LIMITED LIABILITY COMPANY. – GLENN HARTMANN

Glenn Hartman, John Martin – owner/operator of IRMW LLC, Tim Thulson an attorney with Balcomb and Green PC were present on behalf of the applicant.
Chairman Martin clarified with Glenn Hartmann that this was on for a Text Amendment and not the project. Did everyone hear that? This is a Text Amendment not the project itself so everyone understands that we are not doing the entire project today. This is a Text Amendment to the Unified Land Use Code. He explained what this means and made it clear that it was not a request for a project at this time. This is talking about the rules and regulations.
Tim Thulson was in charge of notification.
County Attorney Carey Cagnon – The only notice required was by publication in the paper. It was published in the Rifle Citizen Telegram on March 17; it describes the Text Amendment that the proposed property would be affected by this amendment. Notice is adequate and the Board may proceed.
Chairman Martin swore in the speakers.
Chairman Martin explained how the process of this application would be handled. First the presentation by the Planning Department, then the applicant's present, after which we will take public testimony on which there is no limit and there is no sign up sheet but remember those who held up their hand need to tell the whole truth and nothing but the truth and if you didn't we will swear you in. We keep a permanent record of that and this is a Text Amendment and not the project. Keep your testimony to the Text Amendment and to the rules we are putting forward one way or the other.
Glenn submitted the following Exhibits A – II.
Chairman Martin entered Exhibits A – II into the record.
Glenn gave a background and description of the proposal including the Power Point Presentation emphasizing there is no site-specific application in front of us. This is just amendments to the level of review in this case, the applicant is requesting for a site for a recycling process center facility and the current use requirement of a major impact review be amended to allow as a "Use by Right" and for solid waste transfer facilities the applicant is requesting that the current department of limited impact review be amended to allow once again this use by a "Use by Right". Two locations within Garfield County that are zoned industrial, this application is specific to the industrial zone district one located off County Road 100 just east of Carbondale and the location off CR 352 just east of the Garfield County Airport outside the City of Rifle.
Glenn gave the background and description of the proposal.

I. RECOMMENDATIONS

The following options for a recommendation to the Board of County Commissioners were provided for the Planning Commission's consideration

A. Approval of the Text Amendments as requested by the Applicant and Discussion Points

B. Modify the Text Amendment to require Administrative Review for the uses.

C. Leave the Limited Impact Review requirement for Solid Waste Transfer Facility in place and modify the requirement for Recycling Processing Facility from Major Impact Review to Limited Impact Review.

D. Leave the current Use Table unchanged with the Limited and Major Impact Review requirements as existing in the Use Tables and ULUR.

II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission heard extensive testimony from the Applicants, extensive public input, and conducted a thorough deliberation on this Application at their March 9, 2011 public hearing. A motion was initially made to deny the Applicant's request, which motion died for lack of a second.
The Planning Commission formalized a motion to recommend to the Board of County Commissioners that the Limited Impact Review requirement be left in place for Solid Waste Transfer Facilities, and to modify the requirement for Recycling Processing Facilities from a Major Impact Review to a Limited Impact Review.
The Commission discussed the Suggested Findings, in Section VI, a & b of the Staff Report and clarified that the motion is consistent with the applicable provisions of the Garfield County Comprehensive Plan and any Intergovernmental Agreements affecting land use or development or an approved amendment to the Comprehensive Plan.
The motion passed with three (3) in favor, one (1) against, and one (1) recused.

Applicant's Presentation:
Tim Thulson, John Martin, William Rice who is the other member of the LLC, and others were introduced including Larry Green with Balcomb and Green and Don Vandeaver. Larry representatives our Mine Rocky Mountain Roll Offs and Don is a managing member with that organization.
In the buildup of this application, there has been kind of confusion as to the parties that are processing this application. The property owner IRMW LLC owns an industrial zone district that used to be the Mid-Continent Load Out Facility from 1968 – 1991, approximately 95 acres on Catherine Store Bridge, Rocky Mountain Roll Offs are a proposed operation that we have been discussing with if we get the permit necessary to operate the recycling center and the waste transfer facility, they would most likely be our operator but they are not the applicant in this instance, it is IRMW LLC the property owner. The Mid Continent Load Out facility that we're talking about with regard to our property, we're one of two properties in Garfield County that have industrial zoning, the other and I forget how many separate parcels is it but it is all one contiguous acre, it's roughly 48-acres at the Rifle Business Park, our 95 acre parcel at the Mid Continent Load Out facility is the only other industrial zone property in Garfield County. So although we are doing a text amendment to a general zone district parcel there are only two real pieces of property that are affected here. I would note the reason we're zoned industrial stems from the history of the project. Tim explained the Mid Continent plant, how they loaded trains, hauled coal in trucks on Catherine Store road without any problem and noted it has a history of heavy industrial use. Later on, the Mid Continent site was used to do the staging for the pre-stressed concrete at the Base Village Project. According to R&K, they conducted about 7,000 heavy truck trips over CR 100 through Catherine Store Bridge up to the Base Village site and those trucks on average were 65 feet and about 75,000 pounds.
Chairman Martin once more asked if anyone wanted to speak that was not previously sworn in to raise you had and he would proceed with the oath to tell the truth, the whole truth and nothing but the truth.
Audience – We do.
Public Comment
Herb Feinzig – A resident of Carbondale sitting here and listening to the presentation and ultimately requested denial.
Chairman Martin – To assist Herb, he asked Glenn to explain how the major review exactly what takes place versus a minor review and aspects as well as a use by right review process.
Glenn explained the distinct in laymen's terms so the audience could understand.
Chairman Martin – Does everyone understand the three (3) levels of review? All of them are subject to public discussion, public hearing in front of this Board.
John Hoffman – I live in the Town of Carbondale and I am representing myself here and asking that you deny the use by right.
Patricia Phelen – I live in Carbondale. I have really received an education this last month and I am really trying hard to be a good citizen and understand both issues on both sides. I appreciate everyone here and what you're trying to do. I've been studying waste transfer stations from Kentucky, DIA and all the way across the Board so I have a good idea of what they look like, how green they can be or not. And, what is a spot they are usually located and I'm finding out they are usually quite a way away from people. In the future if we do start a waste transfer station it'll grow because waste grows and we have to figure out how to be responsible for our waste number one, I'm learning that but how big will this be in the future in 5, 10, 15 years. I also realize that the P & Z has just worked very hard with the public to form a Comprehensive Plan 2030 for Garfield County and they've worked really hard with the public, they spent numerous meetings maybe 10-12, I don't know how many and what they came up with were two things, that for a recycling center, it should have a major impact review for a waste transfer station it should have a limited impact review. I believe that we should let this process work and let the P&Z and all their hard work in Garfield County continue and work together on this project and I think you very much for listening to me today.
Mitch Knutson –I'm a property owner directly across the street from the proposed facility and I'm a taxpayer, a fly fisherman and someone who cares deeply about the Town of Carbondale, its people and our future. I also represent a coalition called "Don't Trash Carbondale". He explained the coalition and why is was created saying this crowd of concerned citizens care about our health, safety and our quality of life. He elaborated on the negative effects of garbage even after Glenn explained the two industrial zonings and made it clear this was not an application, a text amendment to have the two zone districts as "use by right." He relayed the research he had done on projects like this one.
Chairman Martin – Reminded Mitch that he was talking about industrial standards and requested he stay on the text amendment. I'll sum it up with let's just get all the facts, we have nothing to lose and everything to gain by making them go through the process and then you guys can make a responsible and informed decision for the folks of Carbondale. Thank you very much.
Tom Kilby – Owner of property directly across from the property in question. I found out about this 2 weeks ago. This thing has been flying under the radar then all of the sudden I find that you guys are going to make a decision that could impact this area for every and basically by allowing the use by right. He voiced his opinion that having a waste and recycling facility at the entrance to our town would change the character.
Chairman Martin – Once more, I remind you that you're speaking about a project. Many times I have said, this is a Text Amendment request. All the issues brought forward are covered in a review, whether it is Administrative, Major or Minor. The Board hears all the facts and takes testimony from the public.
Chairman Martin – P&Z went through a process of almost a year on the new Comprehensive Plan, this area was still identified as an industrial use. That is after the most current, which was adopted this year. That has been identified. Rules, regulations and standards are in place, they would always be applied to industrial areas. There's no lesser level of review on any one of these other than just the process itself. Does it go to P&Z or just to the Board? That is what we are talking about today. Not the site, not any of the other issues that you talked about, I want to keep everybody in check here because I know there is passions on both sides of this issue. I'm trying to get through the text amendment and that's what we really need to concentrate on. What are the standards, are they going to be industrial standards, what is the levels of reviews. There can be one of three reviews. The request has been use by right, which is only administrative, which is subject by call up by applicant, staff, public or the County Commissioners; or limited review, which is in front of the Board of County Commissioners; major reviews go to P&Z and the Board. Everybody gets to speak on every level. There is nothing that is being withheld from the public on any of the discussion, any discovery or even the standards. I just want to calm down a minute think about what you need to talk about on the text amendment and which way we should go on the level of review. It is a public hearing notification is required and the public is invited. You have every right to respond and to have part of the meeting.
Glenn – The administrative review will require public notice to the public.
Chairman Martin – Clarified this is called participatory government by listening to the public.
Carey – A point of process, both Mr. Colby and Mr. Knutson have referred to documents that haven't offered into the public record, I'm not certain if you're accepting these into the public record at this level.
Chairman Martin – At this point, we can take it if they wish to offer it. It is again subject to sharing with the applicant.
Matt Raiser – I will keep my comments to text amendment. You have a very good proposal, one difference in the level of review. Just keep it the way it is. It sounds like it is a lot less work for everyone involved and your decision is you have a lot of work to do when you finally do get the reviews. I do not think for two sites that it would justify a change in the text amendment.
Carol Olsen – Principal of Crystal Elementary School on Snowmass Drive in Carbondale presented on behalf of the schools mainly Carbondale Middle School, pre-schoolers who want to walk to school at age 4 and a total of 600 kids. Her main concern was that this road would be used as an assigned truck route. Please weigh my comments carefully.

Watt Mathews – I'm the general counsel for the Roaring Fork Transportation Authority, we just had a Board meeting and I was directed to make statement at your hearing. I understand that you guys are actually looking at a proposed text amendment to your land use regulations. One of the things my board wanted this Board to be concerned about it that we definitely do own a trail that crosses their driveway. We have to have a license agreement with the owner of the property and for the last few years, it's been working out well, we communicate well with each other. Before, I would like you guys to actually keep the review process the same, not change or amend anything.
Chairman Martin – And it's not deemed a permanent license, it is a revocable license.
Watt – It is definitely a revocable license.
Chairman Martin – It is subject to review and access. That goes along with the Railroad Holding Authority and the purchase from Aspen to Glenwood Springs. That now is not transportation; it used to be a train track, now it's a trail.
Watt – Yes, it is I read them today.
Bethany Lewis – I'm the president of the Blue Creek Ranch HOA and we would ask that you deny the use permit based off several factors. One is we have a lot of kids in our neighborhood as well and we'd like to go back and walk across the Roaring Fork River, take advantage of the trails that are back there. The only way for us to get to those trails is to cross the bridge. There is a great deal of traffic on that bridge now, people stop to put boats in the river, etc so it's dangerous and a huge problem. The Roaring Fork Conservancy is close by where we have Balk Eagles, Blue Herons etc. We're not allowed to even walk our dogs on the Roaring Fork River side. We sternly hope you will deny this change.
Chairman Martin – We are only addressing the process and not a project.
Bethany – I understand but we think there should be a major review.
Chairman Martin – That's what we're after, thank you very much.
Joyanne Teeple – I'm a resident of Carbondale. How many of us have been to a trash facility?
Chairman Martin – The County owns one.
Joyanne – You own a trash facility and you understand that is okay. I'm here to recommend the highest level of scrutiny for this. She referenced the headwaters for our nation, groundwater seepage into the Roaring Fork River. I encourage you to not say; oh its red tape. This is the first one so far, this is a big county, and you're going to be looking at this repeatedly. Consider our stewardship of the property and land surrounding it.
Chairman Martin – Once more, please confine your talk to the text amendment not the site. Remember the site is not what we're talking about today.
Jim Finch – I'm a resident of Basalt and property owner in the Roaring Fork Preserve. I'm writing in regards to the application for "use by right" by IRMW, LLC for the proposed transfer station site and recycling center to be located at the Mid-Continent Mine building property. This is a big decision for Carbondale and deserves both public hearings and the full complement of major and limited impact studies as outlined in the Land Use Code. I support jobs and any effort to recycle and be green; but do we really need a 15-acre recycling transfer facility located right outside town limits. I know why it's good for IRMW, MRI and Waste Management but is it really the best thing for Carbondale? I think our job as citizens and community leaders is to ask, "what is this going to look like in 10, 20, 30 50 years, and is this really what we want for our community? It raises a few other questions as well. What public good is being served by holding IRMW to a lower standard of accountability than is required by the County Code? Doesn't bending the rules in this case set a precedent for all future cases? Most of all what it the applicant trying to hide? Concerned about noise, odor, air and water pollution, traffic, public safety, impact on the rodeo, bike path and residential areas in close proximity to facility, fire danger, drainage of roads and landscaping and many other issues this facility creates. How will this affect Carbondale's image, property values, business development and tourism? We need to answer these questions in order to make informed decisions.
Chairman Martin – Stay with the text amendment.
Jim Finch –I believe IRMW and MRI need to comply with the County Land Use Code, perform a limited and major impact review as required, and hold public hearings. It also should be a win win for all concerned, not a win for the land and business owners and a long-term loss for the residents of the community. I believe it has the potential to define Carbondale for decades to come and not necessarily in a positive light. Thank you for your time.
Chairman Martin – Thank you. Let's try to stay on track I know it's difficult, we're not talking about the project, not the site, we're talking about a text amendment on a review process and which level of review do we need to do. I know that it's hard.
Charles Cole –The industrial zone district provides appropriate areas for industrial businesses in locations where conflicts with residential, commercial and other land uses are minimized. I don't think this is an appropriate minimization of that. I've heard a lot of discussion on the level of review. They must have a terrible planner because that planner sat in front of P&Z and said we will save a couple hundred thousand dollars if we get a use by right. To go through this process did not require even the landowners next door to be notified. This is a major impact on the Town of Carbondale and those of us who live there.
Chairman Martin – Thank you very much.
Jackie Whitsitt – RFTA Board and I just wanted to add that unless I'm missing something changing these zone districts to use by right would apply to anything that comes in to these particular zone districts and not just this application so that concerns me. Government is to let public in and it benefits everyone; it fails to serve the public when it's not included in the process. I think we agree with RFTA that it would be great to leave the review as it is. *Chairman Martin* – And RFTA is one of the review agencies that we send our text amendments to as well as the City of Rifle, Town of Carbondale, the different governmental entities as well, there's a whole list of referrals, it's also required to be posted in the county buildings and it's also required to be posted in newspaper of local distribution which it was and that was our hearing that we started out. It does not mean that you contact each adjoining property because this is a text amendment. A land use issue if there was an application for a land use issue, there is another set of requirements and that would require notifying everyone within the 200 feet by certified mail, etc. so I understand. I'm not trying to short circuit any of the public; it's just the two different levels of process
Tom Kilby –What about the Carbondale P&Z?
Chairman Martin – Remember the Carbondale P&Z is an advisory board to the Town of Carbondale and their Board.
Tom – In the public record, it says there's no referral agency with the zone text amendment.
Chairman Martin – Janet Buck of the Town of Carbondale, who is their planner, had notification as well as the City Council I do believe through the process, the Town Manager etc so there are referral requests. I have two letters, one is on letterhead and it referenced proposed transfer station from the Town of Carbondale as well as another one that is from the Department of Planning and Development so they both received notices that this hearing was taking place and that notice.
Chairman Martin - We'll close the public hearing and make a decision.
Janet Buck – Town of Carbondale and the Carbondale Board of Trustees asked me to attend this meeting to reinforce their letter of April 6 where they requested that the zone text amendment be denied and a full review opportunity by P&Z and the Board of County Commissioners be done and that is to ensure long-term fault of the project in the community. My concern is that if it were just an administrative review or use by right that I wouldn't get that land use application, it wouldn't be referred for comments.
Chairman Martin – And for clarification, the letter that went to the Town of Carbondale was dated February 27, 2011; Janet sent on February 24, 2011 so it's well ahead of what we have going now, the 24th of...Those are the submittals that I have in front of me. Another one from Frosty, which is April 6, 2011.

Kate Marra – I live in Carbondale. I don't think the applicant has shown why a text amendment in this Code is necessary. That seems to me to be heart of the matter. What the attorney had stated when he made their case was the reason they went with this was that it was the simplest way for the applicant but I don't think that means just because it's simple for the applicant that it's in the public interest. I would like to see the full reviews from both the P&S and the Board of County Commissioners. I think any time you can give people more opportunities to give input and for many people to go to a meeting at night and give their opinion to your people who make recommendations to you, I think that's in the public's interest. I think you're eliminating a group of people to show up and voice their opinions in person rather than just writing a letter if you do this. The second thing was that under a use by right the ability to mitigate for impacts is omitted. By everyone in here talking about some of the concerns they have, there's big concerns and potential impacts and I would like the full review process gone through. I don't see a reason to change it.
Chairman Martin – Okay. Thank you. Now Herb we're going to end with you.
Commissioner Samson – There was another gentlemen back here.
Chairman Martin – Anyone has a real burning desire after Herb. Okay, then we'll let you speak.
Herb Feinzig – In all these discussions, I've yet to hear the depth of the review. Will it take place as a major review versus what will take place if you have a limited review?
Glenn – We touched on this but the direct clarification is the County has the ability to require the same reports, the same studies for both reviews. Both would require site suitability studies and impact studies and so the level of analysis is the same for major and limited impact reviews.
Herb – My understanding is that the land use, the law itself has a different set of requirements for each of the two reviews. The major review has one set of requirements and the limited review has a second set of requirements. What are the differences?
Glenn – The procedural pieces are different and that is where we have one public hearing versus two.
Chairman Martin – But the level of the application and the review process and technicalities are exactly the same. That's all, it's just the procedure. One goes in front of the P&Z, which makes a recommendation back to this Board, this Board reviews that, has a public hearing, and makes the determination based upon the way they see it.
Herb – So in either case you will get the equivalent of a full review in terms of the analysis done and in the case of a major review will simple get one more read.
Chairman Martin – That's correct.
Ron Speaker – I live in Ponderosa Pines. I will stick to the text amendment comments and be succinct. I'm not a NIMBY. I'm actually very pro-business and in my own business, I have to follow a strict and changing rules designed to protect investors. I respect those rules and it is good business with full transparency. I encourage you to not bend the rules for the text amendment for this business proposition. I feel that it has strong merits and you can convince us, the residents locally, of the protection in place of which will come to light later on, then you might find more support for it later on. But what I'm upset about is that this is a big decision and there's no public disclosure about how this facility would operate and I know that it's an early, but you can see from the people here that we're very concerned. I agree with what the citizens have said. I would not outright reject the idea of a recycling center if the owners could be public and clear about their business plan, times of operations, and how to deal with the potentials that are being raised today. Cutting red tape should not be cutting corners and if they follow an administrative hearing and it is called up, I think you can see that we're calling it up now, if it follows that process so please respect us as residents, taxpayers that keep County going; I just beg that you consider people here. If this is a good business program, let it be known, put out the facts so we can understand it because we're struggling here. We're concerned about the potential long-term impacts all around a procedural matter so thank you for all of us speaking here today.
Chairman Martin – You were to the point and I appreciate that too.
Robert McClelland – I'm here for an entirely different purpose. I'm not casting any voter opinion on the recycling center, I just came to ask the Board to always help people in zoning situations because a lot of our valleys is pretty old, old zoning and I don't want to discourage future businesses from coming in here, buying property or investing because of situations in terms of having changed zoning. So just work with people the best you can with the zoning and do all you can because that's purpose here.
Chairman Martin – And Robert you bring up a very good point, the reason regulations work on both sides, but there is also a process to amend the text amendment that we are going through and that is open to all zone districts. It's up to the hearing and it's up to the evidence presented if that should be changed or not. But everything is subject to text amendment. That's the process that we have. That is our freedom of speech and our request to make government change when necessary or, if they won't they hold true to the rule regulation and they don't change it – that's again the system so thank you again for bringing that up.
John Hoffman – Commented once more on the letter from Stacy, mayor of Carbondale Town Trustees. I'm sure that some of the other trustees have much more detail and an impression of what was proposed being asked for. But I just wanted you to know that it didn't have a very deep basis of information when we wrote you that letter. What we were asking for is that you continue the process and let the process full.
Chairman Martin – Thank you John and that's why we always rely like Janet Buck that takes care of you in that respect and goes to the extra level of the application, review, and then brings that back to P&Z and the trustees after full disclosure. So again, notification is one thing and referrals another.
Jim Finch – Point of clarification for limited versus major cause when I was online it seemed like the limited had four major categories and the major has seven. Two of the differences were landscaping, erosion and traffic.
Glenn – Traffic is included in the impact analysis provisions and so it's applicable to both. One is the landscape plan requirements and a sediment/erosion control, which a lot of that is picked up on the site suitable and impact analysis. Like many codes, there's some overlap and so clearly some of those elements are picked up in more detail submissions. You are noticing a couple that are called out and a list some are picked up in a detailed analysis of the impact under the site suitable sections. It's a clarification that we appreciate Jim you making.
Chairman Martin – And Jim we also have many other details that we talk about in the public hearing process which we will be putting down as recommendations on a land use issue that may not be listed. We will have that as an open discussion. All of those issues are discussed; it isn't just limited to that small list of things that are on that application. There are many other issues that we look at. Thank you for asking.
Carey – If I might add just so we go back to the language of the Code and it's not just the same general evasions, what I believe is being referred to is Section 4-50, it's spelled out the application materials required for both a limited impact review and for a major impact review. References have made to the 5 items required under a limited impact review. That includes the application form, vicinity map, site plan, land suitability analysis and the impact analysis. In addition, there would be an erosion sediment control plan, landscape plan and that improvement agreement if necessary. That is the specific reference in the Code that has been called out, so we have the exact wording from the Code and part of this discussion.
Chairman Martin – Thank you.
Tim Schneewer – Glenwood Springs, make them jump through the hoops, that's all I got to say.
Applicant rebuttal
Tim Thulson – I'm not going to produce any more evidence in the form of testimony; I'll just make some closing statements. First thing that I want to address is that we're going under the cover of night to the text amendment. When we were going through this, it seems logical and looking at the scope of the project that we're proposing, it would only be appropriate given the industrial use

standards to include that within the industrial zone district and specific to us at least because it would only affect one other piece of property. This site is one that has had heavy industrial use since 1968, has a building that has over 40,000 square feet large. It was completed to mitigate the impacts. We thought this was an appropriate way to go. We've heard a lot of good comments, I'm not going to discount them. We take those with respect and they are good points concerning the public input. We would submit that either the limited or the administative review that both allows for the public input process. It provides a process where you can take into consideration the public comments and the impacts that they perceive as well as the same time addressing them. With regard to that, I would close but I would state that the P&Z did recommend limited with regard to the material recycling.
Chairman Martin – Thank you very much. Glenn do you have everything that is necessary for our consideration.
Glenn – I would have nothing further.
Chairman Martin – Counsel any other advice and any other discussion.
Carey – Just to remind that the Commissioners are tasked with approving, modifying or deny the proposed amendment.
Chairman Martin – Do the other two Commissioners have any question to any individuals?
Commissioner Jankovsky – Yes, I do for counsel. At this point, we are just talking about the use by right and we're not talking about limited review versus major review. Could we do a limited review?
Carey – Correct. The text amendment process that the applicant has proposed in their application, you can approve that use by right or you can modify it. The modification would be one of these other levels of review.
Chairman Martin – Or, you can deny it and leave it the way it is. There are three choices – A, B, C and that is under the recommendations from staff and the P&Z folks. Two different levels, actually, the staff gave us D but that is again up to you as to how you wish to do that. Mr. Samson, anything that you would like to say. Response – No.
Chairman Martin – Well, I would like to say thank you very much for everyone that's here. Thank you very much for the applicant, the process and it is not always that everybody gets to be happy that's why we're the bad guys. We always make somebody upset. That is what we're going to attempt to do today but we're going to try and do it in a manner which is respectful. Once more, I must compliment you for being respectful and not attacking one another and taking part in today's process. We need a motion to close the public hearing.
Motion
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Deliberation
Chairman Martin – The reason we close the public hearing is so we can do deliberation now in a public process; however, we don't take testimony from the counsel, applicant or staff unless it's a direct question or the general public. We must discuss this between the three of us to come up with the decision. Gentlemen, what's your pleasure?
Commissioner Jankovsky – Well, there are a couple of things. When I ran for office I ran on a pro jobs, pro business platform and I told myself when I make a decision I will always ask myself does this create jobs, how does this affect the environment and how does it affect the neighborhoods. I am sensitive to those issues. To do this as a use by right, I would not be comfortable. I have some questions that are operational myself just from reading the documents etc that I would want to have answers. I am comfortable with the P&Z Commission's recommendations, which would be a limited review. I would be comfortable with that as I think we cover all the environmental issues, traffic, fire, wildlife, water, runoff issues, litter, dust, odor, effecter control, noise and we would get a better idea of what the operation is itself. I do have some questions that I would need to have answered. I have received many letter of this, many emails, some phone calls about 2-1 opposed to this as a use by right, but many of the letters that I have received were similar to what Mr. Speaker had to say, that they weren't necessarily opposed to this but they just wanted to have more information about the whole process. I think that's what a review does and we can do that through a limited review.
Commissioner Samson – I would have to agree with you, I want to thank everyone for coming, one the main reasons I ran for this office is to do the best I could for the County and to be part of the process. This is very encouraging to me to see so many people come and express their desires and how they feel about things. It's democracy in action and I love to see that. Because of that, if you're ready for a motion I will set one forth or do you want to make some comments.
Chairman Martin – No, I just wanted to make sure that you both talked about the Planning Commission. The Planning Commission is on the slide way back when we change the limited impact review requirement placed on the solid waste, that's what they wanted and to modify the recycling process from a major to a limited impact review. Both will be a limited impact review. They also wanted to stress that this does follow the Comprehensive Plan, the government agreements affecting the land use development and the improvement to the affected Comprehensive Plan.
Motion
Commissioner Samson – With that being said, I would move that we accept the recommendation of the Planning Commission, that the limited impact review requirement be left in place for the solid waste transfer facilities and modify the requirement for recycling processing facility from a major impact to a limited impact review.
Commissioner Jankovsky – I will second that motion.
Discussion
Commissioner Samson – My discussion on that would be that everyone here understands that because it is a limited impact review you will have an opportunity to participate in a public hearing before this Board and express your desires, wants and wishes concerning what will happen in the future.
Commissioner Jankovsky - I'd just like to state to the applicant that as you can see from the neighborhood there is a lot of work that needs to be done out there. Neighborhood meetings, education, talking to the neighbors to create some level of comfort so they do understand the operations, what that involves, the environmental impacts and how you will mitigate those, etc. I would recommend you do those before you come back in front of us.
Chairman Martin – We would like to stress that there is no application in reference to these two facilities at this present time. The rules and regulations have to be established before a technically review process could be convened. This is what the new rule in place would be, the standards will be the same as in the industrial standards that are in place right now, and those have not been altered or lessened. It is still a public process. We can call for the question on the recommendation of the P&Z who worked hard on this one and used their new Comprehensive Plan to justify their existence and their decision. In favor: Samson – aye Martin – aye Jankovsky - aye
UPDATE: COLORADO RIVER, WATER CONSERVATION DISTRICT – DAVE MERRITT
Carolyn – Dave Merritt said part of his update would be executive session and part public discussion.

Dave Merritt presented a handout of the quarterly meeting of the Board of Directors of the Colorado River Water Conservation District. The next two days our meetings will be held at Hotel Colorado. He invited the Board to come. We will be addressing the enterprise function of the district, operations of Wulford Mountain and Elk Head Reservoir, then in the afternoon we will go into our normal executive session where we spend all afternoon listening to our general council talking about what's going on with all of the water rights cases, litigation etc.
Chairman Martin – Thanks for the invitation. We're going to interview our headhunter for our County Attorney, we start a 9:00 a.m. but we're be here at 8:00 a.m. to receive all our information. We'll miss you again because of the Tuesday work session.

Dave – That's why I come here with updates. The most interesting are going to be the annual policy discussions in which we have been working on every year. We dissect and review 1/3 of the river district policies covering compact, Transbasin diversions, how we handle those kinds of issues. Russell George in spite of his 19 years over in the Front Range has never lost his passion for Rifle and this area; the governor to the Colorado River Main Stem position on the Colorado Water Conservation Board has appointed him.
As an update in negotiations that we have finalizing, the Denver West Slope Settlement and Green Mountain Reservoir how the river operates.
Chairman Martin – Are you going to discuss the produced water and the beneficial use declaration by the water engineer on all the oil and gas wells as well as the mines. Have you taken a position?
Dave – We have stayed neutral on that one because there were some concerns from some board members that in was given the state too much latitude and concerns that we didn't want to get in the way. It wasn't so much about produced water but the determination and the state engineer having the ability to make a priority determination whether or not it is tributary or non-tributary. It's a narrow issue and I hope that it will allow the flexibility for entities who are moving ahead with their operations and not having to compare.
Chairman Martin – Where the abandoned mines in reference to flooding and the bulk of certain mines and then opening that up for purification. That's coming and it's on its way.
Dave – That is not part of this. The Leadville is a very big issue for a long time.
Chairman Martin – Creed, Ouray, Telluride are some of those concerns. Now there was one other group on the horizon called the Colorado Agricultural Users Association are you aware of that one.
Dave – No, I'm not.
Chairman Martin –They have done white paper, which I have. Their attempt is to work with Ag folks, not to limit the water but maximize the use of the water.
Commissioner Jankovsky – As to the amount of snow, at 8,000 feet there is still a lot of snow.
Dave – The River Districts is trying to address not only the existing snowpack but the storms over the next 4 to 6 weeks. We are about 120% into Lake Powell. The way the storms are we're wondering about getting some extremely high flows as opposed to just high flows.
Chairman Martin – We've had extremely cold and frozen ground so the water go anywhere except a quick runoff.
Dave - BLM will release almost 3 million additional acres down to Lake Mead this year and in excess of 11 million acre feet for Lake Powell. It won't fill Lake Powell, it would take another 11 million acre feet to fill it. It's been 12 to 15 years since it's been full.
Dave – Before I ask you to go into Executive Session, I would ask your indulgence on one additional non-river district item. I'm on the board of Big County RC&D and those have been defunded by the latest legislation. One of the things that I would like the Commissioners of the AGNC area to consider is public possibly talk to you guys at some point in the near future merging and folding the 5013C aspect of Big Country into AGNC. I don't believe that AGNC has a non-profit arm of that so there could be some ways to overlap and work on that issue.
Commissioner Samson – Do you want to go in front of the AGNC and talk to them.
Dave – Yes.
Commissioner Samson – Our next meeting is May 18, Wednesday in Craig. The reason we put it then it because that's in conjunction with the Coal Conference. I can put you on the agenda.

Fire Code

Carolyn – Your adoption of the Fire Code seems to be star crossed. There was a noticing problem, today it was scheduled for hearing at 1:15 and it was called up earlier and there have been some complaints about that because it was supposed to be a 1:15 hearing; but most important, the Ordinance did not get published. It was noticed for the 1:15 P.M. time and I understand you wanted the agenda to be started at 8:00 A.M. and again at 1:00 p.m.
Carolyn – There were several fire district representatives present.
Chairman Martin – The Fire Districts know they need to come forward because they want more strict rules and regulations and they need to put them together and say that is what their special district wants.
Carolyn - Cassie will tell you that you have to do the entire thing over again.
Cassie – For the record, my understanding is that the notice did not include publication of the entire Ordinance and that is required under 30-15-406 that the Ordinance be published in its entirety at least 10 days before adoption. I believe notice was just on as a public meeting.
Carey – It was noticed as a Public Hearing but it did not include the Ordinance.

Motion

Cassie – I believe your adoption was ineffective today. I would request that you essentially reverse your previous motion to adopt the Ordinance itself; adopting the 2009 Fire Code and that we reset this after publication.
Chairman Martin – Based upon a technical error that the document not being published in a proper manner which would be appropriate.
Carolyn – So a motion to rescind and then direction to staff to do it right this time.
Commissioner Jankovsky – I would so move. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

COUNTY ATTORNEY UPDATE – LAND USE ISSUES: CAROLYN M. DAHLGREN – 106 Action on a liquor license litigation.

Executive Session

Commissioner Samson – I so move to go into Executive Session. Commissioner Jankovsky – Second.
Motion carried.
Carolyn – For negotiations that involve as Mr. Merritt, he has said the West Slope and Denver under 24-6-402 4(e). The clerk will have to keep a record.
I did create the deliberative process document for you to edit in reference to our Executive Session.
Motion to come out of Executive Session.
Commissioner Samson – So moved. Commissioner Jankovsky – Second. Motion carried.

Action Taken:

Deliberative Document

Carolyn – With the approval of the Commission, we would ask that we be authorized to sign a letter addressed to Mr. Eric Mangeot and authorize your administrative staff to send a response of this formal complaint to him.
Commissioner Samson – I would so move. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Samson – aye Martin – aye

Last Item

Chairman Martin - Confidential information in reference to your deliberative process for tomorrow.
Carolyn – This is a public meeting and an executive session so when you come out of your meeting with your consultant and vote on a list of final candidates that can be made public.
Commissioner Jankovsky – We are meeting tomorrow at 9:00 a.m. with Phil.

ADJOURNMENT

April 19, 2011
Special Meeting
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

The Special Meeting was held on April 19, 2011 with Chairman Martin and Commissioners Jankovsky and Samson present. Also present were Carolyn Dahlgren and Jean Alberico.

Chairman Martin – This is our special meeting today for one purpose and one purpose only and that happens to be to review the applications and meet with Phil McKenney and discuss items and then announce, after negotiations. It is the finalists for our County Attorney recruitment process. We will start with roll call.
Carolyn – The document that was just given to the board tells what the status report is and that is a public document should anyone want it. The commissioners are involved in a deliberative process. They are also involved in a negotiation strategy and working with their consultant to determine their negotiation strategy and first of all interviewing candidates and second negotiating a contract with one or more persons who they consider finalists. The board can go into executive session to do this. The applicants who are not yet candidates have an expectation of privacy under both the open records and the open meeting act and the board needs to be able to engage in a forthright discussion in a deliberative process arena. The clerk will keep a record; but the board does not have to have their discussions in open session. The reason this was posted as a public meeting is in case the board is ready today to release a list of final candidates.
Chairman Martin – That would happen after executive session.
Carolyn – Yes and you may or may not be ready to do that today.
Chairman Martin – We will make that determination. Chairman Martin recognized Phil, Katherine Ross and Lori Goodwin in the audience. To the other commissioners; do you wish to do deliberate and do everything in executive session?
Commissioner Samson – I would move that we retire to executive session that the three commissioners, Phil and Jean, the five of us go back and talk.
Commissioner Jankovsky – Second.
All in Favor: Samson – aye Martin – aye Jankovsky – aye

A recruitment and selection checklist status report was given to the commissioners which included:

- ✓ Identify reputable search firms, public sector experience – Ross/Green - complete
- ✓ Determine criteria, obtain proposals – Ross – complete
- ✓ Review proposals/determine presentation invitee(s) – Green/BOCC – complete
- ✓ Conduct search - Search Firm – complete
- ✓ Issue progress reports, status updates – Search Firm – complete
- ✓ Determine finalists, conduct interviews – Search Firm/BOCC – April
- ✓ Respond to news reporters – Green/Hancock – throughout
- ✓ Determine County Attorney, make verbal offer – Search Firm/BOCC – April
- ✓ Prepare and negotiate employment contract – BOCC/New CA – April
- ✓ External review of employment contract, if necessary – Ross/Overton Law – April/May
- ✓ Begin employment – New CA/Dahlgren/HR – April/May

Commissioner Jankovsky – Move to come out of executive session.
Commissioner Samson – Second.
All in Favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – We have had strategies, deliberation and ideas. We have given direction to our staff members to go forward. We are not taking public action at this time; other than to give direction to Phil to be back to them by Thursday and at that point we can make all information public, but not at this time.
Adjourn
Next meeting is Thursday, April 21, 2011 at 8:00 a.m. to release the names of the candidates.

APRIL 21, 2011
Special Meeting
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS GARFIELD COUNTY, COLORADO

The Special meeting was held in Glenwood Springs at the Board of County Commissioner meeting Room 100 at 8:00 P.M. on April 21, 2011 with Chairman John Martin via telephone and Commissioners Tom Jankovsky and Mike Samson present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren, Marian Clayton Deputy Clerk & Recorder.
Commissioner Samson asked for roll call.

- **THE BOARD TO ANNOUNCE THE FINAL CANDIDATES**

Commissioner Samson – On Friday, April 29, 2011 the board will be interviewing the four following individuals for the position of County Attorney. Ronald Carlson, Andrew Gorgey, David Smith and Todd Starr.
Carolyn – The list is now public.

- **REQUEST TO APPROVE NON-STANDARD CONTRACT WITH COMCAST FOR FAIR ADVERTISING - JIM HACKETT**

Jim explained this was a contract to purchase ad spots on Comcast. Comcast regional office is located out of Denver for this region; however, the main office is located in New York State. The contract is for $2,500.
Ads would be on Altitude, Discovery, and ESPN verses Vail Valley for 140 units 30 second spots for the PBR. The PBR has a stock advertisement for 30 seconds if they would like us to run for the PBR event that will be at the fair. The second agreement is to be run on Altitude, CMT, Discovery and ESPN for a total of 141 units 30 second spots again for advertising of the actual fair itself. The agreement with Comcast is what he calls a form, fit and function agreement. He would request that the Board allow Lisa Dawson to sign the contract since it is under $50,000.00 and according with the Garfield County procurement code it would be in her purview to sign that agreement. It is minimal low risk if anything goes wrong in the advertising spots.
Carolyn – The reason this was brought to the Board is because the procurement code is based on the threshold understanding that the signature authority of your administrator is based on contracts that are form contracts that have been reviewed to make sure they match law in Colorado. So that any time, even though it's a small amount of money, if there is a change from our formal contract it has to be brought back to the Board. We are not authorized to make those decisions. She explained the two major issues. 1) The Board has to measure the risk as this is a private company and you take on the liability. If anything goes wrong, you the user has to

pay for it not Comcast. The second issue is a limitation on remedies. She went into detail and reminded the Board this has been the case with all software licenses the Board has previously approved.
Commissioner Samson – So there is really no risk there plus if didn't like what they did we could just say thanks, cancel and they take the $2,500.00.
Jim – Yes and in his professional opinion, the risk is minimal. You are dealing with another 800-pound gorilla in the room. Are you going to be able to negotiate with Comcast for $2,500.00?
Carolyn – The other issue is we are promising, since we are using film clips from the professional rodeo; we are promising that we have all the licensing rights.
Commissioner Samson – Your recommendation is we go ahead with this memorandum of understanding and go ahead with this.
Chairman Martin – Go with the advertisement they have and it will work out well for the cable viewers and get a good audience.
Commissioner Jankovsky – Are we advertising the rodeo?
Lisa – We are advertising the fair.
Commissioner Samson – All the events.
Lisa – Just the demolition derby.
Commissioner Jankovsky - Who is doing the production?
Lisa – That's a combination between entities and the fair event coordinator. They have a bunch of Broll, which is sort of the standard footage that some of the vendors have provided. Such as PBR and they are putting that together. They are also working with the radios to do some custom ads; it's a collaboration.
Carolyn – Does Comcast actually do the editing or do we give them something already done?
Jim – According to the agreement we would give them a finished product; they do the reserve the right to edit. Commissioner Samson – If we want can we cancel.
Carolyn – There are cancellation provisions in here as to how quickly you can do it; but yes. You may or may not get all of the money back.
Motion
Commissioner Jankovsky – I'll make a motion we approve the nonstandard contract with Comcast for advertising.
Chairman Martin – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – When you see the re-right of the procurement code you will probably see a couple of sections having to do with exceptions to form contracts. That would be software licensing and probably county dealings with media.

- **PROTEST BY UNITED COMPANIES OF AWARD OF HOT BITUMINOUS PAVING IN ACCORDANCE WITH GARFIELD COUNTY PROCUREMENT CODE SECTION 8.1 - JIM HACKETT**

Carolyn asked Jim if this was a formal protest to the BOCC under the procurement code or are you just advising the BOCC of the possibility?
Jim – No, this is an actual formal protest under the code to the Board of County Commissioners based on the dollar value that would be awarded. At this time he is asking for the board to go into executive session to discuss the particulars. He knows some of United is here if you want to hear testimony from them first that would be fine with him.
Commissioner Samson – Not knowing what Jim is going to present to them he asked if Jim felt it would be best to hear from him first?
Jim thinks it would be best to hear from him and the county attorney first.
Motion for Executive Session
Commissioner Jankovsky – I'll make the motion we go into executive session to discuss the contract protest.
Chairman Martin – Second. In Favor: Samson – aye Martin – aye Jankovsky – aye
Commissioner Samson – We need a motion to come out of executive session.
Commissioner Jankovsky – Move to come out. Chairman Martin – Second.
In Favor: Samson – aye Martin – aye Jankovsky - aye
Larry Lyman of United Companies made his argument based on previous years where Districts 1, 2, and 3 were bid separately. He thinks that has set a precedent.
Commissioner Jankovsky reminded Larry that this was bid as one entire project and yes, local preference was given in this case. I want jobs to stay in Garfield County. it makes him crazy with all these jobs in Parachute that they have a line of trucks coming from Mesa County when we have 10% unemployment in Garfield County.
Commissioner Samson – (AGNC) Associated Governments in Northwest Colorado made up of 5 counties has stated they would like to consider a regional aspect to the bidding process. We are going to look at this on May 4, 2011.
Chairman Martin doesn't believe they need to take any action motion wise. We stay with what we have in place right now and to revisit this issue May 4th.
Carolyn – This is a formal protest commissioner there does need to be a motion.
Motion
Commissioner Jankovsky – I'll make a motion not to accept the protest by United Companies of an award by bituminous paving in accordance with Garfield County procurement code section 8.1.
Chairman Martin – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Adjournment
Chairman Martin – Move to adjourn. Commissioner Jankovsky – Second.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

MAY 2, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 2, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
PLEDGE OF ALLEGIANCE
INVOCATION – Curtis Ereanprack
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Norman Lombardo asked permission to reopen the food cart on the corner of 8th and Colorado. The menu what it was before with hot dogs and brats, chill and they will add a couple of entrees such as meatloaf, mashed potatoes, enchiladas with rice and beans and a variety of soups. They would be there from 11:00 a.m. until 2:00 p.m.
Commissioner Samson – This is a good idea.

Chairman Martin asked Carolyn Dahlgren if there were any issues with having that on the sidewalk. It is in the city but has deferred to the County because it is in front of the Veteran's memorial and on the paved sidewalk.
Commissioner Samson – We just need a motion that grants them permission to operate their business there.
Jean – It's not on the agenda.
Ed – What we have done in the past is send a letter from the Commissioners to the City saying they have no objections. The only concern they have ever had was with respect to the county's picnic and that they make sure that operation stays away from the picnic in August 11, 2011.
Chairman Martin – The board will notify the city that they have no objections.
Bob Ward stated he was interested. Norman and Bob would work together on this.

Clerk's Update – Jean Alberico

- **A. Liquor License Application for Trigger Bowling LLC dba Rifle Fireside Lanes Located at 0023 Hwy. 325, Rifle**

John Langstaff was present.
Jean – This is a request for a new liquor license and this is an actual public hearing. This is for Trigger Bowling LLC dba Rifle Fireside Lanes. They are reopening the bowling alley in Rifle and are requesting a liquor license.
Carolyn – Reviewed the noticing, posting and publication in the Citizens Telegram. She advised the Board there were entitled to proceed. As the liquor board, you are authorized to go forward.
Chairman Martin – Swore in the speakers.
Jean explained the details of the requested, she checked with the Sheriff's office and the Department of Revenue. Some additional information was requested and Mr. Langstaff provided it.

Motions

Commissioner Jankovsky – I'll make a motion to close the public hearing. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – I'll make a motion to accept the liquor license for Trigger Bowling LLC. Commissioner Samson – They are doing business as Rifle Fireside Lanes – Second.
Commissioner Jankovsky – Thanked John Langstaff for bringing jobs back to Rifle.
Commissioner Samson – How many total employees do you anticipate?
John Langstaff – Eight to ten.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **B. Request for Direction Concerning the Need to Change Commissioner District Boundaries Based on the 2010 Census Data – Jean Alberico**

Jean passed out information to the Commissioners saying in CRS 3010 306, it requires that after each Federal Census the Board of County Commissioners will review the current districts and make changes necessary.
Carolyn - The most conservative interpretation of the statute would be that you must set a hearing so all of the citizens have a change to say what they think the district should look like.
Jean gave the statistics of each of the three Commissioner Districts. District 1 has 18,214; District 2 has 19,345 and District 3 has 18,830.
Chairman Martin – What's the pleasure gentlemen?
Jean – I think Carolyn answered this but it says on this sheet that has the statutes that after each Federal Census of the United States, each district shall be established, revised or altered. Do we have a hearing?
Carolyn – Yes, that would be her advice to her. It doesn't tell us what kind of notice we have to give. Assuming you set a hearing the clerk will need direction from the Board if you just want this published on your agenda or if you want some newspaper publication.
Commissioner Samson – He would suggest they do the most stringent so no one can question what they have done. Publish it in the newspaper as well as give public notice, etc. Jean, when would prefer this to be done? Jean – Probably sooner than September 30; June would be fine.
Commissioner Samson – How about the first Monday in June?
Jean – The third Monday is June 20.

Motion

Commissioner Samson – I would move that we conduct a public hearing and notice as we do in the papers as well as through the county that we will have a public notice to consider redistricting for Garfield County concerning the commissioner districts.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Carolyn asked if they would also like to get this on the website.
Chairman Martin – Yes, make sure everyone is informed.
Jean – Also provided, in the packet, from Rob are the population numbers for each one of the precincts in the county. It truly is your task as the Commissioners to make this determination. Jean is just showing what is one possibility but if the Commissioners have other ideas it is up to them to bring that forth. If the commissioners would like to come up with a different way to try to tie that; it's up to them.
Commissioner Samson – To Carolyn, once we set this is that good for ten years even though there is a massive change in population. For instance, oil shale, natural gas booms and the western part of the county just explodes. Does that necessitate that they as Commissioners have to change precincts and Commissioner District Boundaries, or is this, no matter what happens, is it good for 10 years like a congressional district within a state for 10
Carolyn – You may change it, but no more than every 2 years. It is a permissive statute.
Commissioner Samson – Do you have to change it?
Carolyn – No, but your citizenry can petition the district court to force you to do so by a rite of mandamus.
In favor: Samson – aye Martin – aye Jankovsky – aye

CONSENT AGENDA

aa. Approve Bills
bb. Protest Response to United Companies
cc. Authorize the Chairman to Sign the Mylar for a Final Plat, Subdivision Improvement Agreement, and Garfield County Treasurer's Deposit Agreement for Old Orchard Subdivision – Applicants; Roc Anthony and Mary Ann Gabossi – Molly Orkild-Larson
dd. Authorize the Chair to Sign a Resolution Concerned with the Approval of a Text Amendment to Modify the Use Tables for the Industrial Zone District in Regard to Recycling Processing Facilities and Solid Waste Transfer Facilities, Contained in Section 3-501, Within the Unified Land Use Resolution of 2008, as Amended – Applicant; IRMW LLC – Glenn Hartmann
ee. Authorize the Chair to Sign the Mylar for the Sillivan Subdivision Exemption, First Amended Plat, Lots 1, 2, and 4. This Application was Approved by the Director of Building and Planning through an Administrative Review – Applicant; Don Sillivan – Glenn Hartmann
ff. Liquor License Renewal for Catherine Store Wine & Liquor in Carbondale – Jean Alberico
gg. Liquor License Renewal for Ken Seidel Enterprises LLC d/b/a The Arroyo Saloon in Battlement Mesa – Jean Alberico

hh. Authorize the Chair to Sign Letter to Serve as Surety for Parking Lot Projects in the City of Glenwood Springs – Betsy Suerth
Carolyn – We are missing Exhibit A on the resolution concerned with approval of a text amendment to modify the use tables and the other is the "surety letter". She would ask that the commissioners pull that so they can talk about the language that was used in that.
Commissioner Samson – h and d.
Chairman Martin – We will remove those items. Do I have a motion?
Motion
Commissioner Samson – I would move that we approve the consent agenda with the two items d and h being pulled at this time.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Item h - Letter to Serve as Surety for Parking Lot Projects in the City of Glenwood Springs – Betsy Suerth
Carolyn – The letter acting as surety for doing the proposed work on the parking lot in the City of Glenwood; the term surety actually assumes that there is a third party involved like a bondsman, and that's not really what we are doing. We're saying we have the money in our budget and we are giving this letter as security. Rather than the usual situation where the developer has to provide a letter of credit from a bank, financial organization and the city is accepting John's signature that you have the money budgeted and that you promise to pay and make sure no liens.
Ed – Betsy needs to change the wording from surety to letter of security.
Carolyn – To security and Carolyn thinks that Betsy has an original letter.
Chairman Martin – Is that acceptable to the board?
Motion on Item h.
Commissioner Jankovsky – I'll make a motion that we authorize the Chair to sign a letter to serve as security for the parking lot projects in the City of Glenwood Springs. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Item d - Resolution Concerned with the Approval of a Text Amendment to Modify the Use Tables for the Industrial Zone District
Carolyn – The second one is Fred's and she is not sure how he wants to handle. Perhaps he wants a motion authorizing signature with Exhibit A attached.
Fred – That was exactly what he was thinking. Unfortunately, your version doesn't have the attachment A; he will provide that and have the Chair sign it this afternoon.
Chairman Martin – We can accept that item as long as we have attachment A to it.
Motion on Item d.
Commissioner Samson – I would move that we authorize the Chair to sign the resolution concerned with the approval of a text amendment to modify the use tables for the industrial zone district in regard to recycling, processing facility, solid waste transfer facilities contained within the United Unified Land Use Resolution of 2008 as amended and with Exhibit A attached. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
County Manager Update – Ed Green
Public Meetings:

- **i. Recommendation to Award Paving Contract to Frontier Paving – Jim Hackett**

Three bids were submitted and of the bids were reviewed for compliance; all three were found to be responsible and responsive. Frontier Paving, Inc. was the lowest evaluated bidder when the local vendor preference was applied. Staff is recommending the Board award a contract to Frontier Paving, Inc. in an amount not-to-exceed $2,210,288.75.
Motion
Commissioner Jankovsky again he appreciates the local vendor preference. I'll make a motion we approve the award to Frontier in an amount not-to-exceed $2,210,288.75 and authorize the Chair to sign. He wanted to note it came in about $400,000.00 under budget.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **ii. Recommendation to Award Chip Seal Contract to GMCO Corporation – Jim Hackett**

Two bids were received, reviewed for compliance; both were found to be responsible and responsive. GMCO Corporation was the lowest bidder at $404,458.89 and United Companies at $441,577.74. Staff is recommending the Board award a contract to GMCO Corporation in an amount not-to-exceed $404,458.89.
Commissioner Samson – So moved. Commissioner Jankovsky – Second, and note it came in under budget.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **iii. Revision of IGA Between Garfield County and City of Rifle Related to Economic Development**

In regards to the City of Rifle, Cacaloco is locating on the former UMTRA site. The issue is that the County had an IGA committing $500,000 in the 2011 budget for this economic development. Currently, Rifle is redeveloping the site where the Valley Lumber was located with a 7-plex movie theater estimated in excess of $1.5 million. The request from the City of Rifle is to use these funds on either one of these sites.
Carolyn – In 2010, the BOCC committed to $200,000 for infrastructure and the commitment would be available for either site.
Ed said, originally the BOCC offered to contribute $1.5 million at the WMTRA site; this $500,000 is one-half.
Chairman Martin referenced a work session where all the details were discussed. What is the pleasure of the Board?
Motion
Commissioner Jankovsky – Yes, he has read the IGA. I'll make a motion that we approve the revised IGA between Garfield County and the City of Rifle related to economic development and to allow them to move the funds from the UMTRA site to the Valley Lumber Site, or to use those funds at both sites actually.
Commissioner Samson – Second.
Commissioner Jankovsky is impressed with what the City of Rifle is doing as far as economic development. He hopes there is someone here from Glenwood Springs to provide some of the improvements for Glenwood Springs and the Carbondale area.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **iv. County Road 300/U.S. 6 Intersection Improvements – Direction for Partner's Funding Participation and Agreements; payment of Project Manager's Cots – Betsy Suerth and Carolyn Dahlgren**

Betsy explained the reasons this is before the Board today. The last direction in December to staff was after hearing comments from representatives from the PID that the Board considers looking at splitting up costs between what they need for internal roads and then their commitment to the intersection. Staff is asking the BOCC to consider three items:

1. Direction to staff to draft an agreement between the County and the PID to provide Travelers Highland PID mill levy to funds using the ratio of 15% for PID use for future internal road maintenance and improvements and 85% to reimburse the County for the PID share of County Road 300/U.S. 6 intersection improvements
2. Authorization of the Chair to sign the funding agreement with Antero Resources
3. Authorization to invoice the PID for the project manager's cost of $3,874.00

By BOCC direction, staff has been pursuing a cost share arrangement for the subject project since early 2010.
Betsy continued to give the updates that occurred in July 2010: **August 2010, September 2010 and December 2010.** Considering this fiscal condition, staff offered an alternative option #3 using the original concept of a three-way split of the $1,500,000.00 project cost between the developers, the operators and the County. This alternative essentially lowered the suggested share for Travelers Highland PID to an amount that could be collected in a reasonable timeframe. BOCC directed staff to pursue funding option 3 (see Exhibit A) and to conference with representatives of Parachute Commercial, LLC to formulate a proportion of the 50 mill levy to set aside for internal PID road maintenance and improvements.
Project Budget:
The construction market continues to offer very reasonable rates and the project construction contract was awarded in April to the lowest bidder for $1,086,900.00. The cost of the project including soft costs is not expected to exceed $1,200,000.00. Using the three-way split concept for partner shares with the partners being the private developers, the energy companies and the County, each would be obligated for $400,000.00. **Operator Contributions:**
The county has received a letter of commitment from Laramie Energy for a $35,000.00 contribution; the Union Pacific Railroad has provided a crossing agreement to the County and CDOT has provided a notice to proceed. The Garfield County Planning Commission has granted a location and extent approval for the project.
Recommendation
Because of the revenue stream varies based on the property valuation, $21,305.00 could be realized from 12 to 18% of the 50 mill levy. Therefore, staff recommends setting aside 15% of the PID revenue generated from the 50-mill levy for internal road maintenance.
If Garfield County collects 85% of the revenues from the 50 mill levy for the next 2+ years, an estimated $295,000.00 will be realized based on 2010 property valuation and using an average, very rough estimate of a 30% drop in valuation in 2012. (It is emphasized that the valuation drop is based on a general estimate and can only be verified upon the County Assessor's full analysis over the next valuation period.) This estimate is given now only to provide a basis for the BOCC to make a decision about funding the project. The agreement language would allow a flexible timeframe based on tax collections reaching $295,000.00.
Reimbursement for costs of forming the PID and for construction costs prior to the PID formation:
Travelers Highland PID representatives have asked for reimbursement for the cost of forming the PID and for the original investment of infrastructure in the development prior to the formation of the PID. The interested parties have not presented any receipts showing how the requested amounts were expended. Staff has reviewed all of the BOCC minutes when the formation of the PID was discussed, and can find no evidence of this reimbursement intention. Regarding the construction costs, there is no evidence of having publically noticed any bids for the subject work completed before the PID was formed, a statutory requirement. Should the BOCC desire to reimburse the PID for any costs, staff recommends proper documentation be submitted by representatives of Travelers Highland PID for the record. Included in Exhibit C are photographs of the existing condition of the internal roads and of the work that was completed on the shoulder of U.S. 6 for the BOCC reference.
Staff is asking for direction on billing the PID for the project engineer's time spent on moving this project forward. That invoice would be for $3,874.00 as of April 27, 2011. The current fund balance for the PID is over $60,000.00.
Next Steps:
Once the amount of the PID share is determined and agreed upon, staff will bring an IGA to the BOCC and PID board for approval and signature and place it on the consent agenda.
Betsy if comes in under 1.2 – 50,000 that county has already put in; if proj comes in under 1.2 keep the partner shares same and county would go under that
Betsy – In response to Antero, we should keep these contracts separately; the numbers are based on that low $20,000.00 partner share for Antero Resources considering their Battlement Mesa application hasn't moved; she doesn't know if they have even seen that application at this point. She was assuming that would be separate negotiation for other improvements with Antero.
Commissioner Jankovsky – That $400,000 is just a $20,000.00 commitment from Antero at this time.
Betsy – $174,000 each for EnCana and Williams; Antero is $20,000.00 and Laramie at $35,000.00.
Commissioner Jankovsky – If Antero comes in at a phase later, do other companies get reimbursed?
Betsy –EnCana and Williams is $174,000 each based on the $400,000.00. For Laramie, it would be $32,900.00 and these are based on percentages of that $400,000.00, which originally was $500,000.00. For Antero after recalculating with their percentage it would be $18,800.00. Option 4 would lock those numbers in. Any savings in the project would be reaped by the county because you have already spent $50,000.00 cash for the engineer's design, which was paid to a third party consultant.
Chairman Martin – This is a project that just continues to grow into complexity.
Commissioner Jankovsky was updated on this project since it occurred before he was seating on the Board.
Commissioner Samson – Tom, to give you some kind of a background when this first started, the BOCC went looked at the intersection. You have the railroad, this business, and a bridge that's going to be a problem .We got the ball rolling and said let's get everybody together, the energy companies, Travelers Highlands, the County, and the gravel pit. A meeting was held in Glenwood and we started hammering out the pieces of how we're going to make this work. Betsy has done a great job and as long as well as the engineers in trying to work with these people. He would really like to see this go forward because something needs to be done for the economy of the western part there. Safety will be a be problem if we don't address it.
Betsy – The bid has been awarded; we are under contract and we are ready to go.
Chairman Martin – The other thing you need to consider is that this is the secondary escape route for Battlement Mesa and all of the people on the southern part of the Colorado River.
Commissioner Jankovsky – And this is going to tie back into the new interchange.
Chairman Martin – I do not want to squabble over $50,000.00 in reference to trying to get everybody to pay for it; we need to move forward.
Carolyn – The BOCC holds the C-DOT permit.
Commissioner Jankovsky – We have the Union Pacific crossing taken care of.
Additional discussion occurred with Betsy and the Commissioners.
MOTION:
Commissioner Samson – I really don't care I would hope that Antero wouldn't quibble over $2,000.00. I would really hope that would not be a stumbling block to go forward. You're asking us to approve the funding agreement regarding County Road 300 US 6 intersection improvements at this time with Antero Resources and authorize the chair to sign as such. I would so move.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Betsy – Another part of this is direction to staff to draft an agreement between the county and the PID to provide Travelers Highland PID mill levy funds using the ratio of 15% for future internal road maintenance and improvements and 85% to reimburse the county for the PID share of the County Road 300 US 6 intersection improvements.
MOTION:
Commissioner Samson – Following the recommendations of our staff and based on this, I would so move setting aside 15% of the PID revenue generated from the 50-mill levy for internal road maintenance as well as leaving the 85% of the revenues from the 50-

mill levy for the next two plus years for the use of funding their intersection improvements. So moved. Commissioner Jankovsky – Second.
All in Favor: Samson – aye Martin – aye Jankovsky – Abstained
Authorization for the PID – Managers Cost - $3,874.
Betsy - This is unusual for Garfield County because historically you don't have public improvement districts across the county such as this where this board acts as the PID board. So it's different for you and for staff. Betsy revisited the history of this project. The County is taking the lead and trying to get things going.
Chairman Martin – As Carolyn pointed out this is unique and that we do have an improvement district. The other improvement districts were usually just to pave roads in subdivisions etc, which the county helped. But they all so had staff time, we also had engineering, acceptance, reviews etc so no matter what happens we are always going to have staff time in every project. Plus, if we do the major intersection with C-DOT; we have to interact with C-DOT and they will drive the cost. I would say, let it go.
MOTION:
Commissioner Samson – It's his understanding that all the partners are feeling good about option four with all the new revisions etc. I would move that we accept the final cost share option four.
Commissioner Jankovsky – Second. Is it a possibility we may have to absorb some of the Travelers Highlands?
Chairman Martin – Yes.
Commissioner Jankovsky – With that understanding.
Chairman Martin – The only one that has paid out totally is the Strong Subdivision. Of course, they have been waiting four years to go forward with their three-lot subdivision.
Betsy – And UNA Gravel Pit is committed and their donation is actually a line item in the project.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **v. Colorado Mountain College Request for Grant of $6,000.00 – John Martin**

Chairman Martin – This is to assist the college because they were unable to get funds; they are experiencing a transportation issue between Highway 82 and the Spring Valley Campus. CDOT has approached them and said they would do a study for them; however, the matching funds would be about $6,000.00 if they would go forward. They didn't have it in their budget and were asking the Board of County Commissioners to assist them without any other obligation as a discretionary grant fund to see if they could achieve a study.
Commissioner Samson – This is the request by Joe Boil.
Chairman Martin – That is correct.
Commissioner Jankovsky – And this is to look at transportation between Spring Valley campus and Highway 82?
Chairman Martin – That is correct. Chairman Martin thinks it is a good study. He talked to Joe and it is high for the overall cost but CDOT is running the study.
Ed – Thinks there is about $392,000 in discretionary funds.
MOTION:
Commissioner Samson – I would move that we grant the request of $6,000.00 to Colorado Mountain College for a feasibility study for an extension of their bus service from Highway 82 to the CMC Spring Valley Campus and funds to come out of the Commissioner's Discretionary Funds.
Commissioner Jankovsky – I'll second for discussion. I will say that I'm probably not in favor of this. You know we are not a member of RFTA; we had an election back I think in the '90's where Garfield County citizens did not approve funding for RFTA and because of that, we have not been a member of RFTA. I think what follow this if there is approval there will be a request from us for additional funding of that transportation system. I think for us to set up a transportation system; although I think it's a very good idea but there are 700 students in Spring Valley and for us to, I mean $6,000.00 is not much for a study but when we come back and there's going to be a request for $100,000.00 or $200,000.00 to be able to operate this. It's just not something I think our constituents are going to be able to accept.
Chairman Martin – Well we had that conversation and that's why I said there are no strings attached to any further funding and that is very clear and that the Garfield County would not be funding the transportation issue through tax dollars. And that was understood; it was to go ahead and see exactly what is needed and how it will be accomplished and what they would need for funding. But they would know; CMC knew that the county was not into the funding of that system and it would have to come from other means. I don't believe they will come back and say we want you to pay for the bus.
Commissioner Samson – I want to make sure that you understand Tom it's just to help them to the tune of $6,000.00 for this; but that we are not making any commitments, at all, to fund that project. It's just to help them go forward and hopefully they can have the funding to make that a reality with RFTA and so on and so forth. Maybe I misunderstood you; but I thought you said that we don't fund RFTA; we're not a member of RFTA but we do help them.
Commissioner Jankovsky – I do understand that we've helped with the Hogback route and he will continue to support that because it is an existing line; but I would not want to see us, once you start something it's really tough to stop it. So I would continue to; the Hogback route is an important line to connect Rifle with Glenwood Springs. I know of people that get up in the middle of the morning to catch that bus so they can get to Aspen to work. So I won't, I have to qualms about that. I do not want to see us in the additional transportation modes unless we go back to the voters and ask the voters for an increase in the tax to become a member of RFTA.
Commissioner Samson – The voters have spoken and the motion doesn't include that at all.
Chairman Martin – It is understood by CMC that they are trying to establish what is actually needed so they can go forward and so I agree to go ahead with those guidelines. Any other discussion before we call the question and this is a $6,000.00 request of the discretionary fund dollars to assist CMC in their quest to find out what bussing needs are needed.
In favor: Samson – aye Martin – aye Opposed: Jankovsky – aye
Ed – Who is the contact John?
Chairman Martin – Joe Boil.
Carolyn – We have contract administration, purchasing, and the county attorney's office, have worked out a form discretionary fund contract; do you want that to recite specifically that there are no promises for future funding?
Chairman Martin – I think that need to be in that particular issue that this does not obligate us. I think that was very clear with the discussions.
Executive Session:
Chairman Martin – Mr. Green you had a couple of items for executive session in regards to a moratorium on medical marijuana facilities and direction afterwards.
Commissioner Samson – Did we also want to talk about the county attorney?
Carolyn – Legal advice regarding reimbursement of costs regarding the PID and an update on the Vandehay litigation
Motions
Commissioner Samson – I would move that we go into Executive Session for those four specific issues
Commissioner Jankovsky - Second.
Carolyn – It is just legal advice, once finished they will make any decisions public.
John Colson –Just wanted to give a formal objection.

In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – Motion to come out of executive session. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

County Attorney Update – Carolyn M. Dahlgren

- **Executive Session Regarding Extension of Moratorium on Medical Marijuana Facilities**
- **Direction and Decision Regarding the Extension of Moratorium on Medical Marijuana Facilities**

Commissioner Jankovsky –In light of Mr. Walsh's letter he thinks it is appropriate to continue the moratorium for one year from today's' date.
Carolyn – This letter was determined to be a public document and was released to the press.
Commissioner Samson – It's clear that we are caught in the middle of a collision course between the Federal and the state law. Until that is taken care of. Then let the powers that be fight it out I guess and then we can decide. I agree with you and second the motion for the moratorium for one more year.
Chairman Martin – Taking our state statutes, which give the authority to the Board of County Commissioners to do certain police actions, which is defined in the statutes as well as following Federal guide lines and information with the Department of Justice basing your request to continue the moratorium for one year.
Commissioner Jankovsky – Motion made and I second it.
In favor: Samson – aye Martin – aye Jankovsky – aye

Resolution

Carolyn – Do you want your resolution on a consent agenda?
Chairman Martin – Yes, please put that Resolution on the consent agenda. Fred, you also take heed in reference to our meeting tonight in working on those P & Z issues. We are going to do a stay on those until one year.
Fred Jarman – Yes.
Commissioner Samson thanked Fred Jarman for all the work he has done on this.

Executive Session:

Motions

Commissioner Jankovsky – We will be going to executive session to discuss the county attorney postion.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – No final decision will be made in executive session.
Carolyn – Your afternoon ADU discussion was actually on the agenda for 1:15.
Chairman Martin – We will honor that.
Commissioner Samson – Move that we come out of executive session. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

County Attorney's Position

Commissioner Samson – I would move at this time that we direct the Chairman to contact Phil McKenney and let him know the desires of the commissioners to offer the position.
Commissioner Jankovsky– Chairman is to negotiate. Second.
Chairman Martin – We have a motion to offer the position through Mr. McKenney to one of the four candidates that he represents. In favor: Samson – aye Martin – aye Jankovsky - aye
John Colson wanted to know if they would release the names of the candidates picked.
Chairman Martin explained they were still in the negotiation stage and there has not been an acceptance. They are just making an offer through our negotiation authority then we will come back if it's accepted and will name the individual. Right now, it is still in negotiations.

Commissioner Reports:

Concerned Citizen – Antero Pipeline – Silt

Commissioner Samson – Received a call from a landowner concerning Antero's pipeline south of Silt. They want to go into his field that he has already planted, seeded etc.
Commissioner Jankovsky – SGM suggested there be some spot checks on the line.
Commissioner Samson – Our staff has said they need to go up into his field; there are no rocks up there, they are in creek beds. Landowner doesn't want his field torn up. Do we need to direct someone here; what is the protocol?
Carolyn will ask staff to be available by phone for this afternoon.

Letter of Recommendation – Tom Jankovsky

Commissioner Jankovsky – Sean Martin of Sopris Riders emailed for a letter of recommendation for purchasing a new snow cat. They are not looking for money just a letter of recommendation as they are sending in for a state grant.
Chairman Martin – Road and bridge does have an agreement with them.
Commissioner Jankovsky – They are in Four Mile Park and Jerome Park is where they use it.
Carolyn – Ask him for a form letter and then we'll put it on the consent agenda.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Dave DeVanney is the Co-Chair of the Battlement Mesa Concerned Citizens Organization. Paul Light is the other co-chair of that group. Ron Galterio was the previous co-chair and Ron reluctantly resigned from the position stating the pressures were too much and affecting his health and quality of life. He and his wife (Mary) decided they no longer want to live in Battlement Mesa and are looking for a new place to call home.
Chairman Martin – If this has to do with the HIA you need to wait until this afternoon as it is on the agenda.

Commissioner Reports Continued

Commissioner Samson – Received a call from a landowner concerning Antero's pipeline south of Silt. They want to go into his field that he has already planted and seeded etc. Commissioner Samson agreed with him concern; he doesn't know, the rocks are down in the rock bed next to the creek and he doesn't believe they are up in his field. He just wanted to bring up and hopefully they will get some direction and they don't need to go up and test and tear up his field.
Andy – That's absolutely correct; we are trying to pothole in same rocky area of the old Rachesky property. Jeff Simonson lives up there and Michael Arian is working with Jeff to locate some of those spots if there are any on the west side of Divide Creek. Once they find those spots that is where they will look to see if the installed pipe was done correctly. He agrees, if it's within the potato dirt and there's no rocks then he wants to find the rocks.
Chairman Martin thinks that was Mr. McPherson.
Andy – He called me on Friday, Mike talking with Jeff but he hasn't heard back from Jeff.

REGULAR AGENDA

PUBLIC MEETINGS

- **A. Consideration of a Request by Adjacent Property Owners for Reconsideration of a Director's Decision Regarding a General Administrative Land Use Change Permit for an Accessory Dwelling Unit, to be Located at 5644 County Road 100 – Applicant; Old Red Barn LLC – Glenn Hartman**

On April 13, 2011, the director of the building and planning department issued a director's determination of approval with conditions regarding the Old Red Barn LLC general administrative permit application for a land use change permit for an accessory dwelling unit. Comment letters received by the county from neighboring property owners included requests that a public hearing on the application be held by the Board of County Commissioners. Such a hearing would be for the purposes of reconsideration of the director's decision. That request is being processed in accordance with Section 4-104(B)(1) of the Garfield County Unified Land Use Resolution of 2008, as amended. A copy of the director's decision letter and the staff report that the decision was based on and I included the referral letters from the various agencies they referred the application to including Division of Water Resources. There actually were some supplemental comments they received after some further responses or inquiries by the neighbors.
Commissioner Jankovsky – This is only about an ADU and would have nothing to do with this being a commercial building, agriculture building or accessory building. The Red Barn is totally a separate discussion correct.
Fred – Yes, that is correct.
Gavin Brooke with Land and Shelter, the architect and owner's representative on this project. They submitted the ADU application on behalf of Old Barn LLC. My understanding of the staff review was that if all issues within the application can be addressed at a staff level then that is supposed to streamline this process. I am here to say that we believe everything has been brought up and addressed to date. There are no outstanding conditions that can't be met. The board's director has given conditions, they have answered all of those, and they have answered all of the neighbors' concerns in the letter. The neighbors brought up concerns like water and traffic; the local water commissioner has inspected them and given us a compliance letter. A letter from the Division of Water Resources was included in our report. We are in compliance with the Unified Land Use Resolution. Many neighbors aren't terribly happy about it; but we have played by the rules and we are here making an application and playing by the rules.
Ian Clark – The neighbors are concerned about the commercial building they built, which has turned into a huge project, equestrian centers in general should they go south and if they do, they turn into ugly eye sores for neighbors for a long time. It should not be commercial.
Chairman Martin – We have to keep this discussion within the confines about an ADU.
Jay Halliday – This is the first public notice we have received about the ADU. When this permit was issued, it was under an older code. My main concern is about the water usage and adding an additional ADU is going to add to the use on the water and more traffic.
Marty Schlein – Have any of the Commissioners been to see this building?
Commissioner Samson – No, I have not.
Chairman Martin – I have seen it but not up close.
Commissioner Jankovsky – I've only seen it in the photographs.
Marty Schlein – The only thing he would like the commissioners to do is to take a field trip and look at the building. This barn is the third largest building in our county, 7500 square feet. The Board's reconsideration is something I would recommend.
Commissioner Jankovsky – Did you have a chance to comment on this building before it was built?
Marty – Zero! I did contact the building department when I saw an airplane hangar being built right above them. I called and spoke to Andy Schwaller to ask how this barn was approved. Andy said well permits are something we do not control.
Larry Green – Balcomb and Green, representing Old Red Barn LLC as well as the owner of the property. The speculation is incorrect. This permit to construct this building was issued in accordance with the policies and the terms of the Garfield County Land Use Regulations that are now in effect. The owner of the property recognizes the limitations that this cannot be a commercial project without getting a further land use approval from Garfield County. The owner intent is not to make it a commercial project. The owner of the property is a wealthy individual that owns upwards of 40 horses. She wants to board and use this facility for her own horses. The issue before you, as you pointed out Mr. Chairman, is whether it is necessary to have a public hearing to consider the request to approve an ADU within the structure. The ADU is to have someone live on the property, which would reduce the traffic of nine trips or less. I believe a public hearing on the issue of an ADU is unnecessary.
Commissioner Jankovsky agrees with what Larry about the ADU. The owners are not charging for training or boarding and therefore, it is not a commercial operation. The purpose is for their horses and training.
Larry Green – That's correct.
Commissioner Jankovsky – Gavin, on drainage that one neighbor complained about, has that been addressed. *Gavin* – Yes, the issue is with the Carney and Troll property and a solution has been proposed. We are working with our engineers and neighbors in good faith through the whole process. He hears many of the neighbors upset that they were not notified about the building. The first look of the building that the neighbors received was when I spread the plan out on their kitchen table and showed them what was going on. I want correct that the building is 68,000 square feet not 75,000.
Chairman Martin – Reminder, this is to consider again the ADU issue and not the barn.
Gavin – I'm not involved daily in the operation.
Chairman Martin – The question is do we have enough concern or issue on this ADU to have a public hearing. Obviously, we have excitement about this building on both sides both positive and negative. Is there other testimony?
Jake and Carolyn Stoner – We are concerned about the water usage and our water well as well as how do we find out if they are boarding other horses.
Chairman Martin – On the water issue, through testimony of the water engineer he has stated the property owners are in compliance as long as this is not a commercial operation. This hearing is about the ADU. Decision time, do we have enough interest to hold a public hearing in reference to an ADU on this property or not?
Commissioner Samson – When this barn was built, it went through all the necessary requirements. The neighbors are not happy with that but that's done, through and finished. Now that we have a 68,000 square foot building, the only recourse that they feel they can have is to contest the ADU in the corner. The ADU is 900 sq feet. I hear the neighbor's concerns; however, it appears on face value the concerns have been addressed by staff and the water commissioner.
Glenn – One of the letters addressed the question about maximum occupancy.
Fred – I believe this is a two-bedroom unit.
Andy – We don't have density requirements in the Garfield County zoning. The building code does have something called occupancy load based on square footage. The septic system was an engineered ISDS system designed to handle the load they are requesting including the AUD. A plan was submitted and approved.
Commissioner Samson – Was the 24-hour pump test qualified?
Glenn – Yes, we received copies of that test and I believe it was in the packet submitted to the Board. Sopris Engineering provided a letter.
Commissioner Samson – Has the weed control been addressed?
Glenn – The applicant has a weed control plan and Steve Anthony sent a comment letter.
Commissioner Samson – My question is what would be gained by having a public hearing. It appears that everything has been answered and completed by the rules and regulations.
Chairman Martin – It may have been satisfied; however, the citizens still would like to hear it first hand and the request has been made to have this in front of the Board of County Commissioners. The staff has determined the applicant has followed all the rules but the citizens themselves have not had a public hearing in front of the Board of County Commissioners.

Commissioner Samson – I'm not against anyone having their say. The staff has testified that the application is complete.
Commissioner Jankovsky – I hear what the neighbors are saying and I have some of the same questions myself. Gavin has testified today that this is not for commercial use and I understand they are saying that when you have 40 horses and 3 trainers is it a commercial use. As for the ADU, it meets everything within our Code. I don't think we need a public hearing. I am sorry and understand what the neighbors are saying but I have to agree with staff at this point.
Chairman Martin – We built in the flexibility to allow the citizens, the concerned neighbors to go ahead and request a public hearing on the subject even though it passed all the muster and the recommendations. It gives them the opportunity to be heard, to make their statement on record and that is part of the code as well. We can call up any approved item from the director or the planning director and say we would like to hear it as well.
Commissioner Jankovsky – If we go to public hearing the neighbors are going to ask if this is a commercial facility.
Chairman Martin – No, we cannot hear testimony about the barn, it would only be about the ADU, the use of that, how it is constructed, the ISDS water conditions and all those questions answered on record in front of the Board of County Commissioners. It could change the director's decision. That's the option that we have.
Commissioner Jankovsky - My feeling on the public hearing is that it would only be about the ADU and it meets our building requirements. As a Commissioner, I have to support and follow those rules.
Commissioner Martin – I need a motion one-way or the other.
Commissioner Samson – I'm not against having people come, say what they need to say, but the building they don't want built has already been built. I have no reason to disbelieve our staff.
MOTION:
Commissioner Jankovsky – I'll make a motion that we follow the directors decision regarding a general administrative land use change permit for an accessory dwelling unit to be located at 5644 County Road 100.
Commissioner Samson – Second.
Commissioner Jankovsky – If this does turn into a commercial venture then the neighbors need to bring that to our attention as a code violation.
Commissioner Samson – Fred could you explain that process; let's say that's what happens.
Fred Jarman – That process follows the same scenario that any other zoning violation would follow. If this became a commercial venture then it gets crosswise with the zoning code. We would process the claim and if it were true, we would bring the property owner through a code violation program. In that case, they would then revert to private use or this would continue forward into the district court. This is in your zoning enforcement framework.
Chairman Martin – There is a motion is on the table to follow the recommendation of staff and not have a public hearing.
All in favor: Samson – aye Jankovsky - aye Opposed – Martin – aye
Chairman Martin – I think that the public needs to hear even though it may be the same thing and I think it's a platform that they were entitled to and sorry guys, you're not going to get that chance.

- **Discussion re: Professional Services Agreement with University of Colorado/Colorado School of Public Health – Jim Rada**

This document was recorded May 3, 2010, reception number 785540.

- **Reconsideration and Direction to staff re: First Amendment to Professional Services Agreement with University of Colorado/Colorado School of Public Health**

This document was recorded May 25, 2011, reception number 800538.

Chairman Martin – Today we have a discussion on should the contract with the Colorado School of Public Health contract be extended for an additional period. We contacted the health department and made one extension. Since then we've had revisions, additional comments from various individuals, groups and the oil and gas companies. The question is do we want to extend the contract.
Jim Rada - The board did extend the public comment period, which ended the week of April 27, 2011. The board has received today a stack of reports from Antero Resources, their consultants and attorneys. I have additional comments received from the Colorado Department of Public Health and Environment as well as a number of citizens from the Battlement Mesa Community. The contract extension with the University is over. What we are here today to talk about how the board wants to precede in terms of finalization of the HIA and/or extension of contract if that is the direction the board wants to go. This is in front of the Board today in determining if the contract should be extended for a second time.
Commissioner Jankovsky – We met with Dr. Witter and Dr. Adgate. Both felt it was time to put to this to study to rest, not come back and try to answer all the comments. I agree with them. The issues with the HIA are ones that I feel comfortable being able to mitigate all those items.
Jim Rada - Dr. Witter via telephone is present for this discussion.
Commissioner Jankovsky - Dr. Witter, I explained how the Board had a meeting with you and Dr. Adgate. I agree this HIA needs to end and look at the next steps.
Dr. Witter- I think the draft HIA provides information that will be useful to the Commissioners and we have fulfilled what you were hoping we could provide to you and the public. In the draft HIA, you have a good amount of information to proceed to the next steps.
Chairman Martin – This is a highly emotionally charged document; let's just put it right where it is. People who will want to read it will interrupt it the way they want to read it. This is way beyond the scope of our contract with the School of Public Health. This is land use document; it is to assist the County in mitigating any adverse conditions on a land use issue. However, this HIA has gone national into other areas and some arenas. This is not what the intent of the contract was to do, rather it was intended to help our citizens learn facts and for us to make a determination on a land use issue. The board has extended the time and the longer we continue it, more comments will be received on both sides of this issue making it a never-ending document. We have enough information in the draft HIA to base our decisions on. Issues regarding health fall on Jim Rada's shoulders. We cannot rewrite the state and federal statutes.
Jim Rada – I have been involved with this project now for 1 ½ years or more. I appreciate the fact that the Commissioners took the opportunity to try to incorporate health into a land use decision-making process. The design of this project was really about helping incorporating health-based decisions into the County's land use decision authority. Yes, it did go national because this is a national issue. Many people are interested in what the Board has done; however, how this gets applied in other places is not our decision. As with most laws, there are differing opinions. This draft HIA is information that will support the use of best management practices. The intent of this HIA document was not intended for the Board to adopt everything verbatim. It was started because there was a pending land use application in the Battlement Mesa area. That application has never been received so we're in a position where we were trying to access the impacts of a project that has not been submitted. We don't know what the intentions of the applicant will be.
Chairman Martin – When a land use application is submitted, this Board has to look at the legality of each one of those requirements; whatever is subject to be challenged.
Commissioner Jankovsky – Thanked Dr. Witter for the work done on this; it has been a very consuming project.
Dr. Witter thanked the commission for doing the HIA. She agrees with Jim there is value in the document and in the recommendations.
Sandy Getter thanked the Board for their past support and she is hopeful they will provide future support of the HIA.

Sherry Brandon currently lives in Glenwood Springs and has a home in Battlement Mesa. Her home in Battlement Mesa is for sale and she was wondered if any of the Commissioners would like to purchase it to see what it's like to live there. Her problem is that you are talking about this as being a land use issue; she sees this as a citizen issue and believes the three Commissioners are concerned about their constituents and citizens and not so much the rules of the land use. In the Battlement Mesa PUD, it as she recalls it stated there would be no heavy industrial use but this is what's occurring with the oil and gas industry. We are concerned about what is in the fracing chemicals and believes it puts the community at risk. This HIA is a very important document and appreciates what the Board has done. There is truck traffic, dust and scathing of the land. This makes a big difference to people when they are going to move into this area. She suggests the commissioners not only read that but come live in battlement for a while and see what this has done.
Dick Buckham – Commended the Commissioners for supporting HIA and encourages them to use it. I also want the Commissioner to do monitoring on the drilling.
Chairman Martin – That goes back to the agreement with the Oil and Gas Conservation Commission (COGCC) as they made it quite clear that the document is for a land use issue and not to determine a positive or negative on oil and gas permits to be issued. COGCC is not bound by this document.
Chairman Martin – We would hope that we all learn from common sense and apply what we need to be applying. This is mitigation and recommendations for the Board to determine if something should go forward.
Leslie Robinson - On behalf of the Grand Valley Citizens Alliance (GVCA) would really like to see the HIA finished. The HIA was to determine the appropriate conditions of approval for the SUP in Battlement Mesa when the application is submitted. The Colorado School of Health should help whittle down those recommendations; therefore, GVCA would encourage the Board to continue this contract.
Dave DeVanney - Ron Galterio has resigned as the co-chair and plans to move out of Battlement Mesa. I am here today representing 400 plus residents who signed the petition presented to the Board. I am surprising and disappointing to hear that the HIA won't be completed and urged the Board to consider an extension. *Chairman Martin* – This HIA has a life of its own, which means it's a never ending task. There will always be another question, a comment and another way to continue the process. This HIA has driven the emotions on both sides. We may never conclude. The other issue is on fracing. Two years ago the state required all chemicals used on the site for the fracing process to be posted on the state website site as well as it's available upon request to disclose those chemicals. Like Coke Cola an industry that has been around 100 years plus. They have patented it; the reason being because after 17 years, the paten becomes public knowledge and this is not what they want – that's their choice. I want to make it very clear that the State, EPA and the Health Department issue the permits for oil and gas drilling. They know exactly what's in the fracing chemicals. If you wish to know those chemicals all you have to do is submit a request. There's a website on the Colorado Oil and Gas Conservation Commission that tells the chemicals. These sites will give you information on fracing consistent with facts instead of misleading information. This Board follows the recommendations but the COGCC issues permits. We are working together with the citizens to make it the best we can.
Dave – We've heard these comments before but it doesn't answer our concerns regarding the chemicals and formula used.
Chairman Martin- You may not find the actual proportions of formula, but the chemicals are listed. The Board will take everything that we can out of the HIA study and make the best decision possible.
Dave – This Board can keep this from becoming a never-ending process; finish the HIA, don't leave it in draft form.
Chairman Martin – That's a decision this Board has to make.
Commissioner Samson – Much of this hinges on the discussion dealing with fracing. This Board is not experts in fracing. Recently, Governor Hickenlooper came to Glenwood to speak to citizens. He is a trained geologist and he stated there is no problem with fracing, it's safe and okay to use in the industry.
Dave – He said for the life of me I can't understand why they don't disclose the chemicals they use.
Commissioner Samson - As Chairman Martin says they may not have the precise exact recipes of what the proportions of each one chemical is and that is confidential. The chemicals used in fracing are recorded and COGCC keeps track of what in there and it's available for public viewing.
Dave – Governor Hickenlooper is a politician. Garfield County needs to listen to the public health people about facts because this is a critical issue.
Don Gray thanked the County Commissioners for letting them be here today and commended the County Commissioners for showing leadership through our state and to our nation. You may not have thought about it at the time you signed the contracts for the HIA but you took great leadership in finding out the health impacts of oil and gas drilling. His request is to continue the health impact analysis. He would ask them to go to the next phase and support the environmental health monitoring.
Garland White – I was hoping this would be an opportunity since they have received nationwide recognition. He was hoping this would be an opportunity for the Commission to continue their leadership in this area. I don't believe the final word has been spoken about the dangers of oil and gas drilling. He referenced an article in the Discover Magazine. In his opinion of the article, it is a very fair-minded approach to understand the oil and gas drilling.
Joyce Wizer secretary to the Grand Valley Citizens Alliance. She thanked the Board for their actions regarding the HIA and was hopeful it could be brought to a finish form. This is a very emotional situation with people on both sides. In her opinion, there are not enough facts and scientific documents for anyone to make an informed decision.
Sally Bedford was not prepared to say anything but after listening to them, I feel I have to say something. At what point is fracing material not a problem?
Chairman Martin – The answer is the County does not issue permits for drilling. We are not in control of oil and gas drilling or development; that is the State of Colorado and the Federal Government's responsibility.
Jennifer Beaver representing Antero Resources Piceance Corporation and Jon Black is with her today who is the operations manager for the Piceance Basin for Antero. Antero really appreciates the opportunity to participate in this process and to speak with the Board today. Antero would support the Board's decision not spending additional public monies on finalizing the HIA because there are a number of existing plans and practices that address many of the recommendations in the HIA as well as many existing CDPHE and COGCC regulations. Antero has provided a strong critique on the HIA and indicated the problems that it sees in the HIA. Antero's concerns and believes that this Board should also be concerned about the manner in which the HIA may be used outside of this land use process. They have even seen news articles indicating that it may be used as a model for other HIA and other regulatory frameworks and even in civil litigation. Antero does not agree that as drafted the HIA provides a proper foundation for this Board to use in a land use planning context with respect to oil and gas operations in Battlement Mesa. And if you do consider it in any way during the land use process. She would ask the Board to consider the other comments both by Antero and the Colorado Department of Public Health when reviewing the HIA. Antero's strong critique of the HIA should not be construed by this Board or any of the members of the Battlement Mesa Community as an unwillingness to continue to work with the community to implement best management practices and abide by existing COGCC and CDPHE regulations. Antero has fully intended to implement best management practices, which have been developed in part to address citizen concerns will be included as conditions of permits issued either by the COGCC or by this Board. The comprehensive drilling plan and the Form 2A permit process at the state, as well as the special use permit process in the County is a more appropriate form through which those mitigation measures can be reviewed and acknowledged. Antero can't agree to the recommendations in the HIA regardless because of the fact that the HIA from its perspective is based on largely exaggerated and unfounded perceptions of impacts to the public health. Antero would respectfully request the Board decision not to

finalize the HIA rather they would request that the Board make clear and acknowledge that the HIA is not complete and that it will remain in draft form. Antero would respectfully request that the Commissioners not endorse this implicitly in the draft at this time particularly without having reviewed the additional comments.
Jon Black – Antero continually supports the community with the operations and continual communication. There have been over 36 meetings of which 20 has been public. The question arises about fracing chemicals and the elements of that are proprietary. Antero invests their money in exploring new and green technology. Antero continually supports and will support via communication on an annual basis.
Terry Glassnap – I come from a family of farmers and teacher, nurses, skiers and in listening to everything today. The County has invested $250,000.00 of the money that we've earned and entrusted you all to put to use what this research brings. I am concerned and disturbed from those who claim they get sick and have to move when there are no documented health issues with oil and gas. The citizens paid a lot of money for this rather lengthy document and you guys have a lot on your plates. His plea is that this not be buried or put to rest. This was done by professional health researchers; it is important that we try to understand what they are advising us.
Dick Buckham - I believe I just heard the Antero camp asking the Board to acknowledge that they just wasted $250,000.00 on a study. I think it is a very good document and it should be finalized. To just toss it is just irresponsible. It should be a final document. Regarding fracing contaminating water or the oil and gas associated injuries or health problems to people, the tobacco industry used that argument for decades. The documented evidence that the tobacco industry made was refuted.
Chairman Martin – This Board has no intention of putting this document on the shelf and ignoring it, rather it will be reviewed, looked at and the recommendations that are offered will be considered. If there is a land use issue that comes up, that will be some of the documentation that this Board will have to refer to.
Bob Arrington – I will enter into the record the thank-yous and the appreciations for the commission taking on this HIA. I recommend we do finish the project that we started, particularly with the environmental aspect of it in the testing programs. Implementing any of the affects of this HIA would go through the land use requirements and pointed out that it could be lost in all these rules and regulations. Another document that they submitted to Dr. Whitter and the Battlement Mesa Concerned Citizens is we believe the county has the authority and the responsibility to adopt the HIA recommendations as conditions of approval for Antero's SUP application. COGCC Rule 201 substantiates this position stating; "nothing in these rules shall establish, alter, impair, or negate the authority of local and county government to relate land use related to the oil and gas operations as long as such regulation is not operational in operational conflict with this act or the regulations formed under there". That allows the county a lot of leeway. I would reference you to the LaPlata Section 90 to help aid you in any direction you may give.
Chairman Martin – The LaPlata recommending conditions have been reviewed in the industry standards and operational review process. Each one of those have been incorporated in out Unified Land Use Code and review process.
Bob – This does give something to compare too and used as a boilerplate.
Chairman Martin –Garfield County's rules and regulations are not specific like LaPlata County but we have rules and regulations that apply to all industry and not just oil and gas.
Dave Ludlum – Executive Director of the West Slope Colorado Oil and Gas Association. I want to respond to the issue and comments on fracing. New websites have been created by two non-industry third party entities, the Ground Water Protection Council and the IOGCC and all of the things brought forward about fracing. This is not related to the HIA but I would encourage people to look at the websites. These two entities are doing webinars all around the country. Mesa State College is going to be hosting one and he would encourage the Colorado Community College in Rifle to do the same. The fracing concerns infuse themselves into issues that should be looked at separately. These websites address many of the issues that people brought up today in terms of what kind of chemicals are used, the percentages and listing out all it constituents individually. While not relevant to the HIA; however, this issue today regarding fracing is something I think concerned citizens need to look at before making these broad generalizations about the lack of information and the lack of availability of information.
Chairman Martin – The BLM has the same type of approach, website, and information so does the Oil and Gas Conversation Commission, State of Colorado. There are many websites that you can do research.
Jim Rada – There are some decisions/questions that need to be answered with regard to your final decision. This is in terms of how we end the contract, acknowledgement of the scope of work, the completion of the majority of the scope of work, and the acknowledgement of this Board that there are certain items that were left unaddressed on the original scope of work for the contract.
Dr. Whitter – They appreciate that health is being considered in this decision and while the documents in draft form, it is near final. We believe the recommendations are in the best public interest.
Chairman Martin – Decision time, do we continue the HIA contract with the Colorado School of Public Health or allow it to end and leave it as a draft.
Commissioner Jankovsky – I think we can finish the HIA here today by not further funding it. I do feel within those first 142 pages there are things that can be implemented. I look forward to working with Jim Rada on these items. I don't have a comfort level with the air quality look forward to working with Jim more on this concern. The HIA was initially intended for the Board of County Commissioners to help us with decisions within the Battlement Mesa PUD. I think that data is there and we can look at the safety, health, and human well-being of the individuals in Battlement Mesa. I just want the concerned citizens to know that this Commissioner does not think that this has been a waste of money and time; however, I think it's time to put the HIA to rest.
Commissioner Samson – Well, I would have to agree with Tom on many things. When we embarked on this journey months ago, we made it perfectly clear at that time that this study and assessment was to be used by this Board. It has become a political football used in a political way. I hate to see that happening. This is an emotional issue; but, in the same breathe I must say we have a draft and its many pages long. We will spend a lot of time using that for whatever land use concerns there are and we'll go forward. Antero has said they have some real legitimate concerns about the HIA. We have these documents some 270 pages. It will take me a while to get through this. With that being said, I mean we can go on and on and on. What I am saying in conclusion is we have a draft and it's something we can use. Both Dr. Whiter and Dr. Adgate said, take this document, use it and they have said in their judgment, since they are the ones who put this document in place, we need to draw this to a close. So I'm saying okay; they have done their job, we've got it. Let's go forward. We'll use it; it is not a waste of time. It was never intended to be a waste of time and we will use it to the benefit of Garfield County.
Chairman Martin – All right we need a motion to either continue the existing contract with the Colorado School of Public Health or allow the contract to end keeping the HIA document as a draft
MOTION:
Commissioner Jankovsky – I'll make a motion not to further fund the HIA and let the document come to an end. *Commissioner Samson* – Second. All In Favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – All right Ms. Dahlgren in reference to the contract itself; it has expired. It expired on April 30. Does Dr. Whiter wish to comment on that issue?
Jim Rada – There's a request from the School of Public Health that a letter be provided to them from the Board of County Commissioners regarding a few questions or at least a few specific issues. Number one that the completed work has met the scope of work with the exceptions of those things that will not be completed, namely, the final report and the public meetings that were part of the scope of work. Secondly, the Colorado School of Public Health has been asked not to complete a final report. Third, Colorado School of Public Health has been asked not to review, evaluate or respond to the second round of comments. Finally, the Colorado

School of Public Health has been asked not to give a final presentation to the public. Dr. Whiter, I don't know if you have any other items you would like to add. I would request that I would be allowed to draft or generate that letter for you and the Chairman, after review, be able to sign and send it off.
Chairman Martin – Dr. Whitter would you like to add anything to Jim's comments.
Dr. Whiter – I think that is exactly what we had discussed earlier.
Chairman Martin – We thank you again; thank you for your professionalism and your staff for all the work that you did do.
Carolyn Dahlgren – Commissioners do you want that draft letter on the consent agenda?
Jim – Yes.
Chairman Martin – Do you want it consent or do you wish to have it as part of the discussion?
Commissioner Samson – No, just put it on the consent agenda, we can look at it and if it's okay we'll approve it.
Chairman Martin – We'll see the letter and it will be on consent agenda at which time you can take a position to either support it, send it back for rewrite or disagree with it.
Commissioner Jankovsky – I want to personally thank the School of Health and Jim Rada.
Chairman Martin – Absolutely, this is a valuable resource.
Jim Rada – One final question just to make sure that I am clear from a staff perspective. The Board has received 277 pages of comments and an additional 30 pages from CDPHE. Since we have discontinued the HIA project that you do not want to publish all these comments.
Chairman Martin –I think that we can make them available, but as far as answering all these questions, I don't think that we are going to do that. They're not going to go into the trash can by any means. I'll spend many days reading what we have in place on all issues.
Jim Rada – My challenge or concern with that is that by offering all of these comments up without the opportunity for the School of Public Health to respond, it puts them in a difficult position. Some of the comments, I don't particularly agree with them and I know that the School of Public Health may not agree with them. If it's at all possible to recommend to the Board that we not publish them, I don't know this is a public process if that's even a possibility.
Chairman Martin – They are a public comment and the public has a right to go ahead and take any position they wish on these issues. Unless it is confidential, it still is public information that can be reviewed. The School of Health, in my belief, does not have to respond to them because their contract is ended.
Commissioner Jankovsky – Where and how many appendices do we have in the HIA? You can possibly add these as the last appendices and put a disclaimer in front of the appendices explaining what they are and how we finalized this along with the letter that we are going to write to the School of Public Health That way there is a disclaimer there so future Boards can recognize that.
Chairman Martin – And we are not holding anything against the School of Health or anyone that made comment.
Dave DeVanney – I just wanted to ask about the website. The Garfield County Public Health web page has all the links to all the documents and I think it has been a great resource for certainly our community and other interested parties. I would hope that the conclusion of this project would be posted on that website and that website would be maintained or at least have it accessible for six months or something like that before it goes away so that you know I just hate to see everything that has gone into this disappear like that like it never happened.
Chairman Martin – That is not our intent Dave. We will keep that on there as long as we can, as long as there is room for such. Also, the letter I think to the School of Health needs to be on there as well so that people will understand. That website stays open. It is a research issue and that continues the discussion that we have. We are not trying to hide anything from anyone.
John Colson – What about the second phase?
Chairman Martin – The second phase of implementation is a discussion with Mr. Rada and those recommendations and what have you are subject to appropriations and direction. We don't have everything in front of us yet.
Jim Rada – That's the next step. We are currently discussing the scope of work of the Environmental Health and Monitoring study with the School of Public Health. It's likely you will be hearing more about that in the next few weeks. Dr. Whiter and I are discussing this.

- **Protocol for Adding Item to Special Meeting Agendas**

Commissioner Samson – Last week there was an issue with staff adding additional items to our special meeting agenda and it was brought to my attention as to what the Commissioners would like to see occur.
Chairman Martin – An agenda item requires 24-hour notice of publication.
Discussion was held by the Board.
Historically, when legal staff has an item that needs immediate attention, they call the Commissioners for approval. They in turn, notify the Administative Assistant to the County Manager so material can be gathered for the Board's packet of information.
However, after discussing this issue, it was determined all administrative staff and departments heads should notify the Administrative Assistant to the County Manager who would inform the Commissioners and gain approval to add it to the special meeting agenda. If two of the Commissioners approve, it would be posted and she would gather the information.
Chairman Martin wanted to make sure that the Clerk and Recorder as well as legal staff are notified. The Clerk and Recorder is the one who makes sure the public is noticed as well as the press.
Ed mentioned he would be meeting with the administrative staff and department heads next week so he can tell them the decision.
Commissioner Samson requested this be in a written format.
Carolyn suggested after Ed meets with staff and if comments were made then she would bring this back to the Board.
Commissioner Samson – Agreed.

- **Discussion of Afternoon Agenda Format**

Chairman Martin – At the retreat a decision was made to start the afternoon agenda at 1:00 p.m. and not have public hearings start at 1:15 p.m. in order to avoid delays.
Carey stated that due to the backlog of building and planning, previous hearings had been noticed for the 1:15 p.m. time. The backlog has cleared and now staff is noticing everything in the afternoon at 1:00 p.m.
Commissioner Calendars – Commissioner Samson - tomorrow we have a work session to cover land fill, procurement and NEIKE. He asked Tom if he was going to try to go to the oil shale. Is it the BLM sponsoring this? Commissioner Jankovsky – BLM, he doesn't know why there's another meeting when we went to an open house on Wednesday of last week but there is. Commissioner Samson guesses he and Tom will be at that from 1:00 to 4:00 and 6:00 to 9:00 at CMC. Commissioner Jankovsky – At 6:00 p.m. is the EnCana welcome party for the energy expo. Commissioner Samson – On Wednesday we have our natural gas summit starts at 8:00 a.m. at the new Human Services Building. Commissioner Samson – On the 10th we have the Elk Creek field trip for CR 241 at 2:00 p.m. and then the public meeting is at 6:00 p.m. in New Castle, which coincides with the Fair Board is at 6:00 but we will all be at the public meeting. Ask Fred to get that confirmed for field trip and public meeting. Chairman Martin – We will confirm that tomorrow. There were a lot of people interested in coming to see what our decision is because it was a Forest Service and county issue on the road; but also participation from the City of New Castle and other groups not to mention the property owners. If that doesn't work we will need to make it another day if we haven't properly notified everyone. It is a public meeting but the ability to make a decision give either direction or decision on that issue. Again, that is a notification issue and needs to be posting. Carolyn - It is an actual meeting not a workshop? Chairman Martin – That's correct; but it has to be properly notified and if the 10th does not work and all parties are not able to attend then we need to make another date and post it properly. Jean thinks New Castle is planning on it

because her staff member that is a board member is planning to be there. Commissioner Samson – Thursday, the Satank Bridge ceremony is at 10:00 a.m. Chairman Martin – This Saturday there is a potential with the potluck fire station opening. Commissioner Samson asked Chairman Martin if he was going to WIR. Chairman Martin will be gone 18th, 19th and 20th. Commissioner Jankovsky will be at the EAB on Thursday evening and on the 11th, he has Human Service Commission meeting in Rifle and GEC meeting. He is going to a coordinators status training for US Forest Service in Montrose on the 12th. Commissioner Samson – AGNC meeting in Craig on the 19th, Dave Merritt will be going there and talking to them. Commissioner Jankovsky has a meeting with Adrienne Crouch on the 17th.

Approval of Minutes

Adjourn

MONDAY, MAY 9, 2011
PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 9, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.

ROLL CALL

PLEDGE OF ALLEGIANCE

INVOCATION – Moment of Silent Reflection

CALL TO ORDER

Chairman Martin called the meeting to order at 8:00 a.m.

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Site Visit – Cerise Ranch

Molly Orkild-Larson previously the Board had requested a site visit to the Clifford Cerise Ranch. She would like this to be done immediately after the May 17, 2011 workshop.

The Board determined they would meet at 11:15 p.m.

Molly stated she would take care of the transportation using County vehicles.

Meeting on May 17, 2011

Chairman Martin mentioned there would be Roadless Rule reviewing the Colorado Rulemaking draft EIS and record of Decision for the White River Travel Management and Record of Decision for the White River Travel Management Plan on May 17, 2011 from 9:00 a.m. until 11a.m.

ASSESSOR'S UPDATE: ABATEMENTS

NORTHERN LIGHTS, LLC – ABATEMENT NO. 11-212 – SCHEDULE NO. 370536

Chairman Martin determined notification was only to the applicant.

Margie Broker requested withdrawal of the above abatement due to an incorrect address given; however, it has been approved by the protester firm but just to be safe, it will be renoticed and placed back on the agenda.

Maggie stated that the notice was send to Stirling Properties and not to Northern Lights LLC.

Motions

Commissioner Samson moved to close the public hearing. Commissioner Jankovsky – Second. Motion carried.

Commissioner Samson moved to withdraw the abatement until notification is given to Northern Lights, LLC.

Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

Clerk's Update: Jean Alberico

REQUEST FOR A SPECIAL EVENTS LIQUOR LICENSE SUBMITTED BY THE BPOE RIFLE ELKS LODGE #2195 FOR A BEER GARDEN AT THE RIFLE AIR FAIR TO BE HELD JULY 8 AND JULY 9, 2011 AT THE GARFIELD COUNTY REGIONS AIRPORT LOCATED AT 0375 COUNTY RD 352

Chairman Martin swore in the speakers.

Jean Alberico presented the application for a Special Events Permit for a Beer Garden as part of the Air Fair to be held at the County Airport Air Fair July 8 and July 9 The hours the Beer Garden will be open is Friday, July 8 from 1 p.m. to 11 p.m. and on Saturday, July 9 from 9:30 a.m. to 7:00 p.m. Previously they've been set up in the hanger and Janet is representing the Elks Lodge and will explain. Jean stated the notice was posted on CR 352 and she checked on it last Monday, May 2 when she was at the Sheriff Annex for the County Commissioner Meeting.

Chairman Martin swore in the speakers.

Janet Samson was present and explained how the Rifle Elks Club will operate this year.

Commissioner Samson – They have done this for several years and there has never been any instance or problems. Janet stated that the County Sheriff and some from the Airport maintenance and some volunteers would do security on the Airport.

Jean stated in the Land Use Code, the Airport does not follow under those requirements of needing a permit for over 200 or more attending, because I think there will be considerable more.

Carolyn – The public airport is like an overlay.

Commissioner Samson – Two years ago we had 17,000 people over the two days.

Motions

Commissioner Jankovsky moved to close the public hearing. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

Commissioner Jankovsky – I will make a motion that we approve a Special Events Liquor License submitted by the BPOE Rifle Elks Lodge 2195 for a Beer Garden at the Rifle Air Fair to be held July 8 and July 9, 2011 at the Garfield County Airport. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

Five Point Film Festival

Georgia – Before we get into business, I'd like to say that Garfield County sponsorship of the Five Point Film Festival was very well received. The video and a great place to live website are very positive.

Commissioner Jankovsky – It was a packed house.

Georgia – Yes, it was and it brings in a lot of people from all over and exciting that our young people are doing, very creative and exciting.

TREASURER'S UPDATE: GEORGIA CHAMBERLAIN

REQUEST TO ASSIGN WENDY DINKEL COUNTY HELD TAX LIEN SALE CERTIFICATE #2011-00656 M000378, FRED S. GONZALES, OWNER

Georgia Chamberlain, Carolyn Dahlgren and Wendy Dinkel were present.

Georgia Chamberlain had a request from Wendy Dinkel who has requested to have the certificate of title transferred into her name on a mobile home located on Three Mile Park, Unit 0001 located at 000259 CR 127. By statute, this Board has the ability to make that assignment.
Carolyn – Yes, mobile homes are treated differently some are treated as personal property and some as real estate (land). This particular statute that Georgia is asking you to operate under is 39-11-122; it relates only to land. I need to make sure that the mobile home is treated a real estate under this statute.
Chairman Martin explained it means does the County wish to own a 1963 Mobile Home under a tax sale certificate; or do we wish to assign that to another person who assumes the liability.
Commissioner Samson – That's what it boils down to. Well, I can answer that very quickly, I'd rather her own it.
Commissioner Jankovsky – As well as myself.
Georgia – What it is, the taxes were not paid; we took the taxes to that tax lien sale. At the tax lien sale, no one purchased the lien so it becomes a County held lien, so what's happening today is the County will be just assigning the tax lien to Wendy not an ownership of the Mobile Home, but then if the taxes are still not paid then she can apply for a certificate of ownership.
Chairman Martin – She cannot do that until we assign her the tax lien.
Georgia – She cannot do that until one year, next November.
Chairman Martin –You get to pay the taxes twice and then you get to own it unless somebody pays the taxes and thank for you for this year's taxes.
Motion
Commissioner Jankovsky – I would make a motion that we assign Wendy Dinkel County held tax lien, sale certificate number #2011-00656 M000378 and 000378 and that we ask the County Attorney and the County Treasurer to follow up and make sure everything we are doing is correct and legal.
Carolyn – If not we will be back.
Chairman Martin – And it is approval subject to the research and to make sure it is on the proper role.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
CONSENT AGENDA

a) Approve Bills
b) Inter-Fund Transfers
c) Changes to Prior Warrant List
d) Wire Transfers – COPS Debt Service for June 1, 2011
e) Authorize the Chair to sign a Letter of Endorsement to the City of Glenwood Springs for Mr. Lombardo and Bob Ward to operate as a mobile hot-dog vendor under the name of "Dogs R Us" in the area in front of the stone bench on the corner of 8th and Colorado Streets on the sidewalk in front of the County Courthouse – Fred Jarman
f) Authorize the Chair to sign a Letter of Endorsement to the City of Glenwood Springs for Mr. Lombardo to operate as a mobile food vendor in the area in front of the stone bench on the corner of 8th and Colorado Streets on the sidewalk in front of the County Courthouse – Fred Jarman
g) Authorize Chair to sign Resolution Confirming and Amending a Temporary Moratorium on Medical Marijuana Optional Premises Cultivation Operations within Unincorporated Garfield County

Commissioner Jankovsky – I'll like to pull off "g" I think we have people here in the audience that would like to talk about our Resolution concerning the moratorium on medical marijuana and have an open to public discussion.
Chairman Martin – "g" will be discussed individually.
Motion
Commissioner Samson moved to approve the Consent Agenda items a – f.
Carolyn – Commissioners, before you go further, Fred has something that may need to be pulled.
Fred – Not pulled, just "e" and "f" represent two different letters, and you only saw one letter in your packet that includes both of those food vendors. Commissioner Jankovsky – Second
In favor: Jankovsky – aye Martin – aye Samson - aye
g. AUTHORIZE THE CHAIR TO SIGN RESOLUTION CONFIRMING AND AMENDING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATIONS WITHIN UNINCORPORATED GARFIELD COUNTY
Commissioner Jankovsky - We have talked about the Resolution to put a moratorium on Medical Marijuana and the fact that we have received direction from legal counsel from a letter from John Walsh concerning Federal Law versus State Law. I have received at least two requests via email for some public comment on this and I would like to allow the public to have that opportunity.
Commissioner Samson – I have received many emails and I would concur with Mr. Jankovsky.
Chairman Martin – Start with your name and your statement and we'll go from there.
Peter Fornilli – Thanked the Commissioners for listening to us individually. I'm a resident in Aspen but I have a business here in Garfield County and some points I'd like to make for all the Commissioners benefit and hopefully we'll give you some more information. I'm urging you not go through with this moratorium today. The first thing I'd like to talk about is 1) the zoning existed for people to come in and do this business, 2) there are a number of people who came in with good faith in this zone district and started operation prior to the June 2010 moratorium that existing. 3) I think that we need to take a good hard look at what might have existed prior to that June 2010 moratorium and consider that those people need consideration before there's any decision.4) If there is an issue with future or continued uses by new people, then I think that can be addressed but there has to be consideration made for those that existed prior to any other legislation. So, that is one point to make with you. 5) The next point is that I know there are concerns about how these businesses operate, just how they're operating. The State Marijuana Enforcement Group has strict guidelines for their operation and full enforcement including their inspection and review. I own a business that grows Medical Marijuana and the State Authority has visited us twice and they're extremely pleased with the way that we're operating within the confines of State Law. In as much as there's a State Authority there that hopefully will be some coverage for the County with regard to any perceived liability that they believe they have on their end. I request that you remove it from the consent agenda.
Commissioner Jankovsky – I'll have some questions of Fred at some point.
Justin Rambo - I'm the owner of Hydroponic Creations, I have an OPC here in Garfield County and I'm actually one of the few people who has an operating dispensary in unincorporated Garfield County. I have been told in the past by Fred, my attorney as well, that there would be grandfathering in but instead these businesses would be looked at on a case-by-case basis. More than likely businesses that were in good standing before the July 1, 2010 moratorium would have the opportunity to at least be looked at on a separate basis versus being lumped with all. The first notification that we get is a moratorium that just extinguishes all businesses. It hasn't offered myself and other businesses the opportunity to prove that we did open in good standing and good faith and that we do try and do everything that we can do to comply with every single regulation. As the previous gentlemen stated, the State Regulatory Board for this matter is the same exact process I'd have to go through to open up a casino in the State of Colorado. There's no problem as far a lack of regulation. We are being told to close our doors as of July 1, 2011 without the opportunity to prove that we are in good standing. I'm being told that my OPC would have to close due to zoning. I own approximately 40 acres in a rurally zoned area and I was told that rural is as good as agricultural and that my business is considered one and the same. Since being notified that I

was properly zoned, I went forward and invested several hundred dollars to build building, electricity, power, water supply etc doing what I was directed to do by the P&Z Department. I've paid a great deal of money to make sure we are in compliance even after the vote came out that said my OPC could operate in unincorporated Garfield County. I've spend tens of thousands further renovating and doing things that I need to do to have the nicest business that I can possibly have with zero effects on my surrounding environment. This new moratorium goes against the vote that was handed down. I'm hoping that this Board can A. Remove this from today's session, and B. Have a session where we actually develop some true clarity for existing businesses versus new businesses and how we will proceed.
Chairman Martin – Fair question, so I have would have the State and Federal arguing for the end result.
Justin – I completely understand that, the State and Feds for hundreds of years have not seen eye to eye, let's be honest but at the end of the day from paperwork handed down, I just understand that you just got a letter that said State and City Officials may be held liable for these types of businesses; we got that same letter as well forwarded to us but the way that I interpreted that letter; and I'm sure that if you're allowing businesses to operate and they are not operating under the regulation, then you could be taken into liability for the fact that you have allowed this business without policing but with your current regulations and with the State regulation I definitely don't see a lack of regulation. If anything else, I see abundance.
Chairman Martin – I think the only thing the moratorium is doing at the present time is we're not processing or issuing any licenses for cultivation, which is the only thing that the County on the books right now because the other two are all city and we have no jurisdiction within the municipalities. This moratorium again, you'll hear from Fred that we are working on regulations and that even through you're in a rural zone and you're doing it, it's still not meeting the requirements because there are no requirements. Statewide you have State regulations that are a different issue; you have to meet the local regulations to comply with the State regulations. Now that Bill that allows that is also being held up right now in Denver, it's one of the last two items that's on the books yet and the legislative session ends this week. They still have not resolved that issue. Everything is in limbo from the federal, state and local and you are in limbo as well. This is the state "until a Court of confident jurisdiction resolves the apparent conflict between the state and the federal law, whichever comes first" this means the county will not process any local licenses for operational, cultivations etc for one year. Means we are going to let the Courts solve the problem between the State and the Federal Government, once it is, and then we will adhere.
Justin – So what I've seen that says as of July 1 that any dispensary or manufacturing plant outside or in unincorporated Garfield County is illegal, you're telling me that not been included on today's paperwork because that was what was sent to me, must cease.
Chairman Martin – Must cease, it is in there because of the federal problem between federal law and the state law.
The vote was three different subjects; two of the three were repealed.
Justin – I have all three licenses.
Chairman Martin – But you can only do one in the County according to the vote. The vote is a problem because of the federal and state differences of enforcement action, so you're in limbo.
Justin – So you're telling me I will remain in limbo even on my dispensary as of July 1, that's not, even if you stamp that today that is not a definite, is that what I'm being told.
Chairman Martin – You have no guarantee.
Commissioner Jankovsky - I think you're being told that at least for your dispensary and your infused products that as of July 1 they will no longer be allowed in unincorporated Garfield County, the other thing it's before us is the grow operations and some of that is tied back to House Bill 11-103 and we don't know what's going to happen on that but once that comes out then that allows us to extend this moratorium for another year and that would be for existing grow operations.
Justin – Well you gave me a permit to be where I'm at and I've got leases etc; who should be responsible for my leases etc if you close a business. He questioned the mail-in ballots and *Jean* promptly clarified saying 79% of the people who voted in the last election voted by mail.
Justin –I've been told on several different occasions that this will be taken on a case-by-case basis to review the people who are in good standing and now what I'm being told is without any talking, anything going on that your new regulation has come in effect.
Brian Radke – 34-year resident of Garfield County. I guess my only question is I haven't seen a clear outline of the moratorium so after Fred talks, are we going to be allowed to talk.
Chairman Martin – Offered Brian a copy saying you can look at that one and then if you have some questions, Fred can answer some questions and then you have some more, we'll take your questions.
Fred started outlining the issue last spring and early summer of 2010. Garfield County has never had regulations yet so there is no permit to give from a zoning prespective. In June, I visited a few dispensaries, met folks who have spoken here this morning to get a sense of what this industry is and what it's about and then be able to report back to this Board, which we did on a number of occasions. The main questions was what happens to all the existing businesses that are there and the response was, well we will just as you heard this morning, deal with in on a case-by-case scenario – we don't know yet. Fred continued to explain the work sessions to discuss this issue. Thus the original moratorium Resolution 69-2010 that explained all the provisions. We were getting ready to unveil that as you remember last May 2 at 6:30 p.m. here. Just prior to that, we had received the Walsh letter issued to John Suthers in Denver as the Colorado Attorney General. Based on that the Board advised us to move forward with a moratorium until the federal government can out what it is really doing. That's the background of where we are as far as zoning, we have drafted a regulation that will then be put on hold until things get settled.
Commissioner Jankovsky – I think the crutch of this is the House Bill is currently in place that states grow ops must have a license by the State in a relevant local license by local authorities. Right now, these grow ops have a license from the State but they don't have a license from us, the local authority. At the same time, if HB11-1043, this moratorium that has been in place would be extended for one year as of July 1, 2011, which would be under the same moratorium that where we were before for the State. Then the other issue we have that Lou may wish to talk about is the letter from Department of Justice, Mr. Samson read this last week, "the Department of Justice remains firmly committed to enforcing the federal law and the Controlled Substance Act in all states. The provisions of HB 1043, which we just talked about are enacted and become law. The department will continue to carefully all appropriate civil and criminal legal remedies to prevent manufacture and distribution of marijuana and associated violations of federal law including injunctive actions, civil penalties, criminal prosecution and forfeiture of any property used to facilitate a violation in federal law." We are as are the individuals in front of us we are caught between federal and state laws and we're in a tough situation to make a decision on.
Lou Vallario – As a County Sheriff, we have no authority to enforce the federal side of this similar to the immigration issue. There are some similarities that you are going to go on with medical marijuana similar to the immigration issue in Arizona – state rights, federal rights etc but we have no authority to enforce the federal side of this. Certainly, the feds have the right to come in at any time and enforce what they clearly outlined in their letter and as you recall I've been saying that all along that all these folks getting into this business are taking a chance that they are subject to federal prosecution and quite frankly prison time. I just need to make it clear that as the Sheriff, the local and state police there is no authority for us to enforce the federal side of this right now, we are tied currently whatever the State of Colorado is allowing and not allowing. I certainly can tell you we are all as confused as the rest of you, the community and the state with the changes and shift in the moratorium, House Bills and everything else. As it stands right now, we have to go with what the State Law says and what enforcement we can take but again make it very clear the federal government has their sovereignty and interest in this as well and they can at any time and start enforcing for federal violations of drug laws.

Commissioner Jankovsky – This moratorium states that two medical marijuana uses prohibited by the vote of the Garfield County electorate, medical marijuana center and medical marijuana infused products and manufacture licenses, the Board of County Commissioners affirms that any and all such uses existing in unincorporated Garfield County must cease no later than July 1, 2011.
Peter Fornilli – Am I then hearing from your conservations here that the seize and disseat order on facilities is not going to include the optional premises grown facility which passed the vote of Garfield county last fall. Is that what I'm hearing?
Commissioner Jankovsky – The moratorium was for year one so it means no more grow ops.
Peter – If there's going to be a need for some evidence brought forward to us that there's an application that there is an application made by optional premises grown facilities prior to the June 10 moratorium in order for those people to continue.
Chairman Martin – When we have our regulations in place yes, but not at this time.
Carey – I want to make it clear because the two prior Moratorium Resolutions specifically distinguish between existing and new operations. The two prior ones allow existing operations, which is the date that you are hearing today to continue operations as they are in there present location during the period of the moratorium. As presently drafted the latest draft form you are looking at today does no longer make that distinction and so it would apply to existing and new operations which would effectively mean that even if you were existing you were allowed to continue your operations during the two prior moratoria that would no longer be the case with this Resolution. Whatever the Board would want to take, we can certainly go back and provide an amended Resolution but I think some of the confusion you are hearing today is specifically about existing versus new. The latest version does not distinguish between the two.
Ed – The Walsh letter makes it clear; the state cannot authorize violations of federal law.
Justin –I think something needs to be drafted and presented to the people saying this is what is going to happen on July 1. It can be used just in the dispensaries. The people voted to say, those are gone then why aren't they gone.
Chairman Martin - Take it higher because we had to set a date and that is July 1 they have to cease.
Justin – So July 1 they have to be out of business.
Chairman Martin – It has to be signed.
Carey – That language has been in Resolution 10-67 of September 2010 on the vote and the County Communications since September that if you are a medical marijuana center so dispensaries or infused product manufacturer operating in unincorporated Garfield County you must cease operations by July 1, 2011.
Justin – If HB1043 passes there is so much stuff that allows businesses that were in Grand Junction, Mesa County the right to move. Does that give them the right to move to Garfield County? That's up to you guys. 1043 – there's a lot of language in 1043, MMED has the minutes the Mesa County deal fell down they started calling every single dispensary, grow operations, infused products, licensed manufactured and asked them to withdraw their application from the state. Well, knowing 1043 could pass, it says in 1043 gives them the right to move to an accepted County. I think it is very important that you guys are very stern on what happens on July 1.
Brian – Just to clarify again exactly as I had stated, the literature in this moratorium does not make a distinction between new and existing, you said specifically that this moratorium would only affect new permits and new businesses not existing…
Chairman Martin – I'm going to defer to the councilor in reference to the exact wording since she wrote it up and make sure we are all on the same page.
Brain – So you are saying you will ask her to – existing businesses can still operate as you said.
Chairman Martin – Carey, read it one more time. Let's have it from the attorney and the way that the moratorium is set in place.
Carey – "As presently drafted, the draft you have in your packets today, it does not distinguish between existing and new operations. It would require 'no operation existing or new' would be allowed to get a license during the moratorium because this Board in this County will not proceed with implementing licensing regulations." Now, the impact of that is that under the current medical marijuana code, if HB1043 does not pass, you must have a state and local license as of July 1 in order to lawfully operate under state law. By implementing a moratorium and licensing, the County will not issues licenses to existing or new operations, which means as of July 1, 2011 you would not be licensed and you would not be operating under state law.
Justin – You said existing businesses would be able to operate yet the vocabulary …
Chairman Martin – There is no license.
Justin – Yes, I know that and the state actually takes it as such if there is no licensing committee and no regulations set up as Fred had stated that you would not have to provide a state/local license because there was no license in authority. If you are choosing to proceed, that is what the investigators have told me specifically, if that's not the case or the way it's read then you have to excuse me, I'm not the attorney here but at the end of the day it seems like their needs to be literature in your regulation that is not expecting the existing businesses and I understand you are not giving permits now and that you have not given permits but at the same time when I called and they say that I don't need a permit to operate here locally, then it's just that. If they tell me that you own the property, it's in rurally zoned area and for that type of business you do not need a permit, then the local licensing has stated there is no permit and you don't need one to operate that business there. The state will take and accept that if there's no licensing and there's no permitting to be had. However, if you don't put it in your regulation then it doesn't even matter, this is all null and void, correct.
Chairman Martin – Not necessarily, correct.
Carolyn – I think you may be confusing the zoning regulations and the licensing and I think it's important for you to sit down with your lawyer.
Justin – The only reason I'm here is because I did sit down with my attorney and unfortunately she is out of town or she could do this for me, so I usually don't come because she is definitely better suited for it but obviously her actions haven't done much or I wouldn't be here. The problem that I have that you stated that it would not affect existing businesses. When I finished you specifically pointed that there is no distinction. All I'm asking for is will you make the distinction if you're putting this regulation through.
Chairman Martin – Well, we're trying to get to there.
Ed – Well the Walsh letter makes no distinction.
Justin – I understand but Lou just also said it's not your job and or right to police for the federal government. It's to follow the state regulations and state regulation has allowed this business, why are you attempting to fall under the federal side.
Chairman Martin – Because the federal trumps the state.
Justin – They have to have money first. Anyway, you are saying that you will look into making a distinction.
Chairman Martin – We're talking about that now and that's been asked three times by the attorney, do we wish to keep the Resolution the way it is now which would not distinguish old versus new.
Commissioner Jankovsky – My thought is I'm very concerned about new businesses coming in here and starting grow operations and especially if there are problems in Mesa County or Eagle County or wherever. I would prefer to have knowledge of who's growing now and have it stay that way and not have any new operations coming into this county. I would like us to specifically allow existing businesses to stay; otherwise, I think we have a can of worms.
Chairman Martin – You're saying the moratorium specifically states that there are no new operations as of July 1.
Commissioner Jankovsky – As of the vote in November.
Chairman Martin – In November, when they said that, so there should be no one starting after the vote in November.
Commissioner Jankovsky – Then we can get a better idea hopefully from the state.
Commissioner Samson – Well, it's very difficult to come to that conclusion with the consternation between the state and federal statutes. What even muddies the water more is this letter written by the US Attorney for the entire judicial district of Colorado. He

makes it clear that if things go the way I would interpret the way he wants it to go there's going to be a massive crackdown on these things. We're going to be caught right in the middle of this mess.
Commissioner Jankovsky – I think if we start writing regulations that's the reason we went to a moratorium because if we start writing regulations we are potentially in violation of that letter, if I read it correctly.
Commissioner Samson – That's what I got but the County is going to be trumped by the state, the state is going to get trumped by the feds. I read this letter and reading between the lines, it's you guys better back off and not do anything on this because if we decide to take action, not only will the people who've invested money they're going to lose.
Justin – That's arguable, let's be honest.
Commissioner Samson – I hate to tell you this but if they decide to do what this letter says, they intent to do, you're going to come out a big financially looser.
Justin – And the same people have sent out letters that state that if you are abiding by the strict letter of the law that you will not be pursued. All I'm asking is those of us that are doing so are given our own fighting chance. What happens to me when the federal government comes up to me?
Commissioner Samson – Let me explain something to you. What you're doing is breaking federal law right now.
Justin – I understand that.
Commissioner Samson – Even though the state said you have a right to do it, the federal government it's against our federal law. The federal laws trump state laws and if they want to push that then you're going to be in trouble financially.
Justin – You're also talking about the same federal government that is issue an FEIN Number and is taking taxes from my business. So if my business is so out of bounds to them, why are they giving me a federal tax number and why are they sending me tax coupons to pay on a quarterly basis and accepting my workman's comp etc. If they're so against it don't you think they would have said 1 ½ years ago are your crazy, there's no way we're going to give you a tax ID number.
Commissioner Samson -Your point is well taken.
Justin – And if they have accepted my business then I believe I have a fighting chance in court to defend myself. I'm just asking that you do that.
Commissioner Samson – Here's what I'm saying to you, we're struck in the middle of this.
Justin – So let the state regulates if the County steps to the side then the state has done everything and you have allowed them to regulate the business as they have offered. The state has said you either have your own regulations set in place by July 1 and/or you can subside to their regulation. Therefore, if you're so worried about being stuck in the middle why spent all taxpayers money on Fred, yourself instead of just allowing the state to regulate the business that they are offering to do.
Commissioner Samson – We were trying to do that, we were trying to draft those, then we got this letter and that froze.
Justin – Trying to draft something means that you're drafting your own regulation instead of subsiding to state regulation. What you need to do is not regulate if you're afraid to be in the middle and let the state take it over. You have an either or choice.
Commissioner Samson – We do, we do.
Justin – So if you're afraid of getting in the middle why would you put your foot in the trap, why would you not allow the state to regulate the business that they have made legal.
Commissioner Samson – I don't think we have a choice, they put us there, we don't have a choice.
Chairman Martin – Another thing to consider in reference to the scenario that you ran down through the federal ID number, you're in violation of bank laws and financial laws anything from a Schedule 1 and Schedule 2 program that goes to federal banking is sensible as well, so therefore when you put your money into a bank that is federally insured, you're violating a banking rule and regulation. Those are some of the issues, again we have to make a decision here if we're going to put this in place or not.
Commissioner Jankovsky – I'd like to get back to this moratorium I think it's appropriate. It does state in the …. that we're not going to allow infused products or dispensaries, we'd like to have the moratorium changed to allow existing grow operations because it was a vote of the people and I think we need to and that was our intent was to follow that vote and not allow any new grow op operations, see what continues to happen and that gives us another year to see what happens with the state and feds.
Chairman Martin – It still doesn't take the risk of federal enforcement.
Commissioner Jankovsky – That risk is still there but I think by doing this moratorium that way we get some clarification and we're not…
Chairman Martin – But you're still not putting your rules and regulations in place which you're also dealing with Mr. Walsh.
Commissioner Jankovsky – No, I'm not saying any rules and regulations.
Carey – That's the hiccup through is that if you put a moratorium in place for another year on licensing and zoning regulations, that means we won't be issuing licensing so even if you directed me to craft a Resolution that distinguished existing and new we would still be caught in this bind as of July 1, 2011, local businesses have to have a local permit in order to continue operating under state law.
Commissioner Jankovsky – Unless the House Bill gets…
Justin – If you don't mind if the state has extended their moratorium through 2012, you have to have a state application and a permit before you can even think of addressing your local jurisdiction why are you even extending a moratorium at all, if the state isn't addressing any new businesses. If what you're talking about is going to affect only new businesses then this is all a moot point because the state is not addressing and/or allowing any new applications so why do you need to take it further and say the same thing they have already said, isn't it redundant. If they're not allowing applications then how you could you see a new application for a new business.
Chairman Martin – Because you're talking about relocation of existing businesses from other areas.
Justin – You're just not accepting a moratorium…
Chairman Martin – It's still a Catch 22.
Justin – Yes, you can move if the local jurisdiction allows it but local jurisdiction here when you call they already don't allow it.
Chairman Martin – That's our intent until it's solved.
Commissioner Samson – I perhaps have a solution for a temporary fix. I'm feeling that perhaps we need to wait until the state legislature is done through and finished. Legislature is supposed to finish Wednesday. At that time we will know what the state's going to do, I don't know when we'll find out when the feds are going to do, but at least we've have some kind of idea as to what the state is going to do and I think that will make the picture clearer for us. Therefore, I think before we do anything we need to table this until next Monday, let's not take any action until we see what the State's going to do and at least a bit of the picture will become clearer.
Commissioner Jankovsky – I don't have a problem with that.
Motion
Commissioner Samson – I would make a motion to table this issue, which is G. under Consent Agenda authorizing the Chair to sign Resolution confirming and amending the temporary moratorium on medical marijuana operational premises, cultivation, operations within unincorporated Garfield County until our next meeting May 16.
Commissioner Jankovsky – I'll second that. In favor: Martin – aye Jankovsky – aye Samson - aye

COUNTY ATTORNEY UPDATE: CAROLYN M. DAHLGREN

AUTHORIZE CHAIR TO SIGN A LETTER OF SUPPORT REGARDING COLORADO MOUNTAIN COLLEGE'S (CMC'S) SECTION 5304 APPLICATION FOR GRANT TO STUDY THE FEASIBILITY OF CONNECTOR TRANSIT SERVICES

Carolyn Dahlgren, Acting County Attorney and John Vallario, Transit Planner were present.

Carolyn stated she had reviewed the minutes from last week and spoke with Jill. The minutes reflect Joe not Jill and clarified with her that the CMC is not asking for a contract right now, they just need a letter of support for CDOT application and if CDOT approves it then they will need a contract, which would allow the money to go to CMC.

The letter - CMC has requested a letter of support for Colorado Mountain College at the Spring Valley Campus located 3 miles up County Road 114 for a connector transit service with Roaring Fork Transportation Authority (RFTA) from the intersection of Hwy 82 and County Road 114 on a daily basis.

The Commissioners on Monday, May 2, asked for $6,000 toward this effort. It was approved by a vote of 2-1 with Commissioner Jankovsky opposing.

Motion

Commissioner Samson – I would move that we authorize the Chair the letter drafted for the grant for CMC. Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

FUNDING FOR ROARING FORK BUSINESS RESOURCE CENTER – RANDI LOWENTHAL

Randi Lowenthal and Tod Cecil, Board Member, Business coming from Western Colorado for Colorado Lending Source (CLS) presented the description of their program and share the successes. The Mission Statement is "We help businesses start, develop, and grown, resulting in job creation and retention, economic growth, and positive impacts of the communities we serve."As part of the program, the Center focuses on helping entrepreneurs, new enterprise and existing businesses through 1) Technical Assistance to solve day-to-day business problems, and 2) The application of economic gardening principles and core business strategies that are focused on local, growth-oriented businesses. In planning for our first two years, we focused on building our capacity to provide technical business assistance and now we are building our capacity to support growth-oriented businesses, beginning with the development of our Virtual Information Project (VIP), which will enhance our ability to provide sophisticated business research and information from Aspen to Parachute.

In December 2009, the Center's request for matching funds from the State of Colorado Economic Development Commission was approved. It was a three-year commitment.

A complete report of Activity, Programs and Services in 2010 was submitted. A copy is on file in the Clerk's Office and available upon request.

Randi – We cranked the center in the spring of 2009 with the goal of business development, hands on helping businesses. We felt there was a gap in services provided and people who really didn't know what to do or how to do it. We hope we have your support in on-going years. Randi explained to explain all the things they do to help businesses called an economic gardening concept proposes is that you look at what you have and try to develop your existing resources instead of looking outside the area. One of the cornerstones of economic gardening is information and meeting market research, competitive analysis. If you are going to be operating in a larger area then you need sophisticated information to be able to do it. We believe and businesses and entrepreneurs need information

Randi – We have a grant from the creative council and the Small Business Development Center to be running a business course for creative businesses; this is the 8th week out of 10. This 10-week business course, we have 20 entrepreneurs or businesses in this course and very excited about launching or taking their businesses to the next level. I think it is doing what we hoped it would do and we're very excited about it. We hadn't seen you for a couple of years and there was some discussion about the funding for this year when I talked to liaison to the Board and I understand there is a whole economic development effort at the County level. We believe our organization supports that effort as opposed to lead it. I thought I should at least give you the information, come directly to you, and answer questions.

Chairman Martin – You're saying that you not duplicating in reference to the economic development for the bid that went out and you did not compete in that one but you are a support role to that economic development. Your state grant was for 3-years.

Randi – Yes, this is our second year. This Board gave us $25,000 last year. This year we are asking for $20,000.

Commissioner Jankovsky – I asked Randi to come in front of us because I do think that not only Randi, Roaring Fork Business Center but also the Rifle Economic Development Group and there's a number of other groups in the county that are doing, they're on the ground, doing things and I think it does support what we're trying to do and I think you're on the ground, you're working the technical assistance is important and economic gardening because every company right now in Garfield County almost all businesses is going through some type of strategy whether they realize it or not. Other companies are looking at how they survive in these new times and what you are doing is very important. He asked Dale to give an update on BBC/Ford Frick.

Dale –I trusted you reviewed my finding as far as the request for funding today where I ended my report by saying I would recommend you not spend any funding at that time because of time with the BBC initiative. That is scheduled for Monday, May 16 at 1:30 P.M. Ford will be in front of you then, in preliminary conversations I've had with him, he is of a mind that there are spaces for all of the players that are involved on the ground in economic development. There is a need to formalize the process as to who is going to do what at what expense versus at what contribution. Those metrics need to be developed in the immediate future.

Commissioner Jankovsky – I don't want to put Randi off for too long but I would like to hear from Ford. I do support your request and support the request from the Rifle Group as well. We are doing some things in the County but you guys are on the ground, you're working and you're dealing with entrepreneurs and the businesses face to face and we need that as well. The Rifle group is trying to bring in new business and they're on the ground working in the Rifle/Parachute/New Castle area.

Randi –We don't consider ourselves an economic development organization; we support it with the information etc but we're not trying to do economic development. We think economic development at the County or any other level is much bigger, wider and much more of a micro effort than what we are doing. We look at it from a micro effort of roll up your sleeves, help the businesses that creates the jobs, the tax revenues etc. There is a big of distinction in our mine.

Chairman Martin –Commissioner Jankovsky, you are asking to postpone a decision on the request.

Commissioner Jankovsky – Yes, I would like to postpone it until after we get the BBC presentation and just know that as one Commissioner you have my support.

Chairman Martin – Is that okay with you for now.

Randi – It would be nice to now yes or no but I understand the issues.

Commissioner Samson – I think that would be wise.

Chairman Martin – We will continue it until the 16th.

Randi – Would you like us to submit anything else or come back or do anything or what would our next step be?

Commissioner Jankovsky – It might be good to be here for the presentation on the 16th.

Carolyn – The Commissioners have decided to run their afternoon docket and the morning docket as a trailing docket like over in the Courthouse so you can't assume that 1:30 will be exact. After 1:00 p.m.

Tod – All I would add is I think collaboration is the key from many resources and partners. We are a funding partner of the Resource Center as well. If there is a lack of funding on the part of Garfield County, it does send a message to possible grant applications, donors, and other funding sources. When I looked at where we place our dollars from Colorado Lending Source we work with the

entire State of Colorado. I cover all of Western Colorado from this office in Glenwood Springs. We chose to be in Glenwood Springs, but we have to take our dollars and put where we think there is a sense of community, collaboration and cohesiveness. I think Randi has been good at finding many sources for funding, which is what it takes. The County piece is very important to that as it adds to that strength of the fact that we're all working together on this on a countywide basis.
Chairman Martin – I think we're all aware of that.
Commissioner Jankovsky – I appreciate the fact of the office is in Garfield County.

2011 GARFIELD COUNTY FAIR FULL SCHEDULE PRESENTATION – KRISTA DEHERRERA

Krista DeHerrera and Lisa Dawson presented.
Krista presented the Schedule of Events for the 2011 Garfield County Fair beginning on Wednesday, August 3at 9:00 A.M. and ending on Saturday, August 6 at 7:00 P.M. She highlighted the sponsorships, Fair Book and said the sales are going very well this year. Contracts should all be signed by the end of this week.

Beer Garden

Krista stated the location of the Beer Garden as being in the southwest corner of the parking area. Our vendor village consists of a block of booths, shade tents with tables and chairs for those drinking beer and eating food. She thanked the Commissioners for their support with the County Fair. Kip Kastanza, our board chair is amazing so I think him for everything that he has done
Commissioner Samson – Just to say publically, thank you and thank you to the Board every chance we get. I think we need to thank our boards whatever they are the time and money they put in there for the unselfish service that they render to the County.

APPROVAL OF JOYCE GORNICK TO FAIRBOARD – KRISTA DEHERRERA

Krista submitted the letter from Joyce Gornick who is applying to be a member on the Garfield County FairBoard. Her experience indicates that she has a great deal to offer and Krista requested approval. Joyce Gornick was present and stated she was involved in the Colorado State Fair but that was a few years ago and it was always parades and bandstands, etc. My background is in music and events.
Chairman Martin – The Fairboard has heard the different demo tapes but you haven't yet.
Commissioner Samson – I can vouch for her, she was a great teacher for us at Rifle High School a few years ago.

Motion

Commissioner Samson – I would move that we approve Joyce Gornick to be a Fairboard member at this time. Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

UPDATE ON EPA COMMUNITY AIR TOXICS AMBIENT MONITORING GRANT APPLICATION PROCESS – PAUL REASER

Jim Rada and Paul Reaser submitted a request for a letter of support for an EPA grant between $500,000 and $750,000. The project objectives are to monitor emissions and three well pads where data will be collected for a near-source characterization and emissions provide from four directions:

- The predominant downwind directions
- The truck assess and
- In the direction of the next two dominant downwind directions.
- Additionally, we plan to collect residential exposure and meteorological data (wind direction, speed, temperature, relative humidity and precipitation for each pad. We would also collect data from a centralized fixed monitoring station and a fixed background location.

The US Environmental Protection Agency has announced of the availability of funds and soliciting proposals designed to assist state, local and tribal communities in identifying and profiling air toxic sources. If our grant proposal is successful we would receive substantial funding somewhere between $500,000 and $750,000 for the exposure assessment component of the EPA study which would be addressing potential health effects associated with hazardous air pollutants. We would also address data gaps identified in previous ambient air monitoring and human health risk assessments. Garfield County has performed a great deal of air monitoring over the last several years the vast majority of this monitoring has been done with the purpose of better understand general ambient air quality countywide over the long term, not short term effects from air toxics from densely populated areas. If we were successful, the project would begin in late summer or early fall of 2011 and continue for 3-years until its completion in late summer of 2014.
Chairman Martin - Since 2009, 22 states and 63 schools have gone through this same process and the EPA still says there is no level of air toxins during that testing period. This was done around oil and gas production. Why are we doing it again? He suggested we continue to do what we've been doing the past 8-years.
Paul - I think the big part of this project would be measuring air toxins, which are not applicable to any sort of air monitoring standards.
Chairman Martin – That's what they measured, air toxins around in 22 states, 63 schools over a period of 3 years. They found nothing that would affect human health in reference to the oil and gas industry. Why are we asking the federal government for ½ to ¾ of a million dollars to study it again? That's my question, why?
Jim responded that there was nothing in Western Colorado; the study was in southwest Colorado in the Durango area. The nature of this grant application is a bit different from what you've been reading in the paper about the studies that have been going on in the 22 states and 63 schools. The nature of this application is going to be more targeted to air monitoring around oil and gas facilities to help us answer those questions about exposure within communities.
Commissioner Samson – Both of you have made good points. As you know, we have taken a tremendous amount of heat with what we did last week in not going ahead with the final draft of the HIA. You explained this would be wise for us to participate so we can get a better monitoring of the air. One of the points that Tom brought up and I agree with him is air quality addressing air quality in the draft that is one of the things that is lacking and it needs more work. I hope we'll get ½ million dollar grant to $750,000 dollar grant which over a 3-year period we would pay 10%.
Jim – That is in-kind time.
Commissioner Jankovsky - I've stated numerous times I'm concerned about the air standards when I look at all the things mitigated in Battlement Mesa and Silt Mesa, the one I don't have understanding of is air quality. I just wonder if the Colorado School of Public Health can give us non-baized after the HIA, if they give us a non-baized report then.
Chairman Martin – The responsibility of monitoring air is not what is at stake here with me. It's dealing with the federal government. EPA has not been our friend, the western states has not been a friend to EPA based upon water and a few other issues. So now, we are going to ask them to give us money and that to me is hypocrisy. If we have issues with EPA let's work them out and not just take their money and then get criticized. Let's be upfront. We're not asking the folks in our community to take oil and gas money then turn around and criticize them because they become in that same vein, hypocrisy. I'm just trying to do my part in cutting expenditures at the federal level.
Commissioner Jankovsky – I'm okay with providing a letter of support.

Motion

Commissioner Samson – I would move at this time that we authorize staff to draft a letter and the Chair be authorized to sign that letter giving our support to this grant of EPA Community Scale Air Toxins Ambient Monitoring. Commissioner Jankovsky – I'll second that motion.

Chairman Martin – All I can say is I support the monitoring, I support our staff participating in finding out the information but I think that the federal grant dollar process is not where we need to be. It is the EPA's responsibility to do so, if we need to do it to make sure that those air quality standards and monitoring was done, we need to do it ourselves that we have foundation to force the EPA and the State Health Department to make changes in their process or at least in their standards. I can't support asking for federal funds.
In favor: Jankovsky – aye Samson – aye Opposed: Martin – aye. I oppose for the reasons, it federal funds and it is driven by the federal government where they should be taking responsibility.

EVALUATE OPTION TO PAY OFF COPS 2001 - LISA DAWSON

Lisa Dawson presented the redemption of COPS 2001. The question for the Commissioners is would you like to pay off COPS 2001 at a cost of approximately $6.7 million. If so, we will start the process and the payoff would occur in December 2011. We need a couple of months to do all the paperwork together with the bank if this is what you want to do. A 2011 Capital Fund Revenues and Expenses as well as a graph showing the beginning fund balance, revenue, expenditures and 2011 ending capital fund balance was submitted.
Chairman Martin – I think it is time to get that done.
Commissioner Samson – I feel comfortable in doing this and directing Ed to go forward.
Commissioner Jankovsky – I would agree as well, I think its $2.5 million dollars and a $6.7 million dollar payoff is a good return.
Chairman Martin – This Board has given direction to proceed with that payoff as of December 1, 2011.

DIRECTION TO STAFF REGARDING WEST GARFIELD COUNTY LANDFILL BUDGETARY ITEMS – BETSY SUERTH

Ed – Betsy and Debbie are here to follow up the work session we had on the landfill.
Debbie Fiscus, office manager for both the Landfill and Road and Bridge and Betsy Suerth submitted information obtained at the May 3, 2011 Work Session. Commissioner Jankovsky and Chairman Martin were present for the work session and we came up with the recommendations.
Betsy summarized the discussion held at the work session regarding the landfill, rates and fund balance.
Chairman Martin – We are trying to keep the Landfill as an Enterprise Fund and not general fund dollars so we have to make sure we do the accounting properly and make those adjustments.
Betsy - Today we are asking the BOCC direction on the following recommendations. We would like to charge about $150,000 in benefits back to the general fund as discussed. The Earth Day Coupons, which is a coupon, sent out to every household in Garfield County, last year it was close to 25000 households. In the past, we've also handed out employee coupons worth about $3k. This year we are proposing to send out all those coupons and we would put a limit on the value of those coupons at $15. We would also like to continue the hazardous waste program worth about $25K. We think we'll be able to do at least one of those this year so it might be worth about ½ of that. We have allowed Habitat for Humanity and Lift-Up to bring their waste to the Landfill. The last one was adjusting the amount due Road and Bridge for equipment trade-ins. We realize a savings of $100,000 in capital investment this year for the Landfill and then the big one on reducing the tipping fees from $68/ton to $58/ton to be more competitive with area landfills.
Carolyn – Commissioners, the only legal issue I have is the business of transferring general fund money to the Landfill Enterprise Fund. Betsy and I had some conservation about this and there are actual dollars being transferred here and not just a matter of a benefit. There is not a dollar amount attached to it so I can't figure out if we are talking about putting general fund money into the Landfill Enterprise Fund or if that money will reside someplace else for instance in a bigger Public Works Department and if that's the case then it wouldn't affect your Landfill Resolution. If actual general fund dollars are going into the Landfill fund you would need to amend your Landfill Resolution, it can be done, but currently the Landfill Resolution doesn't allow for it now. General fund dollars are not listed as a revenue source. At this time, your staff is authorized to use fees for services, tipping fees, revenue generated from recycling and grants. She suggested to talk to the auditor because it's not a questions of can or can't you it's just that your local law, this Resolution does not allow you to put general fund money into this fund.
Chairman Martin – If we authorize these expenditures and recoveries we would have to direct you to make sure the Resolution reflected such. You don't want your staff to operating outside the Resolution.

Motion

Commissioner Jankovsky –I would make a motion that we accept these recommendations and if it's necessary that we change our Resolution for the Landfill then we direct legal staff to do that. Commissioner Samson – Second.
Chairman Martin – Identifying that comes out of general fund dollars.
In favor: Martin – aye Jankovsky – aye Samson - aye

CONSIDERATION OF 2011 BUDGET SUPPLEMENT REQUEST FOR SUMMER INTERN POSITION TO BE SHARED BETWEEN PUBLIC WORKS AND FINANCE DEPARTMENTS – BETSY SUERTH

Betsy Suerth and Lisa Dawson presented the overview of the Internship Request.
An internship in the Garfield County Public Works department would be a temporary part time position of ten to twelve weeks during the summer months and perhaps additional days during semester breaks. Lisa explained the duties and responsibilities and would include specific project related work and various accounting tasks, as well as coverage for vacationing employees.
Betsy – If we don't have this temporary part time person I'm not sure how I'll continue with the goals set forth. I haven't had time to analysis all those workloads and see how that might be rearranged more efficiently.
Commissioner Jankovsky – If we do accept this position can you make that a goal to try to find out where you're going to task that on.
Betsy – Absolutely.
Lisa – It would be a budget supplement to the public works department.

Motion

Commissioner Samson - I would move that we approve through a budget supplement as requested the summer intern for the public works department shared with the finance department.
Commissioner Jankovsky – I would second that with the terminology to be changed with an intern temporary part time position.
Commissioner Samson – Concurred with the amendment.
In favor: Jankovsky – aye Martin – aye Samson - aye

AWARD OF A CONTRACT TO US IMAGING FOR CONTINUED WORK AT CLERK & RECORDER'S OFFICE- JIM HACKETT

Jean Alberico and Jim Hackett presented the contract to continue the conversion of various forms of media into digital media. The contract is to US Imaging in the amount of $141,963.15. A complete breakdown of the proposal is available upon request from the Clerk's office. This is a continuation of the work that Jean was having done last year. They missed the mark last year, the warrant to continue will be done by July 31 and then there is new work included in here. About $95,000 of it is the work to finish what was started and then an additional $46,000 of new work that is considered logic follow on to the contractor for what they are already doing. They've done great work and Jean will continue.
Jean gave a summary of the work by US Imaging.
Jim –There are two additional clauses we'd like to add to the contract. What we are going to ask them to accept is a liquidated damages clause that says on the new work only the $46,000 you would accept the 1% liquidated damage per month that they're late beyond December 31, 2011. The second one is in talking with them on the phone with Jean, they've promised to a life-time warranty basically on the images because they didn't finish when they should have finished, Jean would have had a lot more time to do it on an

off cycle election, now until they get everything done her staff time is very crunched. To QC all those images in a matter of a year with the warranty is not feasible at all. I am asking them to accept a warranty provision from July 31, 2011 through July 31, 2018.
Jean – Our phone conservation last week the CEO of the company thought they had put in a 10-year warranty so he is not going to have any problem with 7-years.
Carolyn – These are non-standard paragraphs.
Jim – I'd like authorization for Carolyn and me to clean this up and bring it back on the consent agenda.

SUBLEASE AGREEMENT BETWEEN COUNTY AND SAR, INC; WHERE FUNDING SHOULD COME FROM; WHO SHOULD PAY COUNTY'S LEASE; AND AN UPDATE OF 3 PARTY MOU - JIM HACKETT

Carolyn talked with the Sheriff and gave permission for her to tell you what he said.
Jim Hackett, Lou Vallario, Carolyn Dahlgren, Chad Lee SAR and Nathan Torres SGM were present.
Garfield County signed a lease for property at 2102 Airport Road in Rifle to support the Search and Rescue Inc. (SAR) in their need for office space and increased storage. As such we need to executive a sublease between the County and SAR Inc. the lease amount will be a total of $18,750 at $2500/month plus a prorated amount for the month of May starting on May 15, 2011. This amount will need to be added to the three parties MOU. This amount is recommended to come out of the BOCC Discretionary funds and be paid to SAR, Inc on a quarterly basis. SAR will then pay the lease on a monthly basis to Public Works/Facilities management and in turn, Public Works/Facilities Management will need to pay the landlord and any utility costs including electric, water, sewage and trash. It is staff's recommendation to execute the lease and have the funding flow as described above based on anticipation that next year's lease will be accounted for in the Public Works budget.
Carolyn - There are some language changes and there are a couple of real issues to be solved. The storage of 30 gallons of gasoline and who is going to mow the grass. The bigger issues are probably on the MOU in terms of the decisions the BOCC has to make as for payment of rent to the tune of $2500/month. This lease between the County and the owner of the building and the sublease to GSAR would require a "grant" from general fund. Staff's recommendation is to put this under public works and managed there.
Ed was concerned that this rent should come from the Sheriff's budget.
Lou was asked to talk to the Board.
Chairman Martin – Lou, we need $20,000 from you.
Carolyn – The staff's recommendation is that the money be moved from general funds into the public works budget but your question was, is it appropriate to general fund money for this when there is apparently money available in the Sheriff's budget.
Lou – Where would there be money in money available in my budget for a lease that wasn't planned in the 2011 budget? The money wasn't planned because you guys committed doing it through your funds so we didn't budget for it. Its two things, one I do not want to have to find money for it that wasn't anticipated; I don't want my budget supplemented and inflated somewhat artificially adding money into my budget, it is obviously a paper trail with money in and money out. I don't particularly want to be signatory to the lease, it is a separate deal that GSAR Inc is doing with the County. I think a lot of it is GSAR needs to get their feet on the ground and realize they're going to run their organization as a business now. It's important that they negotiate with you guys directly and the Sheriff's office more or less stays out of it to the extent that we have a service agreement and they come and help when we ask and have a good relationship.

Direction

Commissioner Jankovsky – Either way it will require a budget supplement. Can we move forward and make that motion?
Chairman Martin – I think you need to ask the questions in the overall landlord issues of storage of 30 gallons of fuel as well as who's going to maintain the big front yard. Those will not be big issues but contingent on that but if they are not going to be able to store fuel, they will have to find another place.

Motion

Carolyn – We would need a motion for that Commissioners and then we will need to bring this back to you as a supplement whenever finance does that next.
Commissioner Samson – So moved. Commissioner Jankovsky - Second.
Chairman Martin – Identify that as facilities money and bring it back with any kind of approval process. If there is major issue, bring it back and we'll start over.
In favor: Jankovsky – aye Martin – aye Samson - aye

UPDATE ON HOUSE BILL 11-1202 - CONCERNING A REQUIREMENT THAT A PUBLIC ENTITY HAVE APPROPRIATIONS AVAILABLE TO IT PRIOR TO THE PERFORMANCE OF ANY WORK CONDUCTED BY A CONTRACTOR PURSUANT TO A CHANGE ORDER – JIM HACKETT

Jim Hackett – An update on House Bill 11-1202 to take effect on August 10, 2011 with conditions. The basis of this is it says that every public works contract is defined in 24-91.103.5(1)(b) shall contain a clause that prohibits the issuance of any change order without appropriations being available prior to the performance of the work. We already do that. We insure the funds are there before any change order is issued. What we have to do is work through making sure that all of our standard form agreements are updated to include this language that says,
"THE APPROPRIATIONS ARE AVAILABLE PRIOR TO PERFORMANCE OF THE ADDITIONAL WORK."
We will work with the County Attorney and myself to make sure everything is updated and any change order formats we might be using include this.
Carolyn – We've had that language for a long time and Mr. DeFord and I have talked with you and staff about the distinction between construction contracts and other contracts but Jim and I will have to make sure we are meeting the letter of the statute.
Chairman Martin – As discussed the general government's steering committee of CCI, we brought that information forward, most counties are doing it. One or two in the Front Range are not and that's where the argument is, that's why the statute took place because it was a local issue not just a state issue.

COUNTY ATTORNEY UPDATE – LAND USE ISSUES: CAROLYN M. DAHLGREN

EXECUTIVE SESSION – Carolyn – Commissioners you have already dealt with the Medical Marijuana issues so apparently there was no legal advice needed on what Carey had given you. Should she be prepared to talk to you next week about the potential risk to your employees or do you understand and have no – This was handled but the question is does Carey needs to talk to you next week about the potential risk to your employees or do you understand and have no further need for legal advice.
Chairman Martin – We need to hear her just to make sure.
Commissioner Samson would also like Carey to outline.
Chairman Martin – We will also have an update from the State Legislation.
Carolyn - The next issue would be an update on administrative claim before the EEOC and legal advice regarding the confidentially requirements of the regulations around that, which will then lead to a discussion from the press to release your litigation summary and that needs to be discussed in some of the confidentially requirements before it's released. It is your decision whether to release the document. Last, a potential zoning violation up Cattle Creek. For that, we would need two members of the Building and Planning staff Andy, Dale and Fred if he chooses. Chairman Martin has one on continued negotiations with the County Attorney and I'll supply that information and get direction from the other two Commissioners.

Motions

Commissioner Samson moved to go into an Executive Session. Commissioner Jankovsky – Second. Motion carried.

Commissioner Samson moved to come out of Executive Session. Commissioner Jankovsky – Second. Motion carried.
Action Taken:
County Attorney
Chairman Martin - Continue negotiations with the County Attorney and we will make decision next Monday. I will call Phil. On that issue, the County Attorney's computer to do a redlined version of the letter of engagement.
Litigation Summary
Carolyn – Over the couple of months, the County Attorney's office has been providing you with a deliberative document for your use, which summarizes litigation active in the County Attorney's office or through outside counsel. Mr. Colson from the Post Independent has requested that I give him that information. I need to know if it's all right with the Board to release the information in this format, which is a deliberative process document. As I advised you, the document is consistent with the federal and state law regarding confidentially and certain identifiable information.
Commissioner Samson – I would so move. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
Cattle Creek
Carolyn – This is not action but I want to make sure that I have it straight to give information to administration for the agenda, there are three items you want on next week's agenda for both Executive Session and public. 1) Potential litigation on Cattle Creek; 2) Consideration of pre-formation expenses for the public improvement district and you don't want a PID Board Meeting, you want a BOCC session; and 3) Legal advice regarding the moratorium as well as the public action.
Chairman Martin – We hope to have the information from the general legislation session, which is Wednesday, May 11, 2010. One way or the other we can make some determinations.
PUBLIC HEARINGS:
ADOPTION OF 2009 INTERNATIONAL FIRE CODE – ANDY SCHWALLER
Cassie Coleman and Andy Schwaller were present.
Ordinance No 2011-1 was submitted.
Cassie determined if the notice was adequate and determination was made that the notice and ordinance in full was published. This was presented to the Commissioners on April 18, 2011 and initially approved then because the entire 2009 IFC was not published in its entirety, the motion was withdrawn.
Andy is back before the Board and explained that The Fire Code Adoption Process was made up of the Building and Planning, the Sheriff and a representative from each of the Fire District as well as a representative from the Board. We have been at this since last May, came up with a set of recommendations to amend the fire code, it isn't much different from the 2003 fire code in effect now, one large difference is the Airport is included.
Commissioner Jankovsky – I'll just state that I am concerned about sprinkling in residential and the cost that it would add to the building, but that's not for here and now, we'll deal with that in a couple of years.
Chairman Martin – Each fire district is allowed to increase it but Garfield County has the baseline and everyone builds off that one. We're still going on that premise, have at least minimum standards set by the County and each Fire District increases it.
Motions
Commissioner Samson moved to close the public hearing. Commissioner Jankovsky – Second. Motion carried.
Commissioner Samson - I would move for the adoption of the 2009 International Fire Code by Garfield County.
Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
COMMISSIONER ISSUES:
COMMISSIONER REPORTS; COMMISSIONER CALENDARS; APPROVAL OF MINUTES; AND COMMISSIONER AGENDA ITEMS
Commissioner Samson – Tomorrow at 2:00 p.m. Elk Creek Field Trip.
Chairman Martin – Our public meeting in New Castle at 6:00 P.M.
Commissioner Samson - Thursday, the Satank Bridge Ceremony at 10:00 A.M. and I see that Mr. Martin is giving some remarks. Then on Thursday – 5:30 p.m. until 7:30 p.m. Grand River Hospital District CEO reception, Marty Wisdom is leaving and James Colman is coming in. Saturday, doing the Kiwanis Golf Tournament in Battlement Mesa.
Chairman Martin – I'll be doing the Silt Bicycle Rodeo.
Commissioner Jankovsky – Wednesday May 11, I have a Health and Human Service Committee Meeting at 10:00 A.M.; I have a Garfield Clean Energy Meeting at 1:00 P.M.; on May 12, I am headed to Montrose for CCI Coordinator Status Training.
Chairman Martin will be gone the 18, 19 and 20 of May. We have a workshop on the Roadless Area. I have some maps in reference to this. This starts at 9:00 a.m.
Commissioner Jankovsky – Site visit for Cerise Ranch, at 11:15 a.m. I am covering the LoVA Travel Ribbon cutting for the west end of the trail which is not connected with the east end of the trail on May 20, 11:00 A.M. South Canyon Trail Dedication.
Chairman Martin – It's going to be the greatest place to set up and take photographs of those rafting in the Colorado River. They have a high altitude shots. It's paved, the protective fence is up and everything is ready to go.

ADJOURNMENT

MAY 16, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 16, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Health Impact Assessment (HIA) Study
Tresi Houpt – Consultant for the Battlement Mesa Concerned Citizens, Leslie Robinson, Dave Devanney and Paul Light were present. Tresi would really like to talk to the board about the Heath Impact Assessment today and the board's decision not to finalize that document.
Paul Light read a letter and requested it be placed in the record. "On behalf of the member of Battlement Concerned Citizens and the more than 400 residents that signed the petition that was presented to you in October 2009 requesting a health study. We request that you reconsider your decision to prematurely terminate the HIA project. We ask you to reconsideration your decision.
Bob Arrington – Read a letter and requested it be put on the record.

Don Gray – Urged the Commissioners once again to reconsider their decision to not complete the HIA. You started it with the good intent caring for the safety and health of the citizens of Garfield County. To take it this far, spend a quarter of a million dollars, then to abandon it, or not finish it and publish it so it's useful is not the right way to do things.
Tresi – Comments in closing regarding the oath by each of the County Commissioners, which was to protect the safety, health and welfare of all the citizens in Garfield County. The health impact assessment and the reason why we originally made the decision to agree with the 400 people, who signed the petition, to have a health study done in relation to having 200 wells drilled within the Battlement community. She further stated her opinion regarding the HIA study and the decision by this Board not to continue it.
Jay Haygood - He also formally requests that the board reconsider their decision. We need this HIA in more than just a draft form. It was started with the intent to find out the impacts of gas drilling in the Battlement Mesa Community in order to protect our health, safety and welfare.
Discussion by the Board
Commissioner Samson – A couple of things he wants people to understand. All three of the Commissioners met with Dr. Whiter and Dr. Adgate individually. Each time the doctors told us this study needs to end now. Mike questioned them and said there will be many people that will say that we need to go on and have more comments from the two sides and have the draft in a final form.
Commissioner Jankovsky –When he met with Dr. Whiter and Dr. Adgate, they agreed it was time to put the HIA study to rest. We did talk about air quality and air studies. From my standpoint, I am very comfortable regarding the health, safety, and welfare of the community in Battlement Mesa. We have the opportunity within a PUD to mitigate water issues, traffic issues, dust issues, noise issues, lighting, vibration and social economic issues. I think He thinks they can mitigate all those things themselves as we work through the PUD. I do have a concern about air quality and this has been discussed that with Dr. Adgate and Dr. Whiter. Last Monday the Board supported an air quality grant through the EPA that's through the Colorado Public Health Department and is to be administered by the Colorado School of Public Health. The BOCC approved and supported that study and if that grant does not go through as Commissioner Martin stated, we will take it upon ourselves to continue to study in order to have a better understanding of air quality and noxious fumes. The HIA study became so polarized it was not longer efficient or valuable to continue. *Commissioner Samson* reassured the citizens in Battlement Mesa that this Board will not shelf this study and it will be used. There are many recommendation consisting of valuable information. The first 140 pages in the draft are items we can use from that study to mitigate impacts if and when drilling plans are made within the PUD. It doesn't have to formalized and canonized for us to use it. I imagine the Grand Valley Citizens Alliance and the Battlement Concerned Citizens group, which Tresi represents will be pouring over that and bringing to their attention the things that you want to use in that PUD.
Tresi – That's the plan. First, when she was on the commission our consultants had said months ago that there should only be a certain amount of public comment and they would respond to those comments. When this Board talks about stopping the process, it is still in draft form and not a final document. I intend to agree with people who have been concerned about the status of the draft and how that could be challenged by people who may not like the outcome of your conditions of approval. There will always be somebody who doesn't like a study; however, we intentionally hired consultants who had no stake in the outcome, medical professionals who are connected to an old and well-established institution in Colorado. *Leslie Robinson* - I would concur with Tresi. If we could just go back and correct the typos, do minor editing and call it final then that would be fine. Our group just wants to have the document finalized.
Chairman Martin - The school of health is the one that wants this HIA to end and leave it as a draft. They believe they will be they will be sued by both sides of the issue. They are not finalizing the draft for what they point the draft being challenged by both their peers and the industry. It's not the industry that's being threatening; it's the citizens group calling for recalls because they didn't finish the draft. Clearly, it was a decision by the School of Health to say it cannot be finished just leave it as a draft and glean from it what you can. This is what this Board is going to do. However, you are going to continue to push, see the editorials and letters to the editor etc. calling for drastic action because you don't agree with what we have decided. This Board's decision was based on the facts in front of us. Otherwise, this HIA study would last forever answering the questions and comments from peers and industry, challenging the findings and solutions. This HIA was primarily done for a land use decision to identify the potentials of hazards. That has been accomplished in suggested mitigation factors. That's what we needed. If you want to take it to the legislative branch, standards to be revised by EPA, Department of Health etc then that's a different arena. If the School of Health finds something drastic, they have the ability to present that to the proper agencies and not the County because we don't have jurisdiction in those areas. This is what Dr. Whitter and Dr. Agate told all three Commissioners and we agreed. We are continuing the monitoring on air quality and fumes. If evidence from that study is discovered, that information will be directed to the EPA and the Department of Health. As you've heard from Mike and Tom, we believe we have gleaned information that will be factors used to prevent harm to human beings and the environment. One of the issues identified was the pollen from the trees, traffic and fumes from traffic on I-70. We have no control with fugitive dust from other counties and countries. We can't do away with air conditioning and bacteria within the wells waters as that is an individual responsibility to make sure the well is treated properly. Nor can we do anything about those things people have in their homes. It is not possible for us to do away with cancers and other health related illnesses. The School of Health and the Saccomanno Institute have identified every health issue in Battlement Mesa. Now, if you want us to do away with oil and gas and all development, the County cannot do that.
Leslie – We understand that concept.
Chairman Martin – Nevertheless, you want the gas industry to go away Leslie and you've been pushing that a very long time. We have identified everything we can; we will use that information if and when a land use decision comes forward.
Tresi - I think people have different interpretations of what is being communicated and requested the Board place an agenda item the first week in June. No one who has put time, effort and expertise into a report should not want it in draft form. The information in the report is a good tool for this land use decision. I would like to have some resolution on this HIA study.
Chairman Martin – The final nail for the School of Health were the lawsuits that were being filed in reference to Antero and the health impact study being used to supplement that particular claim.
Leslie – Lawsuits have already been filed.
Chairman Martin – Yes, they were filed in the Denver Court. One of those lawsuits was a resident in Silt Mesa that your group represents.
Tresi – That's not connected with the impact assessment.
Chairman Martin – Yes it is.
Tresi – Well, maybe indirectly.
Chairman Martin – That's one of the first things they identified as using for their foundation and the School of Health walked away from that saying that's Silt residents were not included, only Battlement Mesa.
Tresi – I know they were looking at Battlement Mesa. The Battlement Mesa people would like to have a more formal conversation with the Board and have more information.
Commissioner Samson –When I ran for county commissioner one of the main things I wanted to do was try to bring people to the table and work together. I realize people do not feel the same way. This HIA has become a political football that's being kicked all over no matter what we do as this Board, the School of Health, COGCC or Antero. I see lawsuit one after the other making no difference as to who wins because the other side will challenge the decision. Therefore, it is an endless game of a battle both political and legal. I do

not think it is important that this HIA be finalized to go forward. We can use and will use it when the time comes for Antero in the BM PUD applicant. Some of the mitigation is the responsibility of the COGGC, they issue the permits.

Tresi – That's the key. It's very important and sadly some of the best law around the development of oil and gas in Colorado has been generated from lawsuits because people haven't been able to take the brave route and say that there are changes that need to be made if we are going to make this a safe method of extracting this clean energy. I would still request to have the formal agenda item. The BOCC may decide to rethink having the HIA in a draft form. Antero and their attorneys know that you won't pull every word out of that document and make them conditions of approval. As you said, everybody is going to work together and find the best way to move forward. I think this is a good faith opportunity to help finish the HIA. Neither my clients nor I are asking to do that today; we would like to have a more formal meeting on the first week in June.

Commissioner Jankovsky – For this study to be finalized and approved by this Board would mean the School of Public Health go back through the last 250 pages that were submitted by Antero and about another 50 pages submitted by Colorado Public Health and citizens. Then the document would be rewritten, everything explained and it would add another 250 pages or so to this document. At that point, it becomes a 1,000-page document. I am not convinced it would become finalized at that point. This study became polarized; it is no longer an impartial tool. I will say to Jay, Bob and Battlement Mesa residents that when Antero submits their drilling plan this Board has committed to look at the health, safety, and welfare of the citizens of Battlement Mesa. This Board would look at best practices on every issue from the gas company and that we will take the seven (7) issues that were outlined in the front. This Board will look at each one, address them one by one and expect the industry will do their best, have best practices to mitigate the issues look at for the health, safety and welfare of the citizens of Battlement Mesa.

Garfield Clean Energy Challenge – Presentation to Award Winners – Alice Laird

Cathy Tuttle and Alice Laird with CLEER and G-NECI were present.

Garfield Clean Energy Challenge hosted this event April 25 – 29, 2011. It was a challenge for student, staff and families to walk, bike, carpool, and ride the bus. She thanked the sponsors for donating prize money: Garfield Clean Energy Challenge, CLEER, NET, Alpine Bank, US Department of Energy Better Buildings,

RFTA and Garfield Clean Energy. The winning schools were: RE-16 St. John's Elementary in 1st place for $1,000; RFSD - Crystal River in 2nd place for $500.00 and RE-2's Highland Elementary in 3rd place for $100.00. Representing the schools were: Jenna Hemphill from St. John, Kim Hamilton from Crystal River, Melanie Coffelt and Laura Ferry from Highland elementary

Clerk's Update: Pubic Hearing: Jean Alberico

Special Events Liquor Permit – Applicant; Los Llaneros Inc. Sponsoring Rodeos and Concerts at the Rising Hearts Ranch Located at 0295 County Road 262, Silt. Nine Event Dates as follows are Planned: May 22, June 10, June 18, July 2, July 16, July 22, July 30, August 13, and September 16 from 3:00 p.m. to 12:00 p.m. – Robert Cuevas, Event Manager and Jean Alberico

Carolyn Dahlgren, Jean Alberico, Fred Jarman, Olga Galindo as well as concerned citizens Linda Dixon and Fred Kuersten were present.

Jean explained this is special event liquor permit to hold a series of nine events at the Rising Hearts Ranch located at 0295 CR 262 in Silt beginning in May and ending in September for rodeos and concerts. The request is to have a beer garden. Robert Cuevas is the Event Manager; Michelle Pfeiffer owns the property.

Carolyn stated the first issue is whether we have appropriate notice.

Jean said, one of my staff members was going to stop by and pick up the sign; but it wasn't discussed on Friday so she didn't get sign. I did put a picture in the Board's packets; it was posted May 6 within the 10-day timeframe on the main gate into the rising Heart Ranch right off Hwy 6 West of Coal Ridge High School. I have not received any comments or calls about this application.

Commissioner Jankovsky – I know where Michele Pfeiffer's property is located. My question is how many people you will draw.

Olga Galindo stated anywhere from one hundred to one hundred fifty.

Commissioner Jankovsky – What will they do for security for the beer areas? Can they take their beer and walk around the whole area or will they have to keep beer in….am I out of line?

Carolyn – No, we just realized the Chairman had not sworn anyone in.

Chairman Martin – Swore in the speakers and asked if there was a challenge to the posting?

Linda Dickson challenged the posting because the location of the clearly indicated no trespassing.

Chairman Martin – The notice is to be posted so it is visible from the right-of-way and that has been accomplished.

Jean clarified that it has to be viewed from the nearest public road or county road; it can be viewed from Highway 6 and this is the gate marked Rising Heart Ranch. Robert Cuevas, the ranch manager told Jean the place where the posting should be as it was the main entrance. Jean presented a photograph.

Chairman Martin – At this point Linda, we'll limit the challenge to that notice. Jean was asked if it was properly posted, it visible from a right-of-way and filled out correctly.

Jean testified it was filled out correctly. The challenge is that it was not properly posted.

Linda Dickson – On Highway 6 and 24 the speed limit is 55 mpr and this is not a commonly used entrance to the Ranch. I think that entrance goes to the property owner's office and it doesn't appear to go to the main house or the entrance that most people associate with this property. If you are traveling the road doing 55 mpr, it is not a sign that you would normally look for. First, Michelle has a lot of signs posted such as no trespassing, warning you are on security cameras, guard dogs, armed guards, so those aren't driveways you try to approach unless you have a specific reason to go in there or you made prior arrangements to go in her property. I do not believe this is a notice that most people would have seen.

Commissioner Samson clarified that Linda lives east of Michele's property.

Linda – Right. However, Michelle has four entrances into her property. One is a north entrance off CR 214, one entrance off Hwy 6 & 24, and two entrances off CR 262/Mid Valley Lane. The sign was posted on Hwy 6 & 24.

Fred Kuersten lives on CR 214 and agreed with Linda that they very rarely go down Highway 6 because CR 214 goes to Davis Point in Peach Valley and most of the events they have at Rising Hearts has accessed through CR 214 Road through the main gate to her house. Going 55 mpr, one doesn't have time to read signs. I think it should have been posted on CR 214/Mid Valley Lane. The people in the area of Peach Valley Acres and Cedar Hills knew nothing about these events.

Jean – I am not familiar with the property and I was specifically told by the ranch manager to post the sign at the main entrance on 6 & 24. I questioned if there was an entrance off County Road 214 and was told no; however, both or you are saying that is the main entrance.

Linda responded, I don't know if it's the main entrance but with past events they have been directed into that entrance. I think it depends on what the use is at the time or what they are trying to accomplish. I think all the entrances are used but I don't a lot of traffic coming out of the 6 & 24.

- When they have events the entrance used is off CR 214.

Jean – If I had known this, I would have posted a sign in both places.

Fred K. – Does that mean if they have an event they have to come up to Highway 6 and go up through the hay field?

hat would be up to the Board to determine.

Chairman Martin – What we are trying to do presently is seeing if we can open the public hearing in reference to the posting and listen to your testimony. Therefore, the challenge is the posting on Hwy 6 and 24. Is this satisfactory to this Board or not?

offered to read the statute on posting.

Commissioner Samson – That would be helpful, we need the legalities of it and I guess my question would be is that under the direction of the county clerk and recorder as to where it should be posted. Jean, in good faith, in her judgment placed the sign where she was told to be the main entrance.

Carolyn – She is the clerk to you sitting as a liquor board so it is your judgment. The legalities of posting is a duty this Board delegated to Jean.

Carolyn – The actual words of the statute are "conspicuously posted at the proposed location for at least 10-days before approval of the permit." The question for the Board is this conspicuously posted at the proposed location.

Commissioner Samson – Based on the information Jean was given she would feel this way; but these people are contesting that and saying that's not the case because that is not how people are going to use that facility. That's the problem we are having; was it properly posted for the use it's going to be had under the information Jean was given if it appears that it would have been. However, she doesn't know the area; the people who live there are saying that wasn't done correctly in their estimation. Now it's up to us to decide what the deal is.

Carolyn – Is the real issue of notice or is one of managing traffic?

Commissioner Jankovsky looked at the diagram and said the entrance is coming from the east side of the property, which would be CR 241, and it would not be Highway 6 & 24. Their first event is May 22.

Commissioner Jankovsky – If we re-post we are not going to get this back in front of us.

Chairman Martin – True for this first one but this hearing today is only about the liquor license.

Linda – It is also the night of Coal Ridge's graduation.

Fred K. – Do they have a special use permit?

Chair Martin – We are trying to get there Fred and explained they have to stay within these confines; this is for a request for a special liquor license and there has been two challenges raised in reference to the posting of this particular issue. We need to make a decision if we are going to go forward or not today on the liquor license and accept the posting so we can open the public hearing and take testimony if necessary.

Fred K. – The neighbors and I were not aware of this until it came out in the paper on Friday. I received the email for Commissioner Jankovsky and explained this issue.

Linda talked to three additional families that feel the same way.

Commissioner Jankovsky – If the entrance is changed does that take some of the burden off them not using CR 214.

Linda – That would alleviate some of the problems but it does not address all of the issues.

Chairman Martin –Linda, we have to decide if the posting is satisfactory or not because if we have a posting with a challenge then we have to start all over.

Commissioner Samson – I am seeing this as a clouded issue and some things need to be worked out but the issue is one of miscommunication between the ranch manager and Jean. I do not think anyone was trying to deceive the neighbors.

Motion:

Commissioner Samson - With that I would say go ahead and have the May 22 event but we need to re-post the other events.

Chairman Martin – So you are finding that there is a defect in the posting and you're upholding the objection.

Commissioner Samson – That's what I would say. Commissioner Jankovsky – Second.

Commissioner Samson – I don't think anybody tried to deceive anybody here. I want to make that perfectly clear and I don't think that's what you're claiming. No one's' claiming that it's just that things got a little twisted.

Linda – This speaks to a management issue. We need some understanding if that will going to transfer into other issues, the liquor, the crowd etc.

In favor: Samson – aye Martin – aye Jankovsky - aye

Chairman Martin –CR 214 needs to be posted as well as Mid Valley Lane. I would say three postings on the all three entrances. The fourth entrance is a field entrance above CR 214 so this is the fourth one. There's another one next to the pond; there are two of them up there off CR 214.

Fred K. and Linda – No, it's Mid Valley Lane.

Chairman Martin – So we have one posting that needs to be on Mid Valley Lane at the main entrance; one needs to be over by the school and one off 214, the main entrance, which is well established.

Commissioner Jankovsky – That means they'll be back in front of us the first Monday in June.

Chairman Martin – The applicant needs to contact Jean. The three main entrances are 6 & 24, Mid Valley Lane and CR 214. That's the best we can do today. There will be no liquor license for May 22.

Carolyn – Mr. Martin the application is otherwise complete so it is just a matter of re-noticing.

Chairman Martin – And then at that point you have eight more that you wish to do and then we will have that hearing after posting the second time.

Linda – You are making it clear they can hold the event but no liquor.

Chairman Martin – That is correct. We are only ruling on the liquor license and there is no beer or liquor at the event on May 22.

5th Supplement to the 2011 Adopted Budget – Lisa Dawson

Carolyn was just handed proof of publication in the Citizen Telegram on June 12, which is adequate because the statute does not actually say the number of days.

Chairman Martin – Swore in the speakers.

Lisa presented Exhibit A, which is supplement number five to the 2011 budget. They are requesting the board allow them to make the changes as shown in Exhibit A.

Commissioner Samson – On the first page as he understands it they put the money in the wrong fund.

Lisa – Yes, that's correct. On the second page, it shows it going out of capital projects and on the first page, it's going in there. The reason why it's red is because it's a new request; but basically it is just an in and out putting it in the correct place.

Chairman Martin – It is $35,000.00 in reference to the wrong account with the numbers it has been corrected.

Chairman Martin asked if there was any testimony from the audience.

None

Motions

Commissioner Samson moved to close the public hearing. Commissioner Jankovsky – Second. Motion carried.

Commissioner Samson – I would move that we approve the 5th supplement to the 2011 adopted budget to which a number will be assigned later. Commissioner Jankovsky – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

CONSENT AGENDA

Approve Bills

Authorize the Chair to Sign the Mylar for the Amended Plat of Lot E10, Aspen Glen Filing No. 1. This Application was approved by the Director of Building and Planning through an Administrative Review – Applicant; Terry Butler – Glenn Hartmann

Liquor License Renewal for Shadetree Enterprises Inc. dba The Guzzler on Battlement Mesa – Jean Alberico

Liquor License Renewal for Retolisa LLC dba The Columbine Restaurant Located at Rifle Creek Golf Course in Rifle – Jean Alberico

Sublease Between BOCC and SAR Inc. for a Building Located at 2101 Airport Road Rifle, CO and MOU between BOCC, Sheriff and SAR – Gene Duran
Updated Lease between Landlord and BOCC for a Building Located at 2102 Airport Road Rifle, CO – Gene Duran
Approval of Non Standard Professional Services Contract Between BOCC and US Imaging, Inc. for Various Media Formant Conversions at the Clerk and Recorder's Office – Gene Duran
Discussion:
Jean – There are three items I do not have the originals - the sublease, updated lease between the Board and SAR and the contract for US Imaging. These are already approved.
Carolyn – Yes, we were coming back to have these on the consent agenda. Jean needs the originals and they will make sure Jean get's them. Do you want her to take them off?
Commissioner Samson – It's not a legal requirement that the clerk has them at the time of adoption her by us three?
Carolyn – No.
Jean would ask that you pull that (US Imaging) from being signed because she needs to have an updated amount.
Chairman Martin – You are talking about the not-to-exceed $141,963.00?
Jean – I guess if it is a not-to-exceed its okay.
Motion
A motion was made by Commissioner Jankovsky and seconded by Commissioner Samson to approve the Consent Agenda Items a - g; carried.
COUNTY ATTORNEY UPDATE – Carolyn M. Dahlgren
Board of Equalization
Mary Lynn Stevens and Lisa Warder were present.
Carolyn advised the Board that Carey and Mary Lynn would be working with them on BOE matters unless Drew decides he wants to have a BOE lawyer.
MaryLynn – The deadlines are July 15 for real property and July 20 for personal property for citizens to file appeals from the assessor's valuations. She asked Lisa to be here to give an update on how many appeals they have received so far and her deadline runs through June 30.
Lisa – We have 102 protests as of last Friday.
MaryLynn – Normally we receive about 10%; but not all end up going to the BOE even though they need to be scheduled for hearing times. The Assessor's office works beyond the June 1 deadline with the property owner. As I understand, the Board does not want me to hire hearing officers.
Chairman Martin indicated a yes.
MaryLynn – We have 40 appeals where she would have to schedule them but she doesn't think all of them will come to the hearing before the BOE. I would estimate the Board set aside at least four days at the end of July to do the hearings. I need to have all the decision in the mail by August 5.
Commissioner Jankovsky – On June 16, Carey and I are attending the Assessment Appeal School in Grand Junction.
Commissioner Samson – One of my daughters is probably going to be getting married the end of July so it may be just the two of you handling the caseload.
Chairman Martin – We'll go ahead and do the hearings and we won't be hiring hearing officers.
Commissioner Samson – Suggested August 26, 27, 28 and 29.
Chairman Martin – They will relay to Dawn to have the BOCC room available the 26th through the 29th of July.
Consideration/Approval of Resolution Adopting a Privacy Policy for the Garfield County Website – Abe Dress and Renelle Lot
Abe and Renelle explained the policy. Carey briefly gave the statutory basis for this policy.
Abe – We have done some updates to the website recently. One of the things they had to do in preparing the website was making sure they complied with all the laws that guide how counties and governments present information. They have been working with the legal department and set-up a policy that gives information to use for the website, what can be expected with personal information, our expectations and what the information on the website should present. They are not making guarantees that this is perfect information. They have talked about how they will deal with content pushing; that is e-mails, twitters, things like that and describes the different ways they will present information. It's pretty standard most governments have this since 1993. It is required on websites by state law and we are in compliance.
Carolyn – Each of the elected officials have reviewed this and agreed to it because they all have websites as well. We will need to get the signatures of the elected officials on actual resolution if the board approves it.
Motion
Commissioner Jankovsky – I'll make a motion we approve the resolution adopting a privacy policy for the Garfield County website.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin had one inquiry from the Assessor's office in the parcel maps there are people using the internet to get information; they have run into problems getting the old information. They are saying they are not getting the same type of information; it is not available. Is that simple a software issue speaking from one program to another? .
Renelle – Some of the parcel maps are in PDF so they are available and updated frequently so they may change because they are being updated. There is software connected with the parcel maps that they at some point may need to update because she understands the company is not in business any longer. So we may need to get a new software company.
Chairman Martin – They were able to either come up with a parcel number or an address and pull up all information that was current. They are not able to do that presently; that is what he has heard recently. They used to be able to do that.
Renelle – That maybe from the database, we will check.
Abe can work with the assessor.
Travelers Highlands, Sober House, Temporary Moratorium on Medical Marijuana:
Carolyn – There are several memos in the board's packets. Travelers Highlands PID, litigation involving the Sober House, temporary moratorium on medical marijuana and direction regarding potential litigation on property owned by Wayne Rudd up Cattle Creek. You had asked your building and planning department to update them.
Carolyn – No, if necessary and that will require public direction. There is also one other they would like to talk with the board briefly to give legal advice regarding the site visit they will have on the gravel pit tomorrow.
Chairman Martin – Do we wish to go ahead and discuss these items or do you wish to wait until we are finished with the morning agenda. Therefore, no other item on the morning agenda needs legal advice now.
Medical Marijuana
Carolyn – There are folks in the audience to speak on this issue.
Carey provided the Board with an update. Last week we weren't sure of the status of HB11-1043 however, that Bill did pass through the House and Senate, currently awaits the governor's signature. I can provide you with an update that opens up the Board to continue the temporary moratorium on new optional premises, cultivation, operations, which would still allow existing operations to continue.

The original moratorium was put in place prior to June 20. The new state law will allow this Board to do that. We are again looking at a little bit of lag time assuming the governor will sign the bill; there is no indication that he won't. But he has until June 11th to do that so action today, under the new statute, maybe premature but it is certainly something we could discuss. No executive session is needed unless this Board requires a risk analysis on any of the issues that we are dealing with.

Continued – Consideration/Approval of Resolution Confirming and Amending a Temporary Moratorium on Medical Marijuana Optional Premises Cultivation Operation within Unincorporated Garfield County

Carey Gagnon, Garfield County Attorney gave the background and presented a letter from the Colorado US Attorney to the County Attorney General expressing the concern that it is still violation of federal law to possess or otherwise grow marijuana for any reason. I was directed by the Board to come up with an extension of a moratorium. Last week I presented a draft resolution that but it was under the law prior to amendment by this current House Bill. With the passage of the Clean-up Act, we have that option again to distinguish between new and existing operations. This new alternative proposal would implement a moratorium that would extend through June 2012 authorized by HB 11-1043 or until the medical marijuana code is ruled unconstitutional in the state. When that occurs, the moratorium would cease. It would give the County additional time to implement zoning and licensing regulations as permitted under the statute. The Board has some additional time to decide where these optional premises, cultivation operations should be located in the County what type of regulation would apply to them and would keep things and keep status quo until June 30, 2012.

Fred said there are about a dozen in unincorporated Garfield County.

Carey –You could choose to grandfather those folks in but there is no state law, mandatory requirement.

Chairman Martin – It goes back to the conversation of each one individually case-by-case and seeing if there are mitigating circumstances why the board would make that determination like they do in any land use issues for those reasons.

Commissioner Jankovsky – The existing grow ops will continue to invest in their operations during the moratorium will have a stronger argument to be allowed to exist as non-conforming uses in their present locations zone district. I think we need to continue this moratorium.

Justin Rambo- I would like some clarification on the second to last paragraph from the attorney where it says, "whereas pursuant to 12-43.3106 CRS resolution submitted to the voters of Garfield County three ballot questions for November 2nd election concerning the prohibition of three separate medical uses authorized under state law etc. of course the voters denied two main factoring and retail sales permitted the third which is the growing op". This is not clear. According to how I am reading this the moratorium would it pertain to new businesses or will it also affect existing businesses. The voters banned medical marijuana center and infused products so that would include existing or new must cease operations as of July 1.

Chairman Martin – Only within the unincorporated area of Garfield County.

Justin – Additional clarification, the vote was not opposed to grow op and as I understood existing businesses in compliance since the spring of 2010, the businesses would be taken on. Justin continued to explain his deli mina. The Board keeps bringing up the federal laws and Walsh letters; but the fourteenth amendment offers me the rights of fair process. I would like the Board to follow through with what has been said that being a case-by-case basis and allow the businesses that are in good standing the opportunity to move within the county, or within the cities, and the opportunity to stay where they exist.

Chairman Martin – This Board has no jurisdiction to prohibit Justin to relocate within a municipality. You are taking a risk staying in business if it comes out negative. The grow operations are still under the Boards review. Rules and regulations are being drafted and today we are going to look at a moratorium. If there is a negative vote for those existing businesses, you have to shut down or relocate outside of the unincorporated area.

Justin – I don't see any communication between this Board and the local municipalities to say hey this is a good taxpaying citizen who operates a business that he did open up legally. A line of communication is really what he is asking for and the opportunity to maintain in compliance. I am asking you give me a fair process of relocating within the community according to the vote of the people.

Chairman Martin – You have to locate within the city limits. That process is in place, go to the city and apply for permit.

Justin continued to give justification for his case giving examples.

Commissioner Samson – You have to realize we do have federal law that we have to contend with. Number two the people have spoken in this and they said they don't want those two options other than in the municipalities and then it is up to the municipalities.

Justin challenged the Ballot questions.

Jean – It was certified to her office on September 3 with the language of prohibit and that was what we used on the ballot.

Chairman Martin – The vote was in November. The citizens said those two items are not to be allowed in Garfield County. Therefore, you need to relocate or shut down.

Justin – Well if you sign this Resolution, he is asking for 45 days to approach Glenwood and Carbondale's municipalities for a change and/or lifting a moratorium for existing businesses.

Chairman Martin – At the certification of the election, your notification was given that you had to relocate. If the rules, regulations, zoning and permitting process in Garfield County and the question was a positive then we would do case-by-case bases based upon a non existing use in a zone. However, the two ballot questions that were negative meaning you have to relocate. The third ballot questions for the grow operations would requires rules, regulations and zoning being put into place. When this is done, it gives us the option to review each one of those on a case-by-case basis.

Justin – The County has received taxes for over eighteen months and never given me a refund; obviously, you knew the exact type of business I was operating.

Chairman Martin – This Board does not take sales tax that's the State of Colorado, Justin.

Quinn Winton – I have concerns. What is the illegal basis for a moratorium? I understand in order to enact a moratorium there has to be an existing emergency need. The passage of HB 1043, which is yet to be passed through the House and Senate and signed into law, my understanding is that as of July 1 there is an additional statewide year moratorium on all three of the off premises grows, the medical marijuana centers and the infused products manufactures. That gives the Department of Revenue next year to institute their rules and regulations on July 1 of this year to comply with HB 1284. They still haven't gone through all their paperwork for the last year; so there are a lot of people waiting in the sidelines ready to capitalize the business that they are anticipating this July 1st that they resubmit applications. The Department of Revenue is effectively putting the kybosh on that for the next year. It is a mood point. If this Board put a moratorium in Garfield County it's a mood point because any business that were to locate in Garfield County after July 1st wouldn't be in compliant with state law.

Chairman Martin –We don't have rules and regulations. You have to get that clarification. The moratorium is only on grow operations that are within Garfield County. We are giving that moratorium and allowing that status quo to go forward. No new operations are allowed. The other two ballot questions were voted no and that's a vote of the people. If you wish to change the outcome of that particular question, you have to put it on the ballot and let them vote it again. Even though the state did the new law, allowed a moratorium, it's still didn't undo the vote of the citizens on the other two items. You're only talking one subject here on the moratorium and that's new or existing businesses of grow operations.

Quinn – Exactly, these don't affect him; he had all his licensure in place a year and a half ago and submitted this with the Department of Revenue. My question is what is that legal basis. What is that emergency need for a moratorium if there is already a statewide moratorium on these businesses - the off premise grows? My concern is that they have a distinction between HB 1043, caregiver

cleanup bill that will give individual caregivers allowed to grow 30 or possibly more plants for their patients. There is no regulatory oversight at county level, very few municipalities or at the state level at this point at all with the caregivers. If we restrict these business that applied pre-moratorium; if we are going to further restrict those businesses whether it be through zoning or through extension of moratoriums then basically you are pushing more people out of this business model that is highly regulated into an unregulated business model that isn't benefiting the local economies. It's basically what he would call a gray market.
Chairman Martin – We call it the black market.
Quinn – I understand the letters from the federal prosecutors as well as some of the other states and he does foresee that this will become a tenth amendment issue; we are going to see state rights and it will be someone versus the United States.
Chairman Martin – We see it going to court too. We have the emergency in reference to the challenge asked by the attorney general of Colorado to the Department of Justice. Federal law trumps state law and that will be in court. This Board is dealing with a continuation of a moratorium that recognizes, even though you don't have a permit, you're not in the right zoning because it hasn't been established. You still don't comply with state law because you don't comply with local laws because they are not even in place right now. That's the emergency and why the moratorium continues.
Brian Radtke – I am going to contact John Hartman when he leaves the CDPHE. I need a letter from the Board stating that he is a certified grow within Garfield County for his licensing through the State of Colorado for July 1. Is it possible to get a letter from the Board saying I am within regulation?
Chairman Martin – No! You get the moratorium. There are no regulations, zoning, rules or regulations locally for any kind of review process. There hasn't been since the creation of the question on the ballot, it's a constitutional question to allow medical marijuana.
Brian – The state can tell me I have to close because I don't have a letter or I don't have licensing approval by local authority.
Chairman Martin – That's what this is about; the moratorium recognized that and we don't have those rules and regulations. You can't supply that to be in compliance but you do have a moratorium saying they are being developed. That's what is being amended to the original saying you would have to go away even though you are in business. So that has been amended to recognize those businesses that are in Garfield County under the question on the ballot to allow a grow operation. However, the moratorium goes into play saying that there are no new businesses that are going to be allowed or accepted. And Justin, you're the two that are shut down or challenge that question. You have to decide what you want to do. This is not a personal stance, it's the citizen's stance on the two ballot questions and it's like a tax question. The state collects the sales tax.
The discussion continued to go on and on.
Rex Echo - My question is one of clarification regarding the existing dozen or so cultivation facilities within unincorporated Garfield County. How are those businesses recognized is that through the taxation?
Commissioner Jankovsky – They are licensing with the State of Colorado,
Chairman Martin – And they are non-complying businesses within Garfield County. The moratorium recognizes that. They are trying to put rules and regulations in place to allow them to go ahead and meet all state requirements of meeting local rules and regulations and completing their permitting process.
Rex – By July 1?
Chairman Martin – The moratorium will extend it out another year.
Rex – You are aware there's approximately a dozen tax revenues you receive from the state?
Chairman Martin – No.
Commissioner Jankovsky – No state licenses; we do not have a license with the state.
Chairman Martin – The County does not live on however, the cities do. We have property tax. We are not driving the income for Garfield County on sales tax.
Quinn - I would ask in crafting regulations moving forward for the allowed uses, and I think the voter intent is the voters said yes this is allowed in unincorporated Garfield County.
Chairman Martin explained the different process and issues.
Quinn – In any resolutions that the board makes I would request the Board follow the voter intent. The people have spoken as to off premise grows in Garfield County, people allow it and then it's zoned out. Now we are going to have an additional county licensing authority.
Chairman Martin –This is a land use issue and this Board has to hear those. Yes, we are going to hear the public in reference to zoning and regulations.
Jill McConnahey, an attorney in Garfield County has a question about the moratorium and whether it allows existing OPC's within the county to relocate within the county.
Chairman Martin – It would be considered a new one or not and he hasn't had that discussion. Would it be relocation; you would have to do that if you didn't meet zoning requirements so he would imagine it would be a question; in other words yes.
Jill – They would be allowed to relocate within the County.
Chairman Martin –If it's a new business setting up as a new corporation etc. probably not because a new license would be issued at that point. However, if it's under the old license and the old certification from the state; authorization to a new location possibly. He doesn't see anything in moratorium that prohibits that if it's not a new business.
Carey would have to go back and look at the original code requirements are for state licensing to determine whether they are location specific or not.
Jill – They are but you can relocate under state law.
Carey would have to double-check.
Jill – So you would default to whatever applies under state law.
Chairman Martin – Yes, that's what we would have to do because it wouldn't be a new licensing business.
Commissioner Jankovsky - Fred, would you come to the table. We are setting this moratorium and then we will have the authority to regulate land use; how would you proceed. I believe it falls to Fred not to the Sheriff, if we had a non-conforming use, which would be dispensaries or infused product manufacturing, how do you enforce that?
Fred – The short answer is about the vote of the people. They said yes to grow ops and no to the other two. That's what the law is on the books today. It specifically relates back to what your land use code gives you the authority to do. If my office and/or the code enforcement staff would have a complaint made to them, we bring it to this Board and provide the facts.
Commissioner Jankovsky – But you would then go out and issue the complaint to the existing business and if they don't conform it comes back to the board. We then go through the legal process more or less to ask that business to come into compliance.
Chairman Martin – This would be a code enforcement violation.
Lou Vallario – We are all treading on new ground here. His first thought would be it would be something they would have to look at. We do have law in place that prohibits it therefore; he would look at it technically and say that is a criminal violation. You are now possessing and distributing in violation of state law because that dispensary, that possession of those products can no longer be considered legal under the medical marijuana law. So you could make an argument that it could be a criminal violation of illegal possession and/or distribution if they continue to operate.
Chairman Martin – If it goes that far.
Lou – There is an argument you are violating state law regarding marijuana distribution and possession.

Chairman Martin – Decision time on which direction the Board wants to do. Justin, we thank you for your points of view and everybody else that gave information.
Commissioner Jankovsky understands Mr. Rambo's concerns, his time and his money. I hope the best for you when you go to relocate to Carbondale, Glenwood Springs or another municipality. I think there possibly maybe some of those licenses that are for sale; maybe you can look into it from that standpoint.
Carey – The timing piece of this resolution adequately achieves the goals that the Board would like to achieve. HB 111043 is not law yet. If you approve the resolution, you direct this office to put it on the consent agenda as soon as that bill is signed into law. At that point, would it become effective, the legal date of the effectiveness of that law?
Chairman Martin – And if for some reason if it is vetoed we have another issue we'll have to discuss and it needs to be a public meeting.
MOTION:
Commissioner Jankovsky – I'll make a motion that we approve the temporary moratorium on new medical marijuana, optional premises, cultivation, operations within unincorporated Garfield County and that it comes before us on the consent agenda once House Bill 111043 becomes law signed by the governor.
Commissioner Samson – Second. Commissioner Jankovsky – I would like not note that within this resolution it does state that it talks about the John Walsh letter stating that medical marijuana is illegal under federal law.
Commissioner Samson – We'll do the best we can with what we have. I would predict that in the future there's going to be many people who invested in this and could lose a lot of money because of the enforcement of the federal law. Mr. Walsh was clear in his letter that the enforcement of those federal laws will be coming down the pike. When that happens it's going to send our county sheriff's office, the state as we as commissioners. I don't see any good resolution to this; but the one who holds the trump card and will decide when and what happens is the federal government. In addition, if they decide to come down with a heavy hand, it's going to cause a lot of consternation.
Chairman Martin – I think we'll end up in court one way or the other.
Commissioner Samson – And when the feds go to court against the state who always wins.
Chairman Martin – Lawyers.
Jill – The ACLU is not taking it lying down. I gave a letter to your attorney; they just sent it to Mr. Ogden for some clarification.
In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – The Board allow it to go forward at least the existing businesses are aware. No new operations allowed.
COUNTY MANAGER UPDATE – Ed Green
Human Services Commission
Behavioral Health – Jackie Skramstad-Colorado West Counseling and Recovery, Susan Ackerman- Childhelp River Bridge, Shelley Evans-Community Health Initiative and Joe Carpenter-Vet Trans
Behavioral Health
Jackie –Colorado West Regional Mental Health is a grant recipient of the Human Services Commission. We have two grants; one for detox, the other is outpatient mental health and substance abuse services. Jackie gave statistics and reported we provide services to people who cannot afford counseling. In Garfield County between fiscal year 2009 and 2010, fiscal year 2009, we served 1,657 people and in 2010, we served 2,111 people. That is a 32% increase. Our client satisfaction surveys have gone from 3.2 to a 4.34 and a 5. scale. Our hospital is in full compliance, meeting, and exceeding national change benchmarks. The detox model was shifted to the Garfield County Detention Center in October. There have been no decisions, as of yet as to what the community would like to see with detox. Ongoing conversations about how best they can meet the community needs with that program.
Chairman Martin – That conversation has been going on for about forty years.
Jackie knows that detox is a tough service; it's not a well funded service at the state level.
Commissioner Jankovsky – Is Valley View Hospital involved in detox; do they have a room?
Jackie – Valley View has been involved in conversations around the model with detox. They are not necessarily providing any detox services. She will say that many of the people who need to come to their detox have to go through Valley View to get some medications to help them detox. Valley View does refer people to their detox program; but they are separate from their program.
Jackie – There are people because of their chronic alcoholism, medical issues and length of detox stay, have had to be admitted to Valley View and that's why Valley View has been part of these conversations. Usually their admission is for other things than just detox.
Vet Trans
Joe Carpenter is the Veterans County Service Officer. We started Vet Trans, which is a nonprofit about 3 years ago with one vehicle; we have now grown into two vehicles. We transport veterans from Garfield County to the Veterans Hospital in Grand Junction. The program and need has grown. We are recipients of the Human Services Grants. We do not have any paid positions; everything is volunteer. They do have an office in Rifle and they make about 650 veteran contacts per year between the Veterans service office and Vet Trans. A slow week would be two trips to Grand Junction; a busy week would be four or five trips. Most of the guys they transport are older. We also purchase bus tickets and assist in giving firewood in the winter. We don't transport people who are in some sort of medical crisis; we encourage them to call 911.
Child Health River Bridge
Susan Ackerman is the Director of Child Health River Bridge in Glenwood. We serve primarily child abuse victims and collaborate with all the law enforcement agencies, the sheriff's department, and the district attorney's office. We provide investigate, treatment, advocacy and prosecution relating to the crimes of child abuse. We also work towards prevention of these crimes through education and community awareness. We receive funds from Garfield County Human Services Commission; thank you very much. Garfield County also provides them with their building, which we have appreciated and couldn't have provided our services without Garfield County support. In 2010, we did 95 investigations of child abuse victims. Primarily these kids are sexual abuse victims; that is their level of expertise. The average age of the kids is 7 to 12. They provide services to kids as young as 3 and as old as 18; but the primary of the age is elementary age kids. Most alleged perpetrators are adults or teenagers who have been the position of trust with these kids. These kids know these perpetrators and most often, they are family members. We thank Garfield County, the sheriff's office, ninth judicial district, the Department of Human Services, local therapists, all the police departments in Garfield County, Eagle and Rio Blanco.
Community Health Initiatives
Shelley Evans is the Executive Director and our mission is to prevent but also reduce community substance abuse. This is apropos that medical marijuana advocates were here. What the Human Services Commission has funded through the Board of County Commissioners is one of their programs. That's the Red Mountain Adolescent and Family Center. We serve kids on an outpatient basis ages 12 to 18 and in substance abuse treatment. We have offices in Glenwood Springs, Rifle, and El Jebel. As an average, we serve about 125 kids a yea. Shelley described the process and how the Community Health Initiatives functions. In 2011, they are already breaking their records through May 1. The funds given to us from the County are used for scholarships, as about 50% of their clients are uninsured or low income. The other 50% are insured or have the ability to pay for services. Typically, Youth Zone refers kids to us. One problem is that the significant majority of the kids they have in treatment, marijuana is their drug of choice. We are seeing marijuana more than alcohol. The kids are getting the marijuana from someone who has a medical marijuana card; 8 out of 10

kids have told this to us. We are very grateful to be a grantee of the Human Services Commission and really are putting the $5,000.00 to good use.
Commissioner Jankovsky – At a Human Services Commission meeting, a lady said she was with suicide prevention and stated that Colorado had the highest suicide rate in the nation and Garfield County had the highest suicide rate in Colorado. Is that statement correct?
Jackie – I can't refute someone's statistics because she doesn't exactly know what was being said and what suicide rates were being quoted. She did some research on line with the CDPHE and as far as she can tell official statistics, you can't get anything earlier than 2007. In 2007, Garfield County's was 16.7 per 100,000. She knows the suicide prevention coalition gets regular statistics from the coroner's office. They may have some data that she did not pull up on line. It is high and it is an issue whether we are number one in the nation or number six or number eight. It's a serious problem in Colorado and the western states. All the highest states are Colorado, Arizona, New Mexico and Nevada.
Board of Human Services – Mary Baydarian
EBT Disbursement
For the month of April 2011, total EFT/EBT disbursements for April came to $1,001,779.96. The department is requesting board approval and signature.
Motion
Commissioner Samson – I would move that we approve the disbursement for programs totaling
$309,907.57 and for food assistance LEAP totaling $691,872.39. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Consideration and Signature Approval on Grant Agreement between the State of Colorado Department of Local Affairs and Garfield County
The department is requesting the board's approval and signature on the grant agreement between the State of Colorado Department of Local Affairs and Garfield County. This community services block grant is awarded to Garfield County to provide services through the Garfield County Department of Human Services Senior Program, "The Traveler", which provides transportation services to the elderly and disabled of Garfield County
Motion
Commissioner Samson – I would move we approve and authorize the Chair to sign the grant agreement between the State of Colorado and Department of Local Affairs in Garfield County for a sum of not-to-exceed $22,133.00 for the Travelers. Commissioner Jankovsky – Second.
Mary wanted to add that figure could change over time.
In favor: Samson – aye Martin – aye Jankovsky - aye
Consideration and Signature Approval on Contract Amendment Number One.
The department is requesting the board's approval and signature on contract amendment number one to The State of Colorado Department of Health Care Policy and financing Contract with Garfield County BOCC dba Garfield County Department of Human Services for Single Entry Point Cast Management, Utilization Review for Medicaid Home, Community Based Services Waiver, and Long Term Home Health Clients and Mary is asking them for consideration of signature approval and signature on the letter. The original contract is included in the packet.
Motion
Commissioner Jankovsky – I'll make a motion that we approve with signature contract amendment number one to the State Colorado Department of Health Care Policy and financing contract with Garfield County and also give the Chair authority to sign the attached letter Exhibit H. Commissioner Samson - Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Program Updates
Update has been provided in the Board's packet. Mary wanted the board to take special note of the pictures of Garfield County's Centenarian's who were recently honored at the "Celebrating a Lifetime" awards presentation by the Colorado Commission on Aging and the Regional Advisory Councils.
Chairman Martin asked Dawn Burgess to see if they could get a celebration card to send to these folks all signed by the board recognizing them as reaching that particular century mark. He thinks it would even be a true honor for them to do. Maybe we can do an interview and a presentation to the public.
BOARD OF HEALTH
No report
PUBLIC MEETINGS:
Garfield Energy Better Buildings Proposed Financing Program – Alice Laird
This grant includes $600,000.00 for credit enhancements to help establish a financing program to reduce the upfront cost barrier to energy improvements for homes and businesses. At their May 11 meeting, the GCE Advisory Board approved the following concept and would like to forward this recommendation to the Board of County Commissioners for their approval. The GCE Advisory Board recommends the credit
enhancement funds be used for three different things.
Next Steps:
Commissioner Jankovsky – One of the problems during the election last year; this funding was the number one thing in front of mortgages and that's not the case now. The first item here; the residential program, which is covered by DOE, that is a statewide program so it's really will be in effect fairly soon and is not Garfield County specific. Also the commercial leasing program; which is the last one here, is a leasing program through different leasing programs and that should be in effect relatively soon as well. What we are looking at are the commercial energy improvement financing program which was number two and provides somewhere between $200,000 to $400,000 reserve that would go to the Colorado Housing and Finance Authority and that would be money that would be in place as a reserve so to speak so local banks could loan out energy efficient loans for improvements to homes. Such as insulation, heaters, also solar those types of things, solar hot water heaters. These are four different concepts that we need to find time to talk to Alice. Two and three are for $600,000.00 that came to us.
Carolyn - Two things have to happen assuming you direct everyone to go forward. We need to have an amendment to sub-grantee agreement with Boulder and an IGA with CHFA.
Alice - Clarified where these documents are in the process.
Carolyn – Do you need a separate letter to go to CHFA and to Boulder or will motions and the minutes be enough for what you need?
Alice – Motion and minutes would be enough.
MOTION:
Commissioner Jankovsky – I'll make a motion that we support GCE's effort for a commercial energy financing program through CHFA and also for CLEEN Energy revolving loan fund also through CHFA. Alice – We could say CHFA and the relevant funding partners. If we could list, the commercial leasing program in there as well, so it's three pronged. Commissioner Jankovsky – I'll add that also.
Commissioner Samson – Second.
Chairman Martin – I just don't want to be a bank.

Commissioner Jankovsky – We don't want to be a bank, we don't want this going through Garfield County employees. That won't happen.
Chairman Martin – I'm just hoping we learn not to spend Federal money. Since they are almost 16 trillion in debt and they keep making it.
Commissioner Jankovsky – Since this is $600,000.00 of federal money that we already have through; we already have the grant and so this is just a way…
Chairman Martin – Instead of giving it back to reduce the debt you wish to spend it so the people go into debt.
Carolyn – As a sub-grantee to Boulder.
Alice – If she could add, what is especially exciting about this component of the grant is that it's to stimulate investment. It's not giving out the money; it is a pool of funds that can be used to leverage other investments.
Chairman Martin – Hopefully. In favor: Samson – aye Martin – aye Jankovsky - aye

High Water Preparedness Update – Betsy Suerth, Chris Bornholdt and Renelle Lott

Betsy - The Colorado Snotel website is showing a snowpack that is exceeding what has been measured since the Snotel measurements began in the early 1980s. Bridges and locations are:
CR 108 – Over the Crystal River
CR 300 – Colorado River at Battlement Mesa
CR 311 – Colorado River near the Holiday Inn Express
CR 344 – Divide Creek and Porter Ditch
The bridges will be monitored and if determined threatened will be closed.
Chris – We are putting together a high water preparedness information packet on the website mainly for the residents so they can see what the water does and what they need to do to plan. How to place sandbags, how to fill them and more information about how they can protect their property.
Ed discussed with Eric Schmela the possibility of setting aside units in the event that people have to evacuate.
Renelle – The IT Department provides the website as a resource.

Executive Session:

Carolyn – Commissioners you had said you wanted to have your executive session at the end of the day. Everyone is prepared for that. However, there is one topic that has to do with the Sober House. We have a hearing on a requested text amendment and Casey would like to talk with the board before that meeting. Do you want to do at 1:00 p.m.?
Chairman Martin – Not at one because there are too many things going on then.
Carolyn – Should we just have that one item for executive session?
Commissioner Jankovsky – Go through the others; that would be great.
Carolyn – We already told building and planning staff it was at the end of the day.
Commissioner Jankovsky – I make a motion to go into executive session to discuss the Sober House amendment. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I move we come out of executive session.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – No action, only advice.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Betty Scranton is a citizen and is here because she believes in their country, the constitution, freedom of speech and it's also great practice because she considers the board as grass roots as she is. She came across something that was alarming the other day and she shared it; we have a group of patriots here locally and a statewide collation. They keep each other on alert. She found this incredible; it has been on the internet and she checked it out. There are 70 socialists in congress in our 111th congress. Eleven of those are on our judiciary committee. The Chairman is also a Socialist. The reason that should alarm us, in her opinion, is they are taking an oath of office. They are evidentially also taking an oath of office or an oath to the socialists party. That means to her that their yes must be no and their no must be yes and no one is speaking out. She plans to talk to Scott Tipton tomorrow. She read into the record the Preamble.
Chairman Martin – Did you do any research on the State of Colorado in reference to those that are in office that just ended their session as socialists?
Betty – She just found out about this the other day the number 70.
Chairman Martin suggested she look at the State of Colorado you might will be surprised.

REGULAR AGENDA

Request for Final Plat Review for Elk springs, Filing 6A to Create One (1) ± 4.565-Acres Commercial Parcel and Open Space on an ± 11.464-Acre Parcel – This Site is Located off County Road 114 (CMC Road) in the Los Amigos PUD – Applicant; Elk Springs LLC – Kathy Eastley

Larry Green representing Elk Sprigs LLC and Gary McElway, project manager were present.
Planner Kathy Eastley submitted exhibits A – I.
Chairman Martin entered Exhibits A through I– Into the record.
Planner Kathy Eastley explained the background. Documents applicable to this final plat review include PUD Resolution No. 96-34. Preliminary Plan Resolution 98-30. These documents require compliance with requirements related to roads, water and wastewater, utilities, environmental impacts, HOA and covenant documents, impact fees, and phasing.

REQUEST

The Applicant requests final plat approval for Filing 6A, located in the southeastern area of the PUD with fronting CR 114 but with access from the existing internal road system. The proposed plat would consist of commercial parcel of 4.565-acres and a 6.9-acre open space tract. Further subdivision of the site would be anticipated in the future. Necessary public improvements to be constructed include extension of the sewer system. This filing of the subdivision is proposed to be included in the Elk Springs Homeowner's Association.

Motion

Commissioner Jankovsky – I'll make a motion we approve the final plat filing 6A located in the south east area of the PUD with required impact fees which would be road and fire district impact fees and also accept the treasurers deposit agreement in lieu of a letter of credit. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

Request for final Plat Review for Elk Springs, Filing 8, Phase 2, to create three (3) Residential Lots, all Greater than 35-Acres on ± 135.65-Acres – This site is located off County Road 114 (CMC Road) in the Los Amigos PUD – Applicant; Elk Springs LLC – Kathy Eastley

Planner Kathy Eastley submitted exhibits A – H.
Chairman Martin entered Exhibits A through H– into the record.

Planner Kathy Eastley explained the background for this request.
Documents applicable to this final plat review include PUD Resolution No. 96-34 and Preliminary Plan Resolution 98-30.
These documents require compliance with requirements related to roads, water and wastewater, utilities, environmental impacts, HOA and covenant documents, impact fees, and phasing.

Motion

Commissioner Samson – I'll would move that we authorize the chair to sign the mylar and authorize the inclusion of the public improvements for the SIA improvements agreement for filing 9.
Commissioner Jankovsky – Second and I would like to add upon satisfaction of required impact fees.
In favor: Samson – aye Martin – aye Jankovsky - aye

Request for final Plat Review for Elk springs, filing 9, to Create Sixty-Two (62) Residential lots, Open Space, and Utility Parcels on ± 492.51-Acres – This Site is Located off County Road 114 (CMC Road) in Los Amigos PUD – Applicant; Elk Springs LLC – Kathy Eastley

Planner Kathy Eastley submitted the following exhibits: Exhibit A- I.
Chairman Martin entered Exhibits A through I – Into the record.
Planner Kathy Eastley explained the background. Documents applicable to this final plat review include PUD Resolution No. 96-34 and Preliminary Plan Resolution 98-30.
These documents require compliance with requirements related to roads, water and wastewater, utilities, environmental impacts, HOA and covenant documents, impact fees, and phasing.

Motion

Commissioner Jankovsky – I'll authorize the chair to sign the mylar and approve final plat approval in the western areas of the PUD with the intent to create 62 lots on 171.852 acres and open space of 5.32 acres and SIA improvements will be completed of satisfaction and also to have satisfaction to required impact fees, road and fire. Commissioner Samson – And accept the treasurers deposit agreement in lieu of a letter of credit. Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Request for Final Plat Review for Elk Springs, filing 10, to Create one (1) ± 74-Acre Residential Parcel and an Open Space Tract on ± 111.386-Acres – This Site is Located off County road 114 (CMC Road) in the Los Amigos PUD – Applicant; Elk Springs LLC – Kathy Eastley

Planner Kathy Eastley submitted the following exhibits: Exhibit A – H.
Chairman Martin entered Exhibits A through H – Into the record.
Planner Kathy Eastley explained the background.
Larry Green – Addressing Mr. Jankovsky comment they did meet with Mike Prehm and identified several locations where a driveway is doable. What we have done on the mylar of the plat they have identified one of those locations as a potential driveway access and they have added a plat note that specifically puts the buyer on notice that before he/she can obtain a driveway permit they have to go through the permit requirements and the application requirements of Garfield County then in effect.
Carey – To discuss a little bit further the inclusion in HOA; she would like to draw the boards attention to resolution number 96-34 that contains a specific provision in paragraph 16 that requires small annexation into the HOA. In the event the board is willing to allow filing 10 to not join the HOA could you also include in the motion a specific finding waiving that. It is contained in resolution 96-34; it would be a waiver of paragraph 16.

Motion

Commissioner Jankovsky – I make a motion that the chair sign the mylar and that we approve final plat for filing 10 located in the south east area of the PUD which runs along County Road 114 within this plat create one parcel 73.823-acre and a 37.56 open space track and upon satisfaction of the required road and required impact fees and waive resolution 96-34, paragraph 16.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

Consider a Request for a one (1) Year Extension to Satisfy Requirements for the High Mesa RV Park – Applicants; High Mesa Partners, LLC, Daybreak Realty, LLC and James and Monique Speakman – Fred Jarman

Jerry Rush and Fred Jarman were present.
Fred Jarman explained the background in detail. The Board of County Commissioners (BOCC) approved a Land Use Change Permit for the High Mesa RV Park via a Major Impact Review process in 2009 (memorialized in Resolution 2009-72). The Unified Land Use Resolution of 2008, as amended provides that an Applicant have 1 year to complete / satisfy conditions of approval; otherwise, the approval expires.
On August 16, 2010, the Applicants (collectively: High Mesa Partners, LLC, Daybreak Realty, LLC and James and Monique Speakman) were granted a 1 year extension to meet these conditions of approval. This approval granted them an extension to September 21, 2011. (See Resolution 2010-66.)

BOCC DIRECTION

The Applicant is requesting an additional 1-year extension to September 21, 2012 to complete conditions of approval for the RV Park. Staff suggests if the BOCC grants this request, they also direct Staff to process an amendment to the ULUR to codify a process including criteria for doing so.
Jerry Rush said he has a letter here from Bob. The partners of the High Mesa RV Park are involved in another business that has been slow getting off its feet and that's why they are a little reluctant to move forward due to the financing. They are real confident that their financial situation will improve, has improved already this year and they are moving forward with meeting some of the conditions as far as the waste water treatment facility and all of the plans that have been completed. They are very confident they will be able to move forward the end of this year and the beginning of 2012. They intend to build this park next year.
Carey – The code, as you know, does not presently permit a 1-year extension.

Motion

Commissioner Jankovsky – We are in extraordinary times and very difficult for people to get financing. People are really caught in the middle of decisions that were made 2008/2009. He thinks it is important that the board take that into consideration and look into a text amendment and changes in code.
Commissioner Samson – Agrees.
Chairman Martin – The motion is to go ahead and grant that but also seek a text amendment.
Commissioner Samson – I would move that we grant the request to an addition one year extension to September 21, 2012 to complete conditions for the High Mesa RV Park and also direct staff to process a text amendment to the united land use review to codify a process including criteria for doing such.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

PUBLIC HEARINGS:

To Consider a Request for a Text Amendment to the Los Amigos Ranch Planned Unit Development (PUD) to 1. Add "Sober House" as a conditional Use in the Single Family Zoning District and 2. Add a New Definition of "Sober House" as Part of the PUD Zoning Districts – Applicant; Donald Edrington – Fred Jarman

Steven Pullman attorney for St Paul Sober Living, Stephanie Summers attorney, Eileen Jones court reporter and Dale Sharp videographer were present.

Casey Coleman reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Director Fred Jarman submitted the following exhibits: Exhibit A – X.
Chairman Martin entered Exhibits A – X into the record.
Director Fred Jarman explained the background, issues and included the minutes from the public hearing as denoted in Exhibit T. Donald Edrington owns a single-family dwelling on Lot 1 of the Los Amigos Subdivision No. 2, Filing No. 1, addressed as 31 Elk Springs Drive. This Property is located within the Los Amigos Planned Unit Development (PUD), which has been subsequently renamed Elk Springs Ranch PUD (PUD). More specifically, the Property is located in the "Single family District" of the PUD, which allows a single-family residence as a "use-by-right" and allows a home occupation as a "conditional use" and no other uses are permitted in this district. The Applicant is currently operating a "Sober House" in the residence, which constitutes a zoning violation; the Applicant has applied for a PUD amendment as an attempt to rectify this zoning violation by making it a legal use in the PUD. Sober House continues to exist in Elk Springs as a zoning violation. The requested text amendment is an attempt to change the rules in the PUD established by the County rather than comply with them. PLANNING COMMISSION RECOMMENDATION
Based on the analysis and discussion provided in this memorandum and the exhibits attached hereto and the testimony provided by the Applicant and the attending public at the public hearing before the Planning Commission on November 10, 2010, the Planning Commission found the request to amend the PUD to locate a commercial business of a 'Sober House' in the Los Amigos PUD did not meet all of the required rezoning criteria and forwarded an unanimous (7 to 0 vote) recommendation of denial to the Board of County Commissioners with the following specific findings (PC minutes attached hereto):
Exhibits Y and Z were entered into the record.
Discussion:
Stephen explained his experience with the Planning Commission and justified his position on Sober House referencing to comply with the Fair Housing Act of 1988. It's a business and that's what he objects to in their community
Dick Durance, Lisa Worker, Bill Wallace, David Ansell and Warren Coster all expressed opposition to this Sober House in their PUD. It is specifically for single-family residents. All speakers requested the rezoning being requested be denied.
Larry Green – Attorney with Balcomb and Green representing the Homeowners Association with Elk Springs. He thinks that what they heard are statements that contain a significant amount of emotion by individual property owners with Elk Springs. I want to explain to this Board that the reference made by Steven being in conflict with the Fair Housing Act and the Disabilities Act. There is conflict and referenced it would be the same as if a barbershop were to have his clients come to his house for services. The same restrictions would apply.
Cassie – Just to clarify there is two requests before the board. One for the text amendment and then one for reasonable accommodations.
Steven clarified this Sober House is not 10 people 7 days a week 365 days a year. We are dealing with a protected class of people here and the Fair Housing Act says that the act applies to rules, policies, practice and procedures. It also applies to covenants and it has been applied to covenants in terms of making reasonable accommodations for group homes in those subdivisions that have deed restrictions or homeowners association that say you can't have a business there. The court has found that those could be waived. We are talking about a protected class under the Fair Housing Act. This is the dwelling of our choice, this is the one we want to use and enjoy, and this is the one we are asking that the board make a reasonable accommodation for.
Commissioner Jankovsky – Who is the owner of this property?
Steven – Donald Edrington is the owner.
Motions
Chairman Martin – Do I have a motion to close the public hearing? Commissioner Samson – So moved.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – The task for this board is to come up with a decision either on the text amendment or not to approve it or to deny it, and to supply reasonable accommodations in reference to the request of the applicant.
Commissioner Samson – Couple points I would like to make as he is looking at this and listening to the points brought out by both parties he thinks counsel. We're talking about people with disabilities and he doesn't think anyone in the room is against people with disabilities moving in the neighborhood. In fact he would rather imagine some of those people who live in Elk Springs have some of those same disabilities that people have in that sober house. I think the problem they see and the problem I see is that it is a business endeavor; it involves people with disabilities, but nonetheless it is a moneymaking for profit business. That's what bothers most of the residents in the PUD and it bothers him.
Commissioner Jankovsky – I think that one of the most difficult things that comes in front of us as a board is the fact that when people come back after the fact. They have to rectify zoning violations instead of going through the proper procedures in the first place. All of these citizens are here talking right now they did not have a chance for a limited impact review to come and testify in front of the board. The owner, the applicant, came into this house and started a business without going through the proper procedures. I don't feel the community was given their right to due process and the right to testify. This is a business, it's a commercial nature and the wastewater treatment facility is classified this as a commercial use. I don't think they have demonstrated a community need within this PUD. They is a community need but not located here. Final thing, I don't think that ten people living in this house individually is an advantage. It is a group home.
Chairman Martin – I think it's the improper vehicle. I would say that group homes are always a challenge; but they always have some kind of a review process and that's what they need again in this type of facility because it is commercial in nature. If it was supported by the HOA and it was a group effort because of the neighborhood changes, it would be a different issue. I don't think the neighborhood has changed that greatly.
MOTION:
Commissioner Jankovsky – I'll make a motion we deny text amendment to the Elk Springs five year development and that we deny adding sober house as a conditional use and a single family zoning district.
Chairman Martin – That is a motion to deny text amendment.
Commissioner Samson – I think you want to add that with the findings listed in section ten of the staff report, because of those findings. I would assume specifically there is one, two, three, four; I would like you to just reiterate number three that the application has not met the following requirements of the Garfield County Unified Land Use Resolution of 2008 as amended specifically the rezoning criteria listed in Section 4-201(b)(a) change in area. The area into which the proposed rezoning would not apply has not changed nor is changing to such a degree that is in the public interest to encourage a new use or density in the area. B - Demonstrate a community need; the proposed rezoning does not adequately address and demonstrated community need with respect to facilities, services or housing. C - Original zone designation incorrect, the proposed rezone does not addressed an error in the original zone district map. D - Adequate water supply; such an application to rezone property from one district to another district does not demonstrate the maximum water demand required to serve the most intensive use in the resulting zone district pursuant to Article 7-104 of this resolution. And then four, the proposed text amendment conflicts with state statutory provisions regulating land use in 24-67-60-106 3B where the modification removal or release is not consistent with of the efficient development and preservation of the entire planned unit development. Does affect in a substantially adverse manner the enjoyment either of land abutting the pond or

across the street from the planned unit development, or the public interest and is granted solely to confer a special benefit upon a person. I'll second the motion.
Commissioner Jankovsky – I would add those four clauses to my motion.
Chairman Martin – These types of facilities are necessary in our society. We need to be able to find a location to place them. And the accommodation and I think zoning and our land use regulations do supply that but not in the single-family dwelling units. So that maybe an uphill battle; we may have to address that as we did in reference to group homes or to the care of the elderly, or to special needs. That is an assignment we need to talk about.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – It will be unanimous; the text amendment is denied. It will remain the same.
Cassie – I would also request that you vote on the applicants request for reasonable accommodation.
Commissioner Jankovsky – Then I need clarification on that Cassie; can I ask counsel for…
Chairman Martin – Do you wish to go ahead and request an executive session for legal advice, or do you wish to go ahead and negotiate and ask that?
Commissioner Jankovsky – I just want, because the text amendment, as I read it doesn't talk about accommodation. I just want to understand it.
Chairman Martin – Yes as council also pointed out that he also had letters which are Y and Z whatever it was and requesting those and he has made a formal request to the legal office and the council said she would also like us to establish an answer to the applicant.
Commissioner Jankovsky – No I don't think I need consultation. I just feel that accommodation is there and would be made for people with disabilities that could come into this PUD. I think that what we are looking at is a commercial enterprise, business and I don't know that accommodation is necessary for a business that is applying for a text amendment.
Commissioner Samson – I would like to see what council has to say about that.
Cassie – Okay just to clarify outside of their application for a text amendment. The applicant has requested an accommodation and in Exhibit X which is in the record; that's the letter that Mr. Collin sent last night; one of the options he has identified as reasonable accommodation on page 7, is to treat the residents and the use of 31 Elk Springs as that of a family and a single family use. So outside of the request for a text amendment there is also a request for a reasonable accommodation. That on page 7 maybe specifically what that request is or perhaps he has more to say now; but I believe it is a separate issue from the text amendment.
Commissioner Samson – Does that have to be a public hearing?
Chairman Martin – No, that has to be a discussion; I think we publically need to give direction. Because that's a formal request for this board to answer.
Cassie – Right and the applicant has presented these things before planning commission who does not have decision-making authority.
Commissioner Samson – Well I am not in favor of that request; but I don't think it would be, maybe he has an explanation and wants to explain that or other requests.
Chairman Martin – Do you see the group, as it is today, as a single family unit.
Commissioner Samson – Absolutely not.
Commissioner Martin – Accommodations being that it could be a group home and qualify under a group home in reference to zoning.
Commissioner Jankovsky – I agree with you John, I think it would be qualified as a group home; I do not think it qualifies as a single-family unit.
Chairman Martin – So there are ways to go ahead and address what a group home is and a review process. And then again, a staff review, criteria to come forward and rules and regulations to follow in our land use code as well as examinations for safety and all the other issues that are not addressed as a family unit. Single-family unit; I think that's the direction we need to give to staff.
Commissioner Jankovsky – I agree with that too. I think you could go through as a group home and everybody here would again have the chance to come in and testify and talk about the issues we've already heard about. But I think that it is not a family unit.
Chairman Martin – So your motion then is not to establish the group that is operating today, as a single-family unit?
Commissioner Jankovsky – That would be correct. That needs to be talked about and that would be my motion not to establish this group, this Sober Living home as a single-family unit.
Commissioner Samson – Second the motion; does that take care of the necessary language.
Cassie – If that's your motion. In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – It is unanimous that we want it treated as a single family unit.
Consider the Request for a Land Use Change Permit for Limited Impact Review of the EnCana Oil and Gas (USA) Inc. Application for Material Handling on 17.76-Acres of a 958.3-Acre Site Located 11 Miles North of the Town of Parachute off County Road 215 (File No. LIPA 6770) – Applicant; EnCana Oil and Gas (USA) Inc. – Molly Orkild-Larson
Jason Eckman, Kevin McDowell, Jeff Schaffer were present.
Jason explained they had one error with notifying Chevron; the notification inadvertently was sent to Williams also. When he noticed the error, he sent a letter to Chevron.
Carey asked if the error was strictly in the addressing and Jason responded yes. She asked when they provided the re-notice.
Jason – April 20.
Carey explained there were no problems with posting or publication; however it sounds like one of the adjacent landowners did not receive notice at least 30 days prior to the hearing, Section 4103 does require that notice occur at least 30 days but not more than 60 calendar days prior to the date of the hearing. It looks like it is two days off the 30-day requirement.
The applicants wanted to proceed.
Chairman Martin – We will open the public hearing and you can be challenged by a two day notice etc. Chevron has responded accepting notification and shows no objections through letter written form. Chairman Martin swore in the speakers.
Planner Molly Orkild-Larson submitted the following exhibits: Exhibit A – M.
Chairman Martin entered Exhibits A – M into the record.
Planner Molly Orkild-Larson explained the general project description. The Applicant requests approval for the expansion, operation, and maintenance of the Middle Fork Water Recycling Facility (MFWRF), defined by the Unified Land Use Resolution of 2008, as amended, as "Material Handling" in support of natural gas extraction operations in the Piceance Basin on property owned by EnCana Oil and Gas (USA) Inc. (EnCana). This application proposes to expand the existing water treatment facility, and receive approval for existing unpermitted structures and buildings. EnCana plans to increase natural gas production in the Piceance Basin by approximately 100 to 200 million standard cubic feet per day over the next several years. The expansion of the MFWRF is needed to enhance water handling and storage infrastructure and capabilities to accommodate the planned gas volume increase. Along with addressing operational needs, the planned 2011-facility expansion will allow for conversion of the existing recycle water storage pond to fresh water use thus decreasing potential environmental and wildlife impacts associated with the operation of MFWRF.
STAFF RECOMMENDATION
The Applicant has applied for a Land Use Change Permit for Material Handling. As conditioned, the request addresses the ULUR requirements for approving a Limited Impact Review and issuing a permit for this specific use. Staff recommends the Board of County Commissioners approve with conditions the request from Applicant for a Land Use Change Permit for the Material Handling on a property owned by the Applicant located in Lots 10, 13 and 14 of Section 30, Township 5 South, Range 95 West, in Garfield County. She read into the record the recommended conditions 1 – 19.

MOTION:
A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to close the public hearing. In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move that we approve the land use change permit from Antero handling to EnCana Oil and Gas USA Inc. with the recommended findings and conditions numbering nineteen.
Commissioner Jankovsky – Second.
Casey – Does that also include the amendment to ten instead of saying all proper building and grading permits….
Commissioner Jankovsky – Yes.
Chairman Martin – And you are rejecting my request to take out eleven and twelve simply because they are already covered on the overall $108,000.00 bond issue that's on the entire site, talking about ½ acre within that site and that's why I say we are just double bonding everybody. It's an issue that we need to discuss.
Commissioner Jankovsky – I agree, it don't want to double bond.
Chairman Martin – Again it's open for discussion, the motion is there, you seconded the motion.
Commissioner Samson – Do we need to change our regulations?
Chairman Martin – It's a recommendation based upon our staff. It's not covered for complete restoration and re-vegetation and the overall site has that particular issue in place. This is just extra. If we feel comfortable with the overall; that's one thing. If we feel we need to specifically address the .60-acre disturbance beyond that overall bond then we need to have it in place. It's just opened up for discussion.
Commissioner Samson – We are talking about $1,500.00.
Chairman Martin – And it's held until the entire site is reclaimed and so at that point the treasurer holds onto that particular bond until the site is reclaimed and that becomes a nightmare in reference to record keeping.
Commissioner Jankovsky – We talked about that also, how well does your seed re-vegetate when it's so dry.
Chairman Martin – But then again you have to meet the satisfaction of the overall bond in reference to re-vegetation etc which has the same requirements.
Commissioner Jankovsky – But the overall bond is for reclamation when they are done on the site regardless if its thirty years from now.
Chairman Martin – But we still have to account for it and the treasurer has to hang on to it and its still open to auditing.
Commissioner Samson – Has Georgia ever commented on that, that we just do away with that?
Chairman Martin – Not necessarily; that isn't her choice.
Commissioner Samson – No, but her input on that.
Chairman Martin – Sometimes even the road bonds that she has held and it goes through the road and bridge; some of them are 20 plus years old and they are hard to find. But yet we know it's there and who does it go to and the company that had the bond and what have you is either out of business or hard to find or something going on, we still got their money and we still have to get it back.
Commissioner Jankovsky – I'd like to ask the applicant; do you have other bonds out there for re-vegetation in Garfield county and have you applied to get those bonds back?
Jason – Yes, we have several pipelines and things like that, once the vegetation is re-established.
Carey – I can also add there are specific situations where we are expressly prohibited from double bonding. If you are talking about a well pad there is nothing the county can do beyond what the state has already required. In this situation, we are not talking about a permitted pad where the county can require additional bonding for restitution. An alternative to that is if you not interested in holding the bond yourself is to require that they increase the amount of bond that they hold with the state by the amount stated here and then give us the authority to participate in any release hearing. It certainly may not be as important in this particular situation but as we expect this will come up again that is an alternative for the board.
Chairman Martin – Unless there is a reconsideration we'll leave it as written.
Commissioner Jankovsky – Its $1,500.00; but I do hate to double bond. The $108 is held by the state for the entire site.
Molly – No, we hold it for the entire reclamation from my understanding.
Commissioner Jankovsky – I'm willing to drop 11 and 12. I'd just ask that EnCana do their due diligence and re-vegetation.
Chairman Martin – So the motion then was to withdraw 11 and 12?
Commissioner Jankovsky – Yes, withdraw 11 and 12 and then maybe direct staff to look at that in the future.
Chairman Martin – It could be a workshop issue and Mr. Anthony go ahead and explain the need.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **BBC Economic Development Discussion – Ford Frick**

Ford – The County retained his firm to work with staff and to help implement the design, strategize, and implement county efforts toward economic development. I would like direction and feedback. In talking to people around the county and was talking to some of the staff, these issues are a little problematic. There are many parties of interest; the communities, the cities, municipalities, and some of the other interests that are promoting economic development are kind of pausing, waiting to what BBC is going to say and what the county is going to do. He would love to see them keep going and not feel that they had to pause. This is a complicated issue but let's keep going. The county is in a difficult economic situation perhaps worse than other parts of the state. You would like to see if there are efforts that the county can undertake, sponsor, invest in, participate in and generate jobs. You would like to have good job, high paying jobs, diversify the economy a little further, protect the economy in the long run and not just create sort of new retail jobs. Broaden the economic base. I get it. You well understand your economic base and tourism, retirees, oil and gas, private and public lands and one of the things they will be exploring. What can we do to leverage off what they have going already. Many municipalities are in the area and have a role in economic development. They control those properties that are most likely to be suitable for jobs, they tend to be the ones to bring utilities, water and sewer, and people who create jobs often want water and sewer. Electricity, police protection, roads, and that's a municipal function as it gets to any reasonable level of intensity. Economic development strategies, what's a public sector economic development strategy? I think there is a whole spectrum of them. I think on one end of this spectrum there are people who say the way to pursue economic development is very grass roots. One term is often economic gardening and a lot of it is saying who is doing what now, how can we encourage them to do more, how do we work with our local businesses, how do we make them more effective? What are our community strengths and how do we play on those? There's another concept of economic development that tends to gather around looking at individual towns and saying how do we make these towns the best possible place for people? Do people want a place where would want to come; how do we make these the most successful platforms for economic development for prosperity? This gets to many issues, good planning, supporting downtown, diversity of housing etc but it doesn't speak to the immediate gratification of new jobs. It says we have a great place to be, we are already in a wonderful environment, and we have reason to regulations. A center of this is moving barriers, looking at our regulations. Are we over doing this; are we constraining ourselves unnecessarily and look at county regulations. Let's go out and attract a new business here who will bring those jobs which means going to conferences and make an aggressive outreach effort to bring them here. This County is competing against many other communities who are trying to do this same thing. It's a difficult task and many economic development options. In the early stages, we should find out if they have reactions or preferences and most of all your own vision about what the county's role. When I mentioned the county, cities are the most suitable places for economic development efforts to land, the reciprocal of that is the county unincorporated property. This is not often a suitable location, you not in the urbanized area of business.

You have put together a strong economic development team however, it will require the participation of the municipalities and they have an array of fees, charges and practices to work with to negotiate agreements with new and expanded development. Counties are not good vehicle to be the economic development czars because they don't have the full array of tools and jurisdiction over the land. Let's thing about the big issue, what is the role of the county. I am looking for feedback and already suggesting a bias toward a couple of conclusions. I think the municipalities have to be partners because of their unique posture, regulation and ability to absorb economic development. I think they can accommodate a wide array of strategies unless the board gives me some firm direction that they don't think that is their responsibility but to me it makes sense. There will be a wide variety people who want to approach this issue and I would encourage the Board to engage.
Chairman Martin – First there is no unimportant job; it doesn't need to be the top-level $200,000.00 a year job. A job is a job and they will gradually work their way up the ladder. The cities must be our partner because their success is our success. If we try to do it on our own, we are bound for failure. Your role, Ford, is to coordinate, see the overall big picture and bring all the other portions of that picture together including municipalities and businesses. Give them a clear picture of a team with municipalities, businesses and the county. No one individual or government has the magic bullet to succeed.
Ford – Often economic development focuses on basic jobs. Jobs that bring dollars into the economy, which could encourage a better retailing downtown.
Chairman Martin – What makes those jobs successful or unsuccessful? How are you coaching those existing businesses and employees to get better?
Ed – Our concern has been primary versus secondary jobs. The concern I have is that towns are focused on secondary jobs. The issue is sales tax. I think that is what they were trying to focus on.
Ford – Strategy involves basic, director or primary job.
Ed – The opportunity we see is around our airport, we have the infrastructure they need in order to make that a reality.
Dale likes the idea of the facilitation that Ford is suggesting. Programs like Roaring Fork Business Resource Center are oriented to working with those existing businesses to up the scale sets of people to make them sustain or grow.
Chairman Martin – I have two examples of what I'm talking about which are the vegetables and herbs production outside of New Castle just off 6 and 24. This is not just a local market; they are a statewide market, based upon their ability to grow organic produce they can sell outside. They only hire people within. How do we encourage those folks? Due to the rules and regulations, one industry that has never made it past the drawing board is the local organic beef. We have numerous beef growers that take them to the packinghouse in Denver. They want to do it here. You need to have rendering and processing, which are two separate issues. The State of Colorado controls both and will not give permits. That's the challenge on how we can address those issues with local land use regulations and cooperation with the State of Colorado to see real hurdles.
Dale –The state regulatory structure is an issue of concern.
Chairman Martin – Hydropower, which is available needs developing in this region. The soil conservation folks are looking at that there's a market. Once again the hurdles with the state with their regulations and the PUC bureaucracy etc. Impediments - state regulations so how do we work with the state to overcome these hurdles. We have the privately owned water reserve, privately owned canal system and everything else but the one problem is being able to produce that through a state permit. There are things that create jobs; power installations to water systems and plumbers.
Ford – If a local community has not identified some strategies as you have just mentioned, do you foresee an entity where the county could make its own initiatives? We believe there is a hydroelectric prospect here that hasn't developed. Should we start from the top down and do you envision an organization the county would have the ability, manpower and structure.
Chairman Martin - Mr. Samson has already given financial support to a feasibility study to move that forward so yes, we have done that. It is in the context of a grant because this entity couldn't raise all the money so the county contributed. It's a potential but we don't want to be in the loan business rather give people encouragement. This is a regional project that has great potential to take care of water, electricity and clean energy - a good investment.
Ed – Staff would like to know what makes sense for them to focus on.
Commissioner Samson – What works, what do we have in Garfield County? Number one thing is natural gas. I think as we look at this county, what we have to offer, put the natural resources off to the side and look at some other things such as skiing, recreation with the world famous hot springs pool etc. We have a beautiful area called the flattops, the Roan Plateau for outdoor recreation. How can these resources help in the way of economy? These are things people crave and want more. I think we need to diversify.
Chairman Martin – The biggest spin off is health care in reference to injury, rehabilitation and becoming the leader in the western slope working with St. Mary's, a trauma center and our cancer center. There is also education with colleges and trades schools. All of the different trades that we could have people coming through the center for these trainings. It is great potential but how do you get there without partners?
Commissioner Samson - We need some economic development; we need to get going. We are competing with the whole United States, so what makes us different, unique and better. Garfield County offers recreation; we need to market that concept. I would like to focus on some kind of an arms dealer who makes rifles, shotguns, firearms and/or ammunition made in Rifle, Colorado.
Dale – I have spent three days trying to entice a manufacturer of firearms.
Commissioner Samson – I know but I want to see some results.
Dale – There is a shot show in January and I will be there for that same focused industry.
Chairman Martin – Education with CMC now a 4-year college, high altitude parachute jumpers, firefighters and BLM helicopters. We have great opportunities. Why not put the training facility for those folks in there. You have national exposure at that point and it is a facility that will generate jobs, bring people in one way or the other. Every job is important.
Ed - One thing that came out of energy summit was the discussion about rare earth metals and the fact that the Chinese are about to cut us off from critical metals like vanadium. This County is loaded with vanadium. This is a site where we are trying to build around in Rifle. There is Vanadium all across western Colorado as well as other rare earth metals.
Chairman Martin – There are many patents still in place with vanadium in the hills above Rifle and all the way to Rio Blanco, there are miles of it. Vanadium, Uranium and Titanium we need to identify the inventory. All of these issues lead to state approvals. So the issue is obstacles by the state. We have the great opportunity from the grass roots up according to the Governor to bring these issues forward. Dale – The development of a strategic approach is the essence of this, to develop a risk tolerance for what kind of commitments you want to make.
Chairman Martin –I think this is Ford's role to tell us what is happening, make strategic decisions and develop economic development.
Commissioner Jankovsky –We have the airport, CMC, healthcare facilities that are updated both in Rifle and in Glenwood Springs. We talked about natural resources; we just happened to luck out as EnCana just hired a new well service company and supposedly, we are to get 200 jobs out of that. Also, EnCana is talking about building a campus in Battlement Mesa for office space, either Battlement or Parachute. In Rio Blanco County, they have seven sites that are experimental, or research and development sites for oil shale. There is some excitement there. Some of those groups are headquartered in Rifle. Glenwood Springs was slammed at this reception; tourism has held on all right, but it's because of the trades people. Second home industry is just gone and we are still seeing lumber companies shut down. We lost our Chevy dealership, Blockbuster is out of here, another furniture company is gone and you go into town and talk to retailers they say well it's just me now. We used to have three employees now it's just me trying to do whatever I can to hang on, In Glenwood Springs, there is economic gardening, downtown DBA is talking about trying to bring in the

outdoor business, which should be tied in with what Lisa Dawson and Dale Hancock are doing. Rifle economic development is on the ground and trying to get things done. Town of Silt, which will probably be back asking for $200,000.00 if not more so they can get a retail center where they can have a truck stop of which are retail jobs; but for the Town of Silt it is very important. Town of Carbondale is trying to form an economic development group. We have all these pieces and they are all moving in different directions asking the County for funding. I think they need funding because they are on the ground and running. How does the county work with them? How do we make sure that they are able to continue to be in business or helping the existing businesses that are here trying to survive?
Chairman Martin – Three Indian tribes got together and opened a casino; they learned how to do land and planning on their own three reservations. They learned how to sell and purchase property, they bought hilltops, sold hilltops and crated wind powers and sold it to California. With that money built a university, high schools and got everyone 100% employed within their reservations. They didn't stop, a cultural center was built, tourist trades built up, they marketed their salmon, which is world famous so they an exclusively market. They built storage for information towers and they have huge amounts world wide of information coming through again the computers and being stored in those towers. Every one of them has degrees from universities etc. They went from the poorest to some of the richest because they used one success after the other without stopping. They are looking at space age research. That's economic development, that's putting it all to work and they started with a casino.
Chairman Martin – The lesson is we have the airport as an issue to build off, but you don't stop. You just keep on going. Commissioner Jankovsky thinks they need some way to connect with Rifle and Roaring Force Resource Center who will be looking for funding. We are all in this together.
Ed – Sounds like we need structure and we need targets of opportunity.
Ford – Not just here but in his early discussions there is a whole list of prospective opportunities. We need to flush hem out prioritize them and figure out what's the system that you could use after these and sustain going after them. Not just a one time shot.
Ed – The internet offers many opportunities for individuals matching databases and capabilities.
Ford – We would be looking for some sort of standards, some sort of check-in performance review.
Commissioner Jankovsky – There are definitely different approaches and each municipality has a different approach.
Ford –This doesn't have to be a battle between people, strategies or approaches; it should be a big tent that can encompass many different approaches. Give people a chance; see what they can do but have some performance measures.
Commissioner Samson – Will you develop some performance measures for us?
Ford – Yes.
Julie Pierceton – One of the things that the Rifle Regional Economic Development group would like to see come from this is opening up the communication, figuring out a way we can collaborate on efforts. I hear the County is wanting to target a specific sector for the airport and the City of Rifle is interested as well. The two are working opposite of each other so how do we know our messages are not contradicting each other versus supporting each other efforts. The Rifle manufactures agreed they have talked about this and what a great fit knowing that Dale is at the NRA conference. We have seen some improvement now that we have started these discussions and I hope the opportunities continue to move forward. In regards to the measurement when we first requested funding from Garfield County. We put together a simple spreadsheet with four main areas that the RREDC works on. Business attractions include outside marketing, business retention and expansion programs taking an inventory of all of our existing businesses doing interviews finding out why do you like doing business in our communities. Are you interesting in growing or expanding and if so how can we help you. The end goal is to take one to two person mom and pop and grow them into a five-employee business. We share business approaches such as the economic gardening that Randy is doing with businesses interested in starting up a new venture. The last piece is development projects. The old Valley Lumber site is a multiplex theater coming to Rifle. On our spreadsheet we are starting to mark down every business we're assisting, what resources they provided and what are the outcomes. The business retention, we have been contacted by four local businesses looking to expand or export a product or add employees within the last month. This is because they are hearing that resources are available. I think this is important for everyone to continue building on this momentum. The rest of Ford's report says that we really anticipate continuing a strong working relationship.
Randi Lowenthal– Roaring Fork Business Resource Center. I think that there is some overlap and some different direction. When I first came to the Commissioner with a request for funding was for a virtual incubator and general support where we were pursuing a matching grant with the State of Colorado for a multi-year commitment. The Commissioners gave $20,000 funding. I think the expansion of the definition of jobs needs to include things like technology. The economic gardening concept and what you are exporting these days is innovation as it relates to technology. We are starting a project with Carbondale and Glenwood Springs, which relates to creative industries. When Carbondale and Glenwood Springs saw the comprehensive plan and other things that the county was developing, watching the focus on Rifle and the West; they thought about Carbondale and Glenwood Springs. I have a projects working with these two municipalities for six months focusing in green industry, which is more than arts and culture, and it has expanded to things like graphic design and other technology related businesses. There is a group of 30 folks, who are heavy into technology, doing internet marketing and desperate to stay in this valley. They are exporting their innovation. We have two sides; one is to support the businesses. The other side of the house is looking at growth-oriented companies specifically to create industries. We track the same thing; how many new clients, what kinds of businesses are they in, how many jobs they have created, access to capital. They just got an e-mail two days ago; they sent another one of their clients to a source for funding. Michael Langhorne –One thing we are hoping to get from Ford is how we all operate together.
Ford - I will be back to test ideas with all of you. This is a very important piece. This idea of how do we structure, monitor it and accountability come at the end of all this process. I think that's where the county will have a role and find that balance as part of their charge. Give them some ideas about how that structure might work and how all these entities can work together and not step on each other's toes and still be productive, pursue their own philosophies and have some accountability at the end. We are looking to give away a lot of money. Many people do not want to hear from us after that funding has been given. We will try to find those balances.
Commissioner Samson – The next time Ford comes to them with a strategy it will include what Michael just asked for, cooperation.
Ford – Yes, we need a structure that accommodates the various entities and that is what he will try to do. Some entity that has controls yet encourages multiple attempts at different philosophies at economic development.
Michael – Control is not a good word but partners, cooperation to work together, accountability.
Randi - It's not just jobs. Many people who want to start businesses should not be starting businesses.
Ford thinks this the kind of conversation that is his responsibility to have with all of them and maybe synthesize it and bring it back with some ideas.
Chairman Martin – Could you put in the inventory list how much money being siphoned off by the state and their budget issue? What is actually coming from and what it actually does to today's economic development possibilities, because it is killing us. The State seems to find more ways to siphon money from our County.
Ford – Strategy for dealing with crazy legislative initiatives.
Chairman Martin –This a true issue that we need to look at and let the governor know what he is doing. Commissioner Samson – What are we doing that we shouldn't be doing? Is there something that we are doing that you know from your experience to say don't even go there? I want to know right now.
Ford – We are not far enough down the economic development road to be in a quagmire yet.

Dale – I hope the Board will wait on distributing funds until Ford devises the mechanism. We talked about nine days, which was what the original plan and we're 56 days into it. Do you recall the 90-days as being the magic number, Ford?
Ford didn't but we'll talk.
Commissioner Samson – July 1 is what we are shooting for.
Ford – For a decision about when organizations come for continuing funding?
Jennifer – Our group came in the fall of last year and the first thing they were directed to do was to see what kind of support they could get. We did get municipalities to partner. Battlement Mesa is getting ready to be part of the organization. We moved forward. The next portion was waiting for a contract to be in place with the consultants, and then waiting for the report. I just need to make sure I'm reporting to the City of Rifle what the role of Garfield County is going to be.
Randi – Ours is the national grant for the State of Colorado.
Commissioner Jankovsky – I don't want to put either one of these groups in a position where you can't operate.
Michael – We are not worried about operating; they are actually going to hire but we need more help.
Ford will need a little more time than that July 1 to have a report. If you are comfortable giving funds then move forward. I will need more time than six weeks but I will continue to push forward.
Commissioner Samson – Michael, are you saying that we don't need to rush, just give more money?
Jennifer – No, we want to implement and wait for a report. We may modify what we are working on and how we implement based on the findings; but we are not going to stop and wait for Fords report. The purpose of the report is maybe a long-term strategy. We are looking for some support to continue to move forward.
Randi – We are looking for 2011 support. This is a long time strategy, the perimeters, accountability etc. we do have measurements and can show clients, jobs, assets and capital. We can give those reports to Dale on a quarterly basis as we have been doing. It's the matching grant that we need financial assistance.
Ford – It seems to him these are the two of the strongest grassroots organizations this Board has. Encourage them with the kind of guidelines and measurements of success. This is part of our strategy; encouraging what's going on right now. I would encourage the Board to consider their request to keep things going. Commissioner Jankovsky – It's just our way of partnering with them.
Ford – If they have their municipalities behind them that is a critical threshold.
Commissioner Jankovsky – Randi, we'll get you back on the agenda.

Commissioner Samson – To Michael and Jennifer, you need to do the same the first of June. Don't be afraid to ask for some money. If the cities are saying what about the County, well, he doesn't want the County to be the ones holding up the show.
Dale – I need a reasonable timeframe to let you know what you have left in the budget that was passed in 2011for economic development.
Executive Session:
Chairman Martin – We have a request for an executive session.
Carolyn – Do you want to discuss the pre-formation costs for the public improvement district Travelers Highland? Legal staff needs to give legal advice regarding the site visit that planned for tomorrow. There is potential litigation up Cattle Creek, building code and land use code violations. Chairman Martin – Do we have a motion? Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – Motion to come out of executive session? Commissioner Jankovsky – So moved.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Action taken:
Travelers Highlands
Carolyn – We the Commissioners want to set another PID board meeting limited to the expenses of formation or other items.
Motion
Commissioner Jankovsky – I would like to see us set another PID board meeting limited to just expenses of formation. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Wayne Rudd
Carolyn – Second item has to do with whether you wish to direct the county attorney office to proceed with a court case involving a property owner named Wayne Rudd up County Road 113 dealing with zoning and code violations.
MOTION:
Commissioner Jankovsky – I would like to see us approach Mr. Rudd one more time and also the tenant, the sublease or leasee to that property and tell them that we give him two weeks, a week, I'm not sure. I'd like to hear back from you guys on that to comply or we take this to court. I'll make that one week in order to meet with the sublease or at least the individuals that are on the ground and if you can't meet with Mr. Rudd directly then he thinks another e-mail or letter would be appropriate.
Ed – Then what happens after the one week?
Chairman Martin – Then there is a request from legal and the planning to go ahead and pursue. He would say they have given every chance and they need to comply.
Carolyn –Is part of the motion or do we have to come back to you for authority?
Commissioner Jankovsky – That is part of the motion.
Chairman Martin – Do you second that Mr. Samson?
Commissioner Samson – I do not.
Chairman Martin - Second for discussion.
Cassie wanted to clarify; we are seeking action from the board directing staff on what to do with the zoning violation. Stop work order; the notice of violation was sent certified mail, return receipt requested, and was received April 6 of this year. Are you saying give him another week to comply, if a zoning code, if you need us to come back at your next board meeting for public direct or if that's included and it seems from the motion on the table.
Commissioner Samson – We will not be meeting for a meeting for three more weeks.
Cassie –At this point, it seems that is part of the request.
Commissioner Jankovsky – The request is to contact Mr. Rudd and his leasee one more time; contact them in person. If they haven't responded within seven days, if they haven't gone down to get their building permits, then we've given direction to staff to go ahead and proceed with legal action.
In favor: Martin – aye Jankovsky - aye Opposed - Samson - aye
New County Attorney
Carolyn –This contract that was negotiated by Mr. Martin under your delegation of authority to him and vote on that contract to appoint a new county attorney. This needs public action today.
Chairman Martin – Yes, I did negotiate a contract and accepted. We need a vote to accept it on our end.
Motion

Commissioner Samson – I would move that we accept /ratify the contract with Andrew C. Gorgey for an engagement of services, as our county attorney and that would be commencing July 1, 2011.
Commissioner Jankovsky – Second.
Chairman Martin – Clarification, it could be earlier but July 1 is the final date.
Commissioner Samson – The contract says commencing July 1 unless an earlier date is established.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – Mr. Gorgey has asked me to send out an email announcement to the Colorado County Attorney's Office. Does the Commissioner want to do a press release, an announcement on the County website or anything else.
Chairman Martin – Yes, please do all three.
Commissioner Calendars –
Commissioner Samson - Energy Invitational Golf Tournament on Friday June 24 at 7:00 a.m. in Battlement Mesa.
Commissioner Jankovsky – The P&Z meeting is to discuss the Comp Plan on June 18, 6:30 to 8:30 p.m.
Carey this is a text amendment for the planning commission.
Commissioner Samson - Craig for the AGNC meeting. It's to obtain a special district form.
Chairman Martin – That will be on the agenda; we also have a deadline of July 31.
Carolyn – When do you want it on the agenda?
Commissioner Samson – Let me go to this meeting, see what happens with that because they are trying to see if AGNC will take the lead form the district, etc.
Commissioner Jankovsky - Friday, I will be speaking at the South Canyon Trail Dedication. I went to Montrose; it was a good meeting on coordinating partners with federal and state agencies on local issues so we can come to the table with them on an equal status. I would like to continue with this. I think it is important especially when they are talking about wilderness roads in Colorado. We have a road plan in Garfield County and we make sure that we are not losing roads. I think we can get to the table and at least provide our points and plans in Garfield County. This was sponsored by CCI.
Carolyn – Is the meeting tomorrow on your Roadless Traffic Management Plan?
Chairman Martin – Yes, 9:00 a.m.
Carolyn - Commissioner Jankovsky wants a resolution drafted that goes across all federal and state agencies.
Chairman Martin – Yes.
Carolyn – You don't want this just focused on roads?
Chairman Martin – No.
Commissioner Jankovsky – That's correct.
Carolyn –Do you want me to prepare a draft agenda and put it on a June meeting, or do want this discussion to be part of a workshop?
Chairman Martin – Do we want to have a workshop on this particular issue to understand?
Commissioner Samson -We need someone to explain this to us or can you do it as we go with the resolution.
Commissioner Jankovsky – If I study this again, maybe Carolyn and I can present something because the person who gave this workshop is out of Dallas.
Chairman Martin – If we need someone from CCI to come in like Michael Smith or whomever organized the meeting in Montrose, they could come in and give a five-minute synopsis. Go forward, do a draft resolution, and when you're comfortable present it.
Commissioner Jankovsky – Does the draft go to Rifle District and the Aspen, Carbondale, Sopris District or does it go to US Forest Service?
Carolyn – To all of them.
Chairman Martin – And to the state and federal offices, there are three tiers. It includes the state, region and the field office. You have to notify all three of them with Department of Agriculture and Department of Interior etc; the fourth one is to the Washington office.
Commissioner Jankovsky – Forest Service potentially the Bureau of Reclamation; this could be something that even something like Ruedi Water Power Authority could take a stance and send this over to the state on water transfers.
Carolyn – Homeland security, everything.
Commissioner Jankovsky – It's in 1982 laws about coordinating agencies.
Commissioner Samson – Let's try for the first Monday in June to do this.
Commissioner Jankovsky – I met with Jeff Carlson with Valley View Hospital and they would like to have their executive committee meet with them some time to discuss Valley View Hospital regarding.
Chairman Martin – Just the land because we are not talking about Mountain View. Ed, did you give Tom the appraisal?
Ed – No but I can.
Chairman Martin – Would you look at that appraisal in reference to having a foundation on what you are up against in negotiating if necessary? If you have a reasonable request you'll understand it; if not you'll understand why we are doing what we are doing.
Carolyn – Suggested giving Tom the minutes from our last meeting.
Chairman Martin – And the appraisal and why the appraisal wasn't forwarded to everybody. I have two items; number one he was trying to think of a way to help with kids going to college out of high school and those that are in college and summer jobs. We put up the capital in a cooperative agreement with the Forest Service and they establish a nominal fee for those who volunteer to earn some money to clean trails since they do not have trail crews anymore. My thoughts are to do it within the White River on local trails in order to have access and trails.
Ed – Remember you have to go to the GMUG and get them approve the tier three project.
Ed – The campground was one.
Chairman Martin – That is approved but they do not have a crew to do it. What we do is fund that crew for the four months of the summer, call it the Youth Conservation Core, YCC and enlist the youth and forest service accomplishing multiple purposes still using the Title III program.
Commissioner Samson – (The GMUG is Gunnison, Montrose, UnCompadre and Garfield. I belong to the RAC.
Chairman Martin – We are not asking for their money; we are using our money.
Chairman Martin understands but it's going to be a year before we get there.
Commissioner Samson – We are trying to get a separate thing basically a line item in the budget that says the commissioners want ¼ million dollars for the YCC and will work in conjunction with the forest service to implement spending this ¼ million dollars to do the work of trails in Garfield County for 2012.
Chairman Martin – The other issue and something to work on; we need to explore the possibility of an agreement with the Department of Ag. The Forest Service in under the control of the Department of Ag.
Commissioner Samson – There are two things; clean up things around Garfield County and employ some kids that graduated from high school who need money to go to college.
Chairman Martin – That was one of the most treasured jobs to get with the Department of Ag in the summer so that you had money to go to college.
HIA:

Chairman Martin – Since this morning, this HIA so I went over the list of concerns that are addressed in the HIA. These are the things that were considered and mitigated in the HIA: Air pollution, water and soil contamination, traffic, noise, light pollution, community wellness, economic impacts, healthcare system impacts, accidents, malfunctions, the drop in property values, exposure to fire, exposure to explosion, exposure to uncontrolled releases of chemicals, increase crime, sexual diseases, heart diseases, obesity, stress, ozone, climate change is not likely to be measured on the impact on the globe and climate change has potential health human effects, truck exhaust, irritation to eyes, irritation to skin, irritation to the respiratory track, ozone concentration at ground levels, asthma exposure, carbon monoxide emissions, odor, benzene, birth defects, dust, radon, again air quality, they do it two or three times on air quality, ingestion of contaminated soil, inhaling of VOC's when showering, wind erosion, surface runoff, water contamination, impact of water quality on streams, creeks, and puddles, VOC compounds in the aquifers and off gassing into homes, road dust, risk for injury or death in motor vehicle accidents, walking and hiking routes impeded, multiple vehicle crashes, truck traffic near school, workers exceeding the speed limit, vibrations, noise which lead to cardiovascular disease, hypertension, psychological symptoms, and respiratory impairments, noise which contributes to stress interfering with thought, feelings, activity, moods, performance, and fatigue. Lights at night which alter sleeping or hormone releases disrupting normal sleeping rhythms, working at night could also be a carcinogen base with links to breast cancer, noise for the elderly and the vulnerability, projects will also affect well being of community, environment and social environment, increase in population could lead to larger school class sizes, strain on school facilities, cultural classes, student turnover that could be disruptive in classrooms, compromise to learning ability, students arriving late in the district will not receive extra state funds, increase in suicide, loss of worker production due to sexual transmitted infections and resulting from personal embarrassment, divorce, alcoholism, conflict between newcomers and old timers, crime again, domestic violence, rape, prostitution, assault, child abuse, homicide, abuse due to alcohol and drugs, drug abuse especially methamphetamines, the lack of walk in services for testing of sexually transmitted infections, rise of industrial presence can lead to reduced quality of life on residents leading to anxiety and depression, cultural clashes, a diminished access to outdoor recreation spaces, quality of outdoor activities diminished, may have to leave the area to experience a peaceful walk rather than walk near residents, damage to public roads, the Antero project has already lead to changes in social cohesion, decrease in social cohesion, additional law enforcement that are needed, private property has been shown to decline in value, cost of goods and service may increase due to the economic activity caused by the gas development, stress and the suppression of the immune system, accidents due to human error, hazardous material spills, damage gas lines in explosions, spills of drilling liquids and production water, data based recording numerous accidents of well fires, blow outs, tanker spills, emissions, pit discharges, an estimated 12 spills of five barrels or more are expected in the Battlement Mesa if this goes forward, cancer has been known to be associated with the chemicals listed which are Hodgkin's disease, bladder cancer, prostate cancer, breast cancer, melanomas, leukemia and a few others, cancer of the adrenal glands, sudden death syndrome, positive health effects of drilling is expected to be low. The current Federal, State, Oil and Gas Conservation regulations sufficient to protect public from the health hazards – these are a question mark. The thing that is positive about the study benefits due to the natural gas development is the increase in workforce that could help support new businesses and enhance the community. Those are already in here so how much more do we need to study is his point.
Commissioner Samson – I can think of many more benefits.
Chairman Martin – Of the 283 pages of the response from the industry would take another month or two months to answer. My point being we could study this thing to death. We are getting way outside of what we should be doing. I would suggest we do not open up the discussion the first meeting in June.
Commissioner Jankovsky agrees. We stated how we felt about the HIA, talked about many of those issues and allowed them to be mitigated. I think we made a decision and he would hate to see them change. Chairman Martin – My point is that everything that I mentioned has been mitigated in one way or another discussed and mitigated or suggested mitigations. I am not sure how many other things we need to mitigate.
Carolyn – So your direction to staff is to not agenda the item.
Commissioner Jankovsky – That is correct.
Carolyn – Do you want staff to contact Tresi as the representative of this group? Or do you want to wait until they contact you?
Commissioner Samson – I think we owe it to them to contact them, the County Manager.
Commissioner Jankovsky – And go to Dave Devanney and Paul Light as they have been in front of us time and time again.
Chairman Martin – Again those are only the hazards that could result if the developments go forward, not that it will happen. Those are the risk factors we have to weigh.
Chairman Martin – We will have a work session tomorrow at 9:00 a.m.
Chairman Martin – Wednesday is with the planning staff.

ADJOURNMENT

SPECIAL MEETING
MONDAY, MAY 23, 2011

9:00 A.M.

The Special Meeting was held on Monday, May 23 at 9:00 A.M. with Chairman Martin and Commissioners Jankovsky and Samson present. Also present were Betsy Suerth, Public Works Director; Wyatt Keesbery, R & B supervisor; Tamra Allen, Long Range Planner with B&P; Lisa Dawson, Finance Director; Carey Cagnon, Deputy County Attorney and Jean Alberico, Garfield County Clerk and Recorder.

ROLL CALL
PLEDGE OF ALLEGIANCE

- **CONTINUATION: DISCUSSION ON COLORADO ROADLESS RULEMAKING AND WHITERIVER TRAVEL MANAGEMENT PLAN – TAMRA ALLEN**

A complete plan is available upon request to the Clerk & Recorder, Jean Alberico at jalberico@garfield-county.com.

- **CERISE RANCH SITE VISIT**

Molly Orkild-Larson – Site Visit for the Cerise Ranch, a Public Hearing is set for the 13th of June. The Site Visit will be set for May 31, 2011 meeting the Chambers at 11:00 a.m.

- **CONTINUATION: DISCUSSION OF COLORADO ROADLESS RULEMAKING AND WHITE RIVER TRAVEL MANAGEMENT PLAN – TAMARA ALLEN**

Tamra Allen – This is a continued discussion on the Travel Management Plan (TMP) as well as the Roadless Rulemaking (RR) that is being considered presently on the revised draft EIS for the State of Colorado. As you all know we met last week and talked about a

number of issues in the TMP and well as the RR. We took a number of comments from the public that was present at that time, since then we have printed out another series of maps that overlay our County Road system, I believe as interest to the County as an agency that may impact the County Roads as they relate to the TMP as well as the proposed roadless areas. In doing that, we had GIS overlay all of the County Road on both the TMP summary both on the summer and winter proposed routes as well as the Colorado RR areas and have a number of maps today that are probably time in reviewing. I spent time with Wendy Haskins of the US Forest Service here in the White River office, trying to find areas where there were discrepancies between both the County Roads and the designations or road section in the TMP as well as the RR. There are a couple of areas that are probably worth your attention. There are not many, probably less than half a dozen that probably need the BOCC's attention as well as direction to staff on how we want to proceed with either the filing of an appeal if it's the TRP or providing comments to the Colorado Roadless component as well. There may be a need to actually file through legislation that 2477 on one of the roads depending on how you determine appropriate action.
Chairman Martin – And that is a court action, not a legislative action.
Tamra – With that, I have the maps here. I've highlighted the areas that I found to have discriminatory information between the County Roads and the TMP. I would suggest we take the time to look at the maps.
Commissioner Jankovsky – Do you have the number on those roads.
Commissioner Samson – You mentioned a half dozen ones that you think – do you have a list of those.
Tamra – Yes. Looking at the map, we have a potential conflict on CR 30, which is down off Four Mile Park near the Sunlight Ski area; a potential conflict CR 137 a short segment that there is conflicting information; CR 241 which we have been through and the Forest Service is looking at modifying that road. Once the determinations come out in August and then CR 284 and CR282 off the Cline Top area.
Wendy Haskins – Some of the confusion is and may be the road folks can clarify, seems to be double numbering between our roads and County roads. I'm not sure if that is Schedule A that you had to number them.
Chairman Martin – No they were in existence prior to that and then the Forest Service Roads overlaid on top of the County Roads and then it became a Forest Service Boundary Road. CR 319 is another on that just goes up to the Forest Service Boundary, which is West Mamm Creek, and we need to look at that one as well.
Tamra – One CR 319 we did look at it and the information from our road map indicates the Forest Service depiction of that road is accurate with the mapping that we have from our 2011 roads. It does indicate what has been mapped in the roadless and the TMP is accurate and consistent with what we determine as a County Road.
Chairman Martin – Haystack to Silt, did you correct that one. That comes out of Four Mile and goes over to Baylor Park and then it goes over into Silt.
_____ The Forest Service road 300 wherever –
Chairman Martin- It's been rebuilt all the way down from the gate past the McPhearson's Place and down through – that needs to be looked at because that was a conflict. There's numerous ones that have been rebuilt.
_____ The one that West Divide.
Chairman Martin – Mesa County.
_____ It was rebuilt – Mesa County.
Chairman Martin – It's been rebuilt and goes all the way to Haystack.
Tamra – Just to clarify what I'm calling discrepancies between the TMP and the County Roads is that I have only gone so far as to look at the 2011 County Road map, so as we're looking at Forest Service Road 300, what they indicate is accurate and consistent with our 2011 Road Map. If it goes prior to that, that is not something I have mapped.
Chairman Martin – That was the big confusion. Wendy and I talked about that, it's the map that was used as a base map for the Forest Service and it doesn't line up at all with the map that we have in reference to County. The measurements were off, showing the Colburn road doesn't even exist on the Forest Service map and it goes all the way over to Vega Reservoir. That's County, both Garfield and Mesa with the Forest Service in-between. That didn't exist at all. Those are some of the discrepancies that we see and that is a very important road. Coffee Pot road was the on the other one which didn't align, Deep Creek Road, those are the others upon the Flat Tops in that area. Then you have the ones - there's a bunch in yellow that didn't even show on the Forest Service Map and that's when we started talking about it.
Wendy – That was on the Roadless layer. What Tamra and I did was to take the Travel Management layer overlaid your layer and what it looks like are most of those were there but they but not done at the State level and unfortunately. We redid that map for you John and we did it with our road layer, their roadless layer and the County layer.
Commissioner Jankovsky – Are we then going to have to come back on the roadless side and address those roads again.
Wendy – My point there, we actually did a scale that the State map didn't have but that is the roadless layer so what we did was to take our layer to show exactly where the roads are and in regard to the roadless area and I think you'll find that level of scale to be better and show some of those discrepancies that John was talking about. I will let our regional office know that they need to use better mapping. A lot has to do with scale; the fact that they printed a map at state level probably used some Atlas layer or something, not our layer.
Chairman Martin – I didn't want to insult the Town of Silt, they didn't even exist on that map, we pointed that out to them and there are several other issues that…
Wendy – It was a question of skill and how it was made and when you blow up a map like that you can find that kind of thing so what we did was to actually make a map of your County at the correct scale that you're looking at and the current layer.
Commisioner Jankovsky – We need to go back to that. This is jumping from TMP to Roadless but can you give me the roadless areas, there's Tier 1, Tier 2 and asked for a definition; and those are scoping things.
Wendy – We have a cheat sheet for you and the Tier 2 and Tier 4 are at a higher and on the map we actually mapped those for you as well. There's less opportunity to do management in there, they are at a higher filter, so the Tier 2 was a Forest Service proposal for a higher tier and that is equivalent to our closed wilderness areas. The Alternative 4 decided to take that higher level; it was a citizens group, like a wildlife group and they have a lot more in that higher level tier and you will see on the maps.
Commissioner Jankovsky – In Tier 4 is that, once you get into that tier are there's multiple uses, can you still have oil and gas leases in there, timber harvesting, there's no natural resource in Tier 4.
Wendy – Not even, it's very limited in all roadless as far as timber cutting and road building. Then they are looking at the pipeline constraints as well for all of them so there's only two levels, a regular and a higher tier.
Commissioner Jankovsky – And Tier 2 does match up with wilderness in the Forest Plan.
Wendy – Alternative 2 – the higher level.
Commissioner Jankovsky – It matches up with what you guys proposed for future wilderness in the Forest Plan.
Chairman Martin – One thing we needed to look at was the reduction of fuels and biomass. Alternatives actually didn't address that other than you couldn't go in and cut period. The reduction of those fuels needed to be discussed and that is an administative process.
Wendy – Correct and that's something you want to look at, you want to look at what the definition of what it is from 1 ½ miles from a community, which still doesn't get you into some of this stuff.
Chairman Martin – Then I look at the way the Forest Service has put their budget in reference to that kind of stuff that's the smallest portion, the largest portions are going to be $4.5 billion dollars for the Forest Service overall and 50% to 60% is for fire fighting and a few other things but it doesn't deal with the fuel reductions only the catastrophic fires so that's some of the things we need to look at

and have access to go in there and reduce those, but if we have an alternative that is chosen and it doesn't allow you to get in there and reduce it in the White River and a few other places are going to be tinder boxes kind of like the Flat Top area is now. So we need to look at that, we need to discuss that and need to look at the management of water and more things. It becomes a cheater that doesn't allow you to do anything even in wilderness areas. You go in and take care of some dams on some various ones, but roadless prohibits some of it. We have to watch out for that and that's why we need to review these maps. It's an unfortunate thing that we're opening it up again, we're able to get the two governors to sign the state legislature to sign and send it in but two states out of 50 that were able to get their roadless inventory's done are now being rejected and opened up because we don't have enough land in those roadless areas. That's what we're facing.
Commisioner Jankovsky – In some people's perspective.
Chairman Martin – Yes, but I wasn't saying, it wasn't identified and that was a challenge and has to be honored, all sides need to be honored and listen to. We need to do our homework.
Audience – Anything on Travel Management and the new maps, etc.
Sean Martin – I would like to ask for a 5 to 10 minute time to look at the maps since the County Roads overlay – this might help.
Chairman Martin – CR 108 may be an issue and also at Jerome Park and a few other places that may or may not be there.
Sean Martin – It's only at the Crystal River as you guys well know. That would be my request.
Chairman Martin – Wyatt, did you have a chance to look at this map as well and did you have any comments as the Road and Bridge Department.
Wyatt – I did and as long as we get direction on where we need to go. I talked with Tamra this morning, looked it over and as long as we have some directions from this Board what we need to do, then we can go from there. Some of the ones we had was CR 319, CR 30 off Sunlight Mountain and CR 137 at Canyon Creek.
Chairman Martin – There's a gate up there now that goes pass Jolly all the way up there, several other homes that are up that way and then there's a green gate at the top where it used to drive all the way up onto the Flat Tops and now it's a gate. That's one of discussions. Transfer Trail was that on there as well. Transfer on one map showed that it was in a roadless area, that must have been a misalignment and those are some of the things we need to look at. Coffee Pot was the other one, the roads into Puget's resort. Flat tops also into Park Lake, Deep Lake all that was misalignment at one time because the roads went right though that roadless area unless they were cherry stemmed out, those are some of the things we need to look at. Also the road that into Carbonate since it's a town.
Wendy – That road we are making, you weren't here at the last meeting, we are fixing that it is essentially a correction.
Chairman Martin – That's where property has changed places, etc been there since 1883. Those were just some of the few that I saw just looking at the one map at our meeting down in New Castle.
Commissioner Jankovsky – Getting to the roadless too, all the roads up by Hubbard's Cave are shown as roadless and there are numerous roads up there on the backside of Lookout Mountain.
Wendy – The reason why the Forest Service isn't showing any of those is because we don't access, those are not our roads.
Commissioner Jankovsky – Are those BLM?
Wendy – I wonder if they're private, out of their land.
Commissioner Jankovsky – Those come up from the south side.
Wendy – Bear Ranch.
Chairman Martin – No, that's the north side. The south side comes up around Missouri Heights and that area.
Wendy – We still have a road up to Hubbard's Cave.
Commissioner Jankovsky – That was all shown as a roadless area.
Wendy – It goes along the boundary of the roadless area. These are some of the corrections I put this layer on correctly.
Chairman Martin – Let's go forward and review that and come back to it. Let's see what we have there and get the groups together. We need that Access Committee to sit down, go over each road through the Access Committee and the review process.
Wendy – That is true, there are some questions on access that wasn't the purpose of the Travel Plan, that's a whole lands and access issues and the Travel Plan utilized what we knew to date as Tamara said, you will want to look where some roads are missing but some of these others we are showing as full size vehicles whether it's Forest Service or County. That wasn't the Travel Plan decision but we are leaving it open for the same type of use that you would as County. This is not things for the Travel Plan and if you want to go beyond that, then that is something the Forest Service and the County need to work on.
Chairman Martin – Tamra hit on one, yes, our prime objective is to make sure the County roads are protected but number two which is along there is access to public lands, access into the Forest Service and BLM. That is just as important as the County roads. Our objective is to keep as many open as possible so that's not a mystery.
Sean Martin – The roadless that what you brought up, the ability for protection from fire.
Chairman Martin – You also have transmission corridors, telecommunications sites, all the other issue not to mention some of the other Forest Service products that aren't mentioned such as Mushroom Hunting on through and how are you going to get in and out. There are many things that take place on the forest that we don't even mention so that's what we want to keep open as well.
Commissioner Samson – Some of these roads I'm not even familiar with and some I am, but I think we need to open it up and let the people look at the maps and see what they have to say.
Susan Nichols Alvis – President and Secretary of the White River Trail Runners. In light of all this confusion with all due respect to Tamra and Wendy, we are looking to you for your expertise on the history on these roads. Last week, the meeting you were unable to attend, we had some commitment from the Commissioners to go through the County roads, road by road, so does that still hold true.
Chairman Martin – I sure hope so. I have a letter from Eisenhart for the four-wheelers, etc they wanted to make sure they also had a voice and like to look at the new maps, etc.
Susan – Thank you very much. She and I have been working in concert on this issue.
Chairman Martin – We'll let the public look at these maps and if Tamra would take all these folks into the back room then if we have something to discuss further we will do so. We will have to discuss this at the end of the day in order to get through all other items that we have on our agenda.

DISCUSSION AND ACTION REGARDING JUDICIAL AND ADMINISTRATIVE LITIGATION ON VARIOUS COUNTY ROADS – CASSIE COLEMAN

Cassie Coleman presented that we are asking for public action. We are asking you for public direction whether you do want to initiate judicial or administative litigation.
Chairman Martin – The one on the front burner is East Elk Creek that is the one that set this off. We had our field trip and public meeting, etc and think it was a consensus of the Board to go ahead and process that so we can make that into a County road up to the turnaround or the first bridge. I think we need to give you direction to do so.
Commissioner Samson – My understanding in talking to Carolyn that we need to do is start the process, so if things to do get muddled or we do have to go to court etc we can prove to them that we've put a good faith effort in, done our homework, so when we get to that point they can't just say, wait a minute we need to do our homework so we can…hopefully it won't go to court but if it does, we're prepared.
Chairman Martin – It could go to court and it could be a friendly action but the court would then say this is a County road due to documentation and then for the future we would have documentation. So you would need to have that under RS 2477 assertion.

Commisioner Jankovsky – I would move that's the direction we have to go from being a Forest Service road to proving it's a County road and we have to go through the court system, I think we and I'd make a motion that we do that. I don't know if it's appropriate at this time or not, isn't that our direction.
Commisioner Samson – I don't think we want that so much, we just want to give Cassie and Tamra direction to make sure that we're in line to go there if we have to. Correct?
Tamra – I think there are two things that are getting muddled, one is that the Travel Management Plan shows 241 closed down to motorized vehicles, a trail and that is part of the East Elk Creek issue is that the County has asserted that they want to see that open to motorized vehicles. That's an amendment to the Travel Management Plan and Ms. Haskins mentioned earlier, I believe their supervisor is willing to make that change in the TMP thought an EA process or an appropriate process once that plan has been compiled and certified in August. The second component is actually the long-term recognization that this is a County road and the only way to do that is through the RS2477 process. These are two separate issues. 2477 is the process that goes to the courts, the County is charged with demonstration that this is a County road. The other one is a cooperative and account for the Forest Service assuming that TMP designation.
Chairman Martin – And we have to file a protest to make that happen technically.
Tamra – Carolyn is saying on the appeal is that it would behoove the County most likely to file a formal appeal on the designation of that road, so if that negotiation through the modification of the plan fails at least we will have something to go back to in writing.
Commissioner Samson – Should that be done at this time?
Tamra – Yes, because that would be something for the appeal period, June 18.
Chairman Martin – 45 days and it started May 5.
Commissioner Jankovsky – After hearing the history of that road and the number of times this whole issue has gone on, I think the only way to put that to rest is to prove that is a County road and then it's in our road system and then it's done. Every 7 years it seems to recycle.
Chairman Martin – We will need two motions one to go ahead and file a protest in reference to the Travel Management Plan requesting a change and the other one is to give direction to start with title search doing the history on that proving it is a County road.
Motions (3)
Commissioner Jankovsky – I would make a motion that we make an appeal for the CR 241 through the Forest Service Travel Management Plan that this road is open to vehicles. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

Commissioner Samson – I would move that we direct staff to begin a title search on the ownership of that road so that we can go forward if necessary to make sure we secure it as a County road for eternity.
Commissioner Jankovsky – Second.
Carey – That includes the expenditure of funds to get the title search.
Commissioner Samson – It does. Commissioner Jankovsky – I'll second that.
In favor: Jankovsky – aye Martin – aye Samson - aye

Commissioner Samson – I think we need one more motion to direct staff to begin hammering out a new MOU between the County, the Forest Service and the Town of New Castle, old one expired two years ago so we need to get that done.
Chairman Martin - That establishes who will take care of what.
Commisioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

Chairman Martin –This discussion was started in reference to East Elk because that MOU had expired and the property owner and I have to tell you, a history on that one, John Kelly received a letter from the Town of New Castle saying you have to take care of your porta potty. This goes back to that MOU, the porta potty; the facility is under the control of the Town of New Castle.

New County Attorney
Andrew (Drew) Gorgey was introduced as the new County Attorney and was seating in the audience.

APPOINTMENT OF BETSY SUERTH AS STATUTORY "ROAD SUPERVISOR"
Carey – Section 43-2-111 requires an appointment of a Road Supervisor by the Board of County Commissioners and before you today is Betsy Suerth and a new additional role as Road Supervisor.
Commissioner Jankovsky – From my standpoint, we need to get this done but I think it's a temporary position until we get a new Road and Bridge Supervisor and then at that time we would appoint the Road and Bridge Supervisor as the road supervisor. I think that would be my take on that, I don't know; I talked to Ed about that for a little bit, so we're going to appoint you but then once we get the road and bridge supervisor appointed I would then like to …. Chairman Martin – That comes on the heels of Marvin announcing his retirement.
Commissioner Jankovsky – Marvin announced his retirement so we will have the position open and I know Katherine is back there, so we'll be filling that postion, that would be my thought and the direction we would be going.
Commissioner Samson – It's all necessitated because Marvin's retirement.
Katherine Ross – There hasn't been a specific plan yet made to replace that position, we would have to take a look at the structure.
Commissioner Jankovsky – The R&B knows what, work with Betsy, Ed and Katherine to get going on filling that position. I feel we have some very qualified people in the road and bridge to move up into that position. If we open that up and I don't know but I'm very happy with the individuals we have in Road and Bridge right now.
Commissioner Samson – I would concur.
Chairman Martin – I need a motion to go ahead.
Motion
Commissioner Jankovsky – I didn't make a motion but I did want to bring that up to Betsy and the public that once we have that road and bridge supervisor filled I think…
Chairman Martin – First, we didn't ask Betsy if she is willing to take on this duty. Are you capable or is it bringing a hardship that would be greater than what you have going on anyway with your special projects.
Betsy – No, this is the statutory requirement for someone who's responsible for all personnel at Road and Bridge, all equipment, ability to be responsible for the inspection of bridges, or roads and the ability to be able to close any of those infrastructure for the protection of the infrastructure itself or the safety of the public. So it really needs to be someone who is overseeing the entire department.
Commissioner Jankovsky – Now we have a vacancy in that postion because of Marvin's retirement.
Chairman Martin – We have a motion to appoint Betsy. Do we have a second? Commissioner Samson – Second. I thought the motion hadn't been made but Tom did make a motion in a roundabout fashion.

Betsy – There is one more, in the statute there is a requirement of monthly reports, which we just wanted to let you know that we believe the finance department submits to you a monthly financial status and the annual budget process fulfills the needs statutorily for this requirement. That's staff's opinion and we wanted to make sure that was what the Commissioners believed or if there was any other requirement that we discuss that.
Commissioner Samson – You're saying the monthly financial report that we get through the finance department satisfies the state statute.
Betsy – Along with I think the budgetary process annually because the Commissioners have the ability to look at the details of what road and bridge is planning on repairing and fully rebuilding at the time of the annual budget and you see you financial status of the expenditures and revenues of Road and Bridge monthly though you're financial summaries from the finance department, so we believe that those two processes and reports fulfill the requirement of the statute as written.
Chairman Martin – We also like the weekly report of projects etc and any issue that comes up in Road and Bridge that we need to deal with.
Betsy – We always come before you when there's any issues.
In favor: Jankovsky – aye Martin – aye Samson - aye

CLARIFICATION TO RESPOND TO THE TRANSPORTATION COMMISSION THAT WE ARE IN COMPLIANCE.
Chairman Martin – That would be standard identification to STACK and to the Transportation Commission in Denver. That would come from the Chair, a letter that we are appointing.
Carey – Are you directing our office to provide that letter?
Chairman Martin – Yes, that deals with the statute so we're going to have to write a letter.

LANDFILL SEPTIC TANKS/PONDS AND INABAILITY TO DISPOSE
Commissioner Samson – I do have a comment on that because all three of us received the email from Jeff Warren that was quite concerned what he was going to do as well as others concerning.
Commissioner Jankovsky – Terry called me and … I think it's very important to the County.
Chairman Martin – Identify that discussion/direction regarding remediation of existing septic ponds at the landfill.
Betsy – This is on your agenda today because all the Commissioners have had discussions with private individuals who have businesses or actually have septic tanks at their homes, they're concerned about the inability to dispose of that waste, and that is true. Right now in the County there no place to dispose of septage waste; the West Garfield County Landfill has been unable to accept septic waste for an extended period of time, this is true and several contributing factors have caused us to be in this condition. Right now, we have one of three septage impoundments that is available; however, it is full and mother nature has not been real cooperative with evaporation for us. The weather conditions have been moist lately so that septage …. We're installing aerators to try to mitigate that problem but we have no way of knowing when we'll be able to take waste in that one pond that is operational until mother nature lets up on the moisture. The remaining two impoundments were taken out of service for repair and rebuild and since then we have been unable to complete those projects because the Colorado Department of Public Health and Environment (CDPHE) has not provided us a regulatory mechanism to guide in a design of the rebuild. That regulatory process has been held up for nearly two years I understand from our landfill consultant and so we don't want to undertake a project until we know how to comply with regulations that actually do not exist at this time. We've been going back and forth with the State asking them for direction for perhaps being able to move forward without those regulations being in place. Just recently, we received news from our consultant at the landfill that CDPHE is restarting its design review and what they are saying is they will look at designs for septage impoundments. Their main concern is protection of ground water and we all understand that, and so they will assure that if we move ahead with our design of these impoundments that subsequently will meet the design standards that they are anticipating for release in November. However, our consultant does doubt that they will meet their own deadline so we would like to move forward with that design process. Right now, we have two design options, one is to rehab the two impoundments as they exist now and the second is to rehab and combine the two so we would end up with one impoundment. There really isn't any large difference in capacity between the two septage impoundments or one combined, my recommendation is to move forward with two which gives us more flexibility and if we were to have a problem with one or one was full, we could manage with three ponds better than with two. The other factor in this is the County's entered into an agreement with the City of Rifle and we were to divert all our septic waste to a composing facility that is starting up in Rifle. Now that start up has been delayed again by CDPHE and permitting. We believe that the composing facility will be in operation here in the next few weeks. Those diversions will hopefully be able to happen and your contingency would be able to bring their septage waste to this facility in the City of Rifle. In the meantime we'd like to get our operations back up and running so there's always a back up for that agreement and then for other difficulties that may happen at South Canyon or other landfills that historically have taken septic waste.
Chairman Martin – Is South Canyon taking anything right now.
Betsy – No one is right now. We've gone back and forth at different landfills and we'd like to have more flexibility at the West Garfield County Landfill for the contingency.
Chairman Martin – Is Mesa taking it?
Betsy – Mesa County does but they will only take waste from Mesa County residents and businesses.
Commissioner Samson – Do we have to have supplemental to go forward on this?
Betsy – Perhaps, what I'd like to do is come back to you with real pricing and then you can make a decision as to where those funds should come from. I was before you a few weeks ago; the financial condition of the Landfill, the fund balance is fine right now so the Board can consider fund balance from the Landfill or elsewhere. When we know the numbers, better we'll have more data to make that decision.
Commissioner Samson – I would be leaning more toward the Capital Improvement fund. How much is the fund balance in that?
Lisa – It's adequate, we would have.
Chairman Martin – Well over $10 million.
Betsy – The last time we came before you too, we were supposed to come back with some revisions to the Landfill Resolution and we can look at perhaps with County Attorney advice different language on capital funding so we …
Commissioner Samson – Will you be before us the first meeting in June.
Betsy – Probably not, we've been instructed to keep that agenda to a minimum so it would be the 13th of June. In the meantime, we're moving forward with design if you do agree with the two ponds rather than the one that's the direction I would like to move and the consultant has voiced to move forward with that design. We can do some preparations at the Landfill on the ground to prepare for the mitigation of those ponds there still needs to be some dredging and drying out activities, which depends on Mother Nature again, but we can be working on that.
Chairman Martin – What would be the target date of completion?
Betsy – I don't have that information without knowing….
Chairman Martin – It would be more than next week where these guys are holding stuff in tanks and trucks.
Betsy – It would be a couple of months at least depending upon the drying conditions.
Chairman Martin – It's called global change and it's always going to be this way, we're going to be the new Seattle.

Betsy – We hope the new aerators will help in the existing ponds to start to evaporate so we can take waste there as well. There's a couple of possibilities but neither will be within the next couple of weeks.
Chairman Martin – Who is taking the waste?
Commissioner Jankovsky – Terry Kirk is driving to Craig and Delta.
Chairman Martin – I have a letter from Mr. Hecksel in reference to the South Canyon Landfill so I will review that one more time.
Betsy – We can do things as we can and get things going, we understand the urgency.
Commissioner Samson – So when this gets done in the past do we let anyone come here or are we going to or have we in the past said like Mesa County we're only accepting this from Garfield County.
Betsy – We have always accepted waste with no discrimination, no limitations on county residents.
Commissioner Jankovsky – Is this a moneymaker for the Landfill?
Betsy – It could be yes. Revenue generator the breakeven point without knowing the actual cost of the rehabilitation and rebuild I can't tell you what the repay will be on that but that is part of the calculations we want to bring to you for consideration.
Commissioner Samson – In the past have we had it where anyone can come has there been a difference in the scale charges.
Betsy – No, not to my knowledge.
Chairman Martin – A fair trade agreement, no embargos.
Commissioner Samson – It doesn't seem that way with Mesa County.
Betsy – That's a policy decision.
Chairman Martin – That may be in reference to a request back to this Board to Mesa County and say will you accept it or not due to our situation and see what their capacity is, there may be a capacity issue as well. At least let's make an inquiry.
Commissioner Samson – Let's direct staff to do that contract them, Betsy and say that we are definitely working on this situations and it's going to take several months to clarify it but we would request at this time that you would let people from Garfield County take care it at your facility until the time being.
Chairman Martin called for Terry Kirk to come up. Have you contracted and discussed the issue with Rio Blanco?
Terry Kirk – Rio Blanco is not receiving any liquids. I called Glenwood, Silt, New Castle, and Rifle.
Chairman Martin – Municipalities are not taking in waste.
Terry Kirk – The only place I could find was Craig and that's a 3-week application process and a guy named Tom Crock owns a company called CB Industries in Delta, they'll take anything from anywhere for septage or porta potties. I took portable toilet waste to Glenwood and they rejected it because some of it came from EnCana's toilets.
I still haven't figured that one out. Our tanks are full and we're hauling it to Delta. I'm hauling it 1500 and 2000 gallons at a time and it might pay Garfield County to put a tanker in at the pit and let that tanker haul 8,000 gallons at a time of 7,000 gallons at one time to Delta or even just pump out the pond where they're be no demerge on the truck, just to get rid of it to allow us to dump somewhere. Evaporation is a wonderful thing but when there isn't any, it doesn't help.
Commissioner Jankovsky – Did you look at the cost on this Betsy and on a Tanker truck.
Terry Kirk – CB in Delta is, I have a phone number for Betsy if you want it.
Commissioner Jankovsky – See if it would be worth our while to do that and then see if maybe could get a couple of loads out of that pond that if we do that can we make that money back when people dump at the Landfill.
Terry- I talked to Jim Duke this morning and he said he's 30-60 days out before he can start receiving and that is all pending a permit from the State.
Chairman Martin – That's just been dirt, they haven't done much of anything other than moving dirt and have their backhoe out there and that was it.
Terry Kirk – Right.
Jim Rada – I just wanted to make a suggestion and this may be a sore spot for some. A couple of years ago we installed that waste water mini plant at the Landfill and the company/manufacturer that provided the equipment has a new representative in this area and I'd like with the Board's permission, talk to him about perhaps looking that system over and seeing if it works. The comments suggestion about a tanker might be an opportunity for us to segregate the true septage, treat it and then reuse that water at the landfill for dust control etc.
Chairman Martin – Yes, that was a filtered system, the membranes etc. We put a lot of hope into that.
Jim – The hope is still there, the problem was we had received a lot of porta potty waste and the chloride levels in that pond were very high and that caused the filters to plug up, but with an alternative tank location perhaps there would be an opportunity to segregate the portable toilet waste from the real septage or the lighter weight septage from the man camps, treat that water and use the affluent for beneficial purposes. I don't know how that would work, we'll need to work with the county engineers and consultants to see if we could set it up as such but maybe there's an opportunity there to again receive that waste sooner with some rehab to that system. The other option would be to talk with the engineers about an intake to one of those ponds and then as the landfill begins to manage the inflow again make sure that we are segregating true septage from other waste like portable toilet waste that are not as easily treated.
Chairman Martin – We need to have several scenarios going on at the same time. I think we have some suggestions and we need to work on all of them. I know that Terry has some options.
Commissioner Samson – Consider that direction.
Jim – Okay, we'll make those connections.
Terry – Two tankers, one for porta potties and one for septage is certainly a solution temporary as it may be. The tankers are readily available because you can put a frac tank in there that accepts waste by thousands of gallons as opposed to several thousands of gallons. The tankers loading one, touching it once into the tanker, pumping the pumps to where there's room to receive this is probably a good alternative. We've having to charge our customers another $200 per septic just to pump the septic. Of course, nobody calls until there's an emergency.
Chairman Martin – Then your tankers are full and there's no way to get I and pull that out. We have run into that numerous of time. I've got phone calls at home and here on that issue.
Commissioner Jankovsky - $200 for a tank, that's expensive for …
Terry – It cost us that much just to do a dump run. The dump rate Delta is $.23 cents a gallon, that's almost $700 to pump a 1200 gallon septic and take it to Delta. Craig is no better; it's faster to go to Delta.
Commissioner Jankovsky – Some of these guys in the east end of the County are doing the same thing, traveling to Delta.
Terry – There's no place to dump it in Garfield County period. South Canyon was taking one load per company but one company brings in 7,000 gallons and one like mine brings in 1100 but it still gets rid of the tank, but it fills the pond faster with the 8,000 gallons as opposed to 1500 or 1200.
Chairman Martin – Pitkin, Eagle and Rio Blanco counties are not taking any.
Terry – It is a problem. This guy at CB Industries at Delta, name is Tom Crom and its CCI engineering, he covering for a million gallons currently. Phone – 640-5029. You might be able to cut a deal with them per gallon.
Chairman Martin –We have numerous scenarios for us so we can make a decision. Thank you very much.

DISCUSSION (PILT AND FML) AND ACTION ON FORMATION OF FEDERAL MINERAL LEASE DISTRICT – CAREY GAGNON

Carey Gagnon presented the Colorado Legislative Council Staff Fiscal Note regarding the power to create a federal mineral lease district for purposes of receiving moneys distributed by the Department of Local Affairs from the Local Government Mineral Impact Fund.
Payments in Lieu of Taxes (PILT) payments are federal payments made from the Department of Interior (DOI) to local governments that help offset losses to a local government property tax base from the existence of federal lands within county boarders. PITL payments may be used to fund services such as firefighting, police protection, and public school and road construction.
When the PILT payment program was established, it was structured such that any FML money's received by counties would be deducted from the county's PILT payment. The General Assembly restricted the state's FML revenue distribution system through SB 08-218, available information indicates that counties receive the FML revenue under this new formula for matters that are their own responsibility and this revenue must be deducted from PILT payments.
The Government Accountability Office (GOA) opinions state that the only action that could avoid the funds triggering a PILT deduction would be if the state or county passed them along to a politically and financially independent school/special district.
Department of Local Affairs: Currently the department is required to calculate and distribute FML revenue to counties, municipalities and school districts. If a county decides to create an FML district, this bill requires that the FML direct distributions to be redirected from counties and municipalities to these districts. The department would need to make appropriate adjustments to its distribution mechanisms, given the following assumptions:
Any FML district's boundaries consists of all unincorporated areas within the County plus any member municipalities named in the authorizing resolution; counties and municipalities choosing to participate in the FML district direct their entire distribution to that district;

- A County forms and participates in only one FML district; and
- A municipality participates in only one FML district.

If all these assumptions hold, it is anticipated that the department can make the required administrative adjustments within existing appropriations. Otherwise, if adjustment cots increase, this fiscal note assumes that the issue will be addressed through the annual budget process.

Local Government Impact

For counties that choose to create an FML district, and assuming that the DOI subsequently determines that the district is independent of the county and that district us of the FML revenue is not for general county purposes, FML revenue will not be deducted from federal PILT payments and instead will augment such payments. This impact is conditional on both the district being created and the DOI determining independence.

Discussion

Chairman Martin – This was a Bill, did the governor finally sign it.
Commissioner Samson – Yes, as of Wednesday.
Chairman Martin – That was the upstart of that particular issue.
Commissioner Samson – Basically, with AGNC it's been brought up since this has been in the hopper etc. My comment to AGNC, as a representative to the Board, is a perfect example of something that AGNC needs to take care of in forming this district. Craig Meis, who's the Commissioner from Mesa County agreed and he's been working on this as well as Chairman Martin, you know the nuts and bolts of it more than anyone because it's your bill, you're the one that got it started. It's an excellent bill and I'm glad that the legislature came together over political lines and the governor signed it. We need to jump on the bank wagon, form this district and secure these funds for not only our county but also our region. Craig and I concurred that our two legal staff's would get together and form this and present it to AGNC so they could approve it or not, get this formed and hopefully we'll secure funds for ourselves in the future.
Commissioner Jankovsky – Otherwise if we don't have this district then it's very likely we won't receive these PILT funds.
Commissioner Samson – This area lost over …
Chairman Martin - $6 million almost $7 million. It's not that you're not going to receive the money, it is combining the Department of Interior Rules and Regulations and the Department of Agriculture. PILT and Federal Mineral Leasing issues come together and what they call as prior year offset. What we're doing with the special district is actually capturing the money that would be returned back instead of being eligible to keep because of a prior year offset combining the two funds. So, if you have a direct deposit to the County it goes back as a prior year offset, if it goes to a special district the entire amount goes to that district and then it's captured 100% and it does not go back to the federal government. The special district then, which is not under the direct control of the County Commissioner Board then distributes that money though a grant process and distributions. But there's a criteria that needs to be put in place. It keeps the money within the area that is eligible and the federal mineral leasing actually is generated from and well as the public lands that the money is generated from, as well as the public lands that the money is generated from. It's a cooperative and take into consider AGNC, municipalities are also part of that. They would be there, it is not a loss of revenue to the state or to the federal government or to the district that is formed or the counties. It's just recapturing monies that would otherwise would be lost through the formula.
Commissioner Jankovsky - It would go back to the federal government.
Chairman Martin – It would be going back to the Department…
Commissioner Jankovsky – And your thoughts on this is that hopefully we'd be able to use this money and interest of this money for the grant process or have we gotten that far from…
Chairman Martin – That is exactly what it would be doing.
Commissioner Samson – A Board would be formed to administer this money in the 5-county area and one of the things we talked about and I think Mesa and Garfield and Rio Blanco are very much interested in and Moffat a little bit, but Routt is out there a bit. CR 5 which goes down Piceance Creek, which benefits Mesa County, Garfield and Rio Blanco counties a great deal. That would be a model project for this group to look at because it's going to benefit the region so much. There are others but that is the example.
Chairman Martin – Yes, that is a regional type of project that this money would be available for with again with the revenue sharing agreement between all members and it would pay for the administration of AGNC to manage that fund as well. Therefore, the members of AGNC would not have dues to have to pay like municipalities. There are a lot of municipalities.
Commissioner Samson – Routt County, we lower the dues and we are the ones that picked it up and kept it going but isn't there a clause in there that says 10% of it is for administration etc which would help AGNC.
Chairman Martin – That's why it's in there so that you can contract and govern that body and assist the municipalities on revenue sharing etc.
Carey – At this point, if you are going to be creating a federal mineral lease district, my understanding from a cursory review of the statute that the creation would have to be done by this Board. We would look at a Resolution from this Board and then additional IGA's with AGNC to assume the operation of the federal mineral…
Chairman Martin – There is a timeline on this particular issue that we need to address and that timeline since it was signed to get everything done. Are you able to accomplish that at least on this end?
Carey – Yes.
Commissioner Samson – What I understand what we would like if the Board agrees that we need to direct you to begin working with Mesa County to set up the Resolution and what the board will look like and a service plan as to how this is going work. Those three

things need to be sent to all five counties that are involved so their County Commissions can approve that and then we can go forward with forming a district with that plan, etc.
Carey – Yes, the only additional authorization I would need to draft an IGA.
Chairman Martin – Not to confuse the issue Montrose and Delta Counties are also looking at interest in joining this particular special district simply because of the PILT and the Federal Mineral Leasing payments that they receive. They are attempting to capture those as well. They can form their own district within their county or otherwise but they were looking at this one for regional projects and the strength of this capture on these funds.
Carey – It would help me in going back to Ms. Dahlgren if you could provide me more description of the role that you see AGNC playing in this process.
Chairman Martin – Administration, bookkeeping and receiving of those funds through a board, actually it becomes a new special district board, not the board of AGNC. They can work in tandem.
Commissioner Samson – I think what we are looking for is a Commissioner for each county on the board and probably selected municipal representatives.
Chairman Martin – Giving them a voice and not just counties. Then the administration or the administer of that group would also be most likely the administrator of AGNC so that would work in tandem. That was what the original thoughts were and the deadline is July 31, 2011.
Commissioner Samson – It has to be signed and taken care of by that date.
Carey will double-check the specifics of the deadlines.
Commissioner Jankovsky – Seven entities for seven counties but it is very worthwhile.
Chairman Martin – It is very worthwhile so we are giving that direction to do so – one the resolution
Carey – No need for action only direction; however, once the Resolution is before you we will need a motion. For now to proceed with drafting the Resoltuion and IGA that is necessary and coordinate with the specific counties that have interest.
Chairman Martin – This in reference to HB 1218.

TOWN OF PARACHUTE'S REQUEST FOR WAVIER OF IMPACT REPORT FOR PROPOSED ANNEXATION OF AMERICAN SODA PROPERTY – CAREY GAGNON
Chairman Martin – I have a letter requesting that particular one also identifying legal description.
Robert Knight, Town Administrator requests the BOCC's comments in the review of the project regarding for the American Soda Annexation, Land Use/Annexation Application and Rezoning.
The parcel of land as described in Book 1129, Page 50 contains the description of the land.
Parachute has received a Land Use Application requesting the review of a rezoning to Rural Agriculture. The location of this property is at 2717 County Road 215. This parcel is an area of 34,546 acres.
A public meeting to review this land use application is scheduled for Thursday, June 16 and the Board of Trustees will hold a public hearing on Thursday, July 14, 2011 at 6:30 P.M. in the Council Chambers of the Parachute Town Hall, 222 Grand Valley Way, Parachute to review recommendations made by the Planning and Zoning Commission regarding this application.
The request today is for a waiver of the impact report for the proposed annexation of American Soda's Property.
Carey – This came to us as a referral because the County is a property owner. When American Soda approached the Town of Parachute, they sent us this notice of referral. We requested to make sure they comply with our statutory requirements, technically, they are to provide the BOCC with an impact report and they had not done so. The alternative to provide an impact report, this Board and the Town of Parachute can agree to a mutually waive that report if this Board is willing and then with that waive they can proceed without this impact report. Before you today due to specific timeframes, we are looking to see if you are willing to waive the impact report required pursuant to Colorado Revised Section 31-12-108.5.
Chairman Martin – This deals with a lot of utilities and a few issues that are being provided that we could not otherwise. It is a 35-acre parcel.
Carey – That is the most immediate need. The second request is it is coming before their planning commission on June 16 and they have requested referral comments by June 1. You next regular meeting in on June 6 and I think they would be willing to receive comments after the original June 1 deadline. If you agree to proceed with the waiver of the impact report, would you like to see this on your agenda on June 6 or would you like the director of building and planning to provide referral comments to the Town of Parachute.
Commissioner Samson – Just direct the comments to the Parachute Town Council would be fine with me.
Chairman Martin – I have one comment on CR 215, annexing it along with the property that has been our policy. With that going forward, they assume CR 215 on that particular area parcel, maintenance, etc and they need to address that both in comment from us to them and them back to us on what they plan to do. That also deals with the new bridge and the new by-pass to CR 215, which comes out of the industrial park onto 6 & 24. That is a brand new bridge and about 1100 feet. They will need to talk about that issue as well. It is just south of that parcel on CR 215.
Motion
Commissioner Samson – I would move that we as BOCC grant the request by the Town of Parachute to waive restriction for annex report that would be required for the American Soda annexation.
Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye.

- **Continued from earlier this morning, DISCUSSION OF COLORADO ROADLESS RULEMAKING AND WHITE RIVER TRAVEL MANAGEMENT PLAN – TAMARA ALLEN**

Chairman Martin - Back to our map-readers, you have had the advantage of reading the maps and we have not but we would like to take your comment in reference to the maps and what you saw, concerns or issues that you need to voice.
Tamra – A quick summary or open it up to those that are here.
Chairman Martin – How many want to make comments.
Susan Nichols Alvis President and Secretary of the White River Trail Runners ATB club, we respectfully as you go through these consider our freedoms as no play users take into consideration our club alone volunteers 250 hours of time doing clean ups, working in concert with the BLM and the Forest Service. If our limitations, if those go through, then those hours are going to be greatly reduced. We as recently as this past Saturday worked with the BLM and Squirrel Valley, 16 man-hours on the ground cleaning up and we were complimented by the second in command of the BLM. Please take into consideration that we are responsible users and we promote that as well as the club.
Commissioner Samson – Thank you for doing that too, your public service to the County…
Chairman Martin – That goes back to a proposal that went forward with the YCC, the youth the conservation core paid for by the county to do assisting in Forest Service and BLM on trail management and maintenance issues. We haven't come to terms on that yet but we will try. Did Fred Kuersten look at those maps?
Fred – Yes.

Peter Hart – Works with the Wilderness Workshop in Carbondale and just wanted to comment on issues in roadless areas specific to water conveniences and insect epidemics and the need to log and just want to note that the Colorado Roadless Rules specifically accepts under certain circumstances those particular uses with the roadless areas. There are a number of other exceptions to that and the folks who have not read the rules may not be aware of. Then with regard to the TMP, fiscal conservatism is something that is big in this County and one of the things the Forest Service is trying to do is actually reduce the routes on the forest to a density they can afford to maintain. That is something to keep in mind.
Chairman Martin – We saw that seven year of non-maintenance and it was absolutely perfect, it was driveable. It depends on the level of service, the level of maintenance and the use. I think that's what we are looking at it the use of that so throw all those issues out.
Summary
Tamra– Start with the Travel Management Plan (TMP) and to refresh the TMP has been issued and rendered a decision and there is a 45-day appeal period that expires on June 18. There are a number of issues that the County probably wants to consider in an appeal letter. Most of them dealing primarily with the County Roads themselves and the needed thing for us internally to understand what the County Road condition is and then acknowledge if there's an issue in the TMP and we can bring this back to all in a letter format that you can comment on.

- CR 282 – we show it as a County road, the map put a TMP shows it being decommissioned.
- CR 284 – the same thing shows it being foot and horse access only, again that is shown as a county road and I do not know the condition and we need to have a dialogue.

Chairman Martin – Condition, meaning what.
Tamra – If that's an appropriate designation or not for that section of County road. It is shown on the TMP strictly as foot and horse and it is designated as a County road for us.
Chairman Martin – That's the debate issue if it's a County road, then it is a County road no matter what the condition of it and we need to stick with that.
Tamra – County road is fine and we can look at asserting the RS 2477 rule on it. That's one portion, the second one is if it can actually occupy motorized vehicles or not, that is a use designation the County is wanting to comment on in the TMP.

- CR 241 –I think we have resolved and have direction from the Board from previous comments.
- CR 137 – a portion of it is shown as a SUP whereby the County shows a portion of it being a County road and there needs to be some resolution.
- CR 30 – this is shown on the TMP as being decommissioned and the County is still showing it as a County road.

Tamra – Those are the ones where there is a discrepancy between our existing County road map of 2001 and the TMP. The only additional comment that came out of the discussion on the maps is there a general interest by a number of public here today to look at re-designating all the County roads that are in the Forest Service both licensed in unlicensed access. There are several roads in the Flat Tops area that are actually shown meaning you have to have a driver's license to be on those roads with your ATV or vehicle and these comments are showing that maybe the County would like to reconsider the type of use allowing unlicensed vehicles.
Chairman Martin – Are you talking about the Model Traffic Code enforced by the Sheriff? Or is it an enforcement issue.
Tamra – It's a Forest Service issue as well as a County policy issue just on what types of vehicles are allowed on these types of road. That's it from a general perspective on the TMP. Staff is happy to put these in writing, do some exploration on certain portions of these roads that I'm unfamiliar with and including anything else the Commissioners want to include in that appeal letter.
Chairman Martin – It was clear on CR 319, West Mamm Creek, did you look at that one. CR 319 is identified to a certain point however; there are County addresses beyond the County road maintenance area. At that point is it a County road or a Forest Service road and that's another issue we need to look at. Then there were some others up on the Buford Road, which is a subdivision that is within the Forest Service in holding. The Forest Service did a land swap on and new road, are they identified as County roads or private roads or Forest Service roads. That is off Buford and we need to look at that as there are large developments on the ridgelines, etc. The Forest Service transferred that.
Tamra – I would ask you on a number of roads that sounds like are issues for this Board as well as the Commission and I will be constructing this letter and it would be incredible helpful to have a list or a summary from you all on additional roads need to be identified and what are those issues. I'm unable to deduce that from our existing road map and I need more historical knowledge. If you can lay those out then I can include those as part of the appeal letter.
Chairman Martin – We have to see the maps, that's what being the holdup. If they're are acceptable for the Forest Service to comment on that's fine.
Tony Zancanella –The only other comment I had was the CR 33 that goes over to Carbonate, it only shows going ½ way.
Wendy - That was to be taken care of.
Chairman Martin – We need to make comments.
Tamra – I believe that was the one that Ms. Haskins said was a correction earlier today.
Tony – They are showing that as being decommissioned which they are going to switch to but the County road maps show it stopping at Supply Basin versus going over to Carbonate that is the last little section.
Commissioner Samson – I don't know what the road was going over to Vega Reservoir to Silt.
Chairman Martin – It's the Colburn Road, CR 342 goes up pass.
Tamra in response to Commissioner Samson if we are okay on that it depends upon what the question is. CR 342 is on our map.
Chairman Martin – All the way through to Mesa County.
Tamra – It shows a County road as well as a Forest Service boundary all the way south to our Mesa County border.
Chairman Martin – It goes to Vega Reservoir and we'll have a bunch of fishermen upset there is we don't have that open.
Tamra – The Forest Service is showing no issue or change.
Chairman Martin – Middle Thompson off or Four Mile…
Commissioner Jankovsky – The problem with that is it gets into Pitkin County and it shows out of Carbondale and goes through Jerome Park, CR 108.
Chairman Martin –It's paved but it goes through the Forest Service boundary. We will look at all those maps and make our comments and get this done.
Tamra – The Roadless is a revised of the EIS and in a comment period that expires on July 13. The roadless issues that we were able to deduce from the maps are relatively limited in regards to actually County roads. It does appear that County road 30 near Sunlight Mountain ski area is shown to go into the roadless area on the proposed EIS. That is really the only section of County road that is in direct conflict with the proposed roadless areas from a use standpoint the general comments that we've heard while reviewing the maps earlier to say that there is a general limitation on access and that is of concern to a number of people here today. The County can definitely include that is comments if you need to. The access to Hubbard's Canyon may be an issue and needs more exploration by this Board to see if that does seem to be an issue in that area. Two other ones that were not talked about but issues that I feel are relevant to bring up in some kind of comment letter are the proposed roadless areas for Battlement Mesa areas as well as the Thompson Creek area. I realize the Thompson Creek area is not in our jurisdiction but I think both of those are proposing limitations on roads and access that may impact the economy here in Garfield County and that may be worth considering in a letter to the Forest Service in regards to the roadless area. That is just a thought and you can include it or not. I'm happy to do whichever you prefer.
Direction

Chairman Martin –Each individual Commissioner get with Tamra, look at each map, the impacted areas that you need to identify, we need to do that this week as the timeline is running out, bring those comment, do the research and put that letter together. I hope that we can get that out as soon as possible.
Tamra – I would like to have draft letter for you for your June 6 meeting to consider and possibly authorize signature on...
Commissioner Samson – Susan, did you get all your roads that you wanted to question.
Susan – Yes, I did for the White River Trail Runners ATV Club.
Fred – There are some roads in the Forest Service that are not County roads but they are Forest Service roads that I feel need to be left open because it is a big impact on the economy of Garfield County if all these roads keep closing on the Forest that affects hunters and fishermen which most are non-resident and brings funds into the wildlife but in the local communities. Not only hunting but also they come here after they hunt and spend money at the Hot Springs Pool, restaurants, hotels and buying gifts for their families. The other thing I have an issue with the roads they have closed, you buy a permit from the Forest Service to cut firewood and then you do not have any way to get the firewood. Lot of these areas are on the Flat Tops, North Fork area and Cline Tops that are down timber being blown down and pine beetles so I think a lot of these roads need to be kept open so you can gather the firewood and help control the pine beetle.
Chairman Martin – If you would put your comments on paper and send them to me I would appreciate it. We'll discuss that issue and share with everyone and if you wish to make an individual comment you need to do such at a certain time and send that to the Forest Service; Tamra can give you that email address.
Commissioner Jankovsky –I'm concerned about areas that have been multiple use areas and now becoming roadless which more or less makes them wilderness areas and a lot of those areas are the Forest Service has shown in the TMP and they are natural areas that should become wilderness sometime in the future; but, I hate to expand beyond that, I hate to have multiple use areas which have access to all kinds of different issues etc to be shut down. That is my concern on the Colorado Roadless.
Chairman Martin – What is see here is the administration making those decisions through just the administrative process and not listening to all concerns as public, governments, etc and that's why we need to have the debate even though it's painful and time consuming, we still to hash things out and to resolve issues locally to assist the land managers to do a good job.

Peter – I just wanted to address the multiple use issue. There's a big distinction between wilderness and roadless. Roadless is basically prohibits road building, riding a motorcycle or an ATV or snowmobile or any of those motorized uses. Prohibited use of a chain saw, it does prohibit large-scale logging unless of course it falls under one of those exceptions like unusual insect epidemic or unusually high fire danger. It's important not to conflate wilderness and roadless, they are two completely different issues and I think that's an important thing for the Commissioners to understand.
Chairman Maritn – Peter brings up a good point and what concerns us is the overall tier of review process. In the analysis or tier process, which is new, actually does just the opposite. It makes it undisturbed until inventory or a decision is made which is an administrative process. It can tie things up and that's some of the grey areas we debate constantly so we have to be aware of that. One of the most important things, and I would like to work with everyone in the room is to take your TMP, putting on there as well the Roadless Area Inventory etc. Actually, see what the overall effect, the global effect is going to be based on both decisions and not separate those two issues and not talk about them together. It's a global result that we are looking at overall and that's what excites us because we also have the Routt National Forest at the far north end and the other issue of BLM into the west as well as the big mountain and all that other stuff, which is a different forest and not the White River. We will have to deal with that particular issue as well. Then we have to deal with the other folks off the Grand Mesa because that affects access. It's all encompassing and we have so many thing that we can concentrate on and we need to do a better job of doing it. Thank you for all your points of view. We will have the comments ready on June 6.

Letter from the Secretary of the Interior - Special Meeting – State Capitol in Denver
8th and Grant, Denver, Colorado
May 25, 2010 at 2:15 P.M.
Meet at 10:00 a.m. at the Commissioner Chambers
This is in an email sent to us late Friday from our Administrative Assistant Dawn Burgess.
Alan Gilbert, Assistant to the Secretary of the Interior called today at 3:35 p.m. and he would like to invite the BOCC to two meetings next week. Wednesday, Stakeholders Meeting, May 25 at 2:15 p.m. at the State Capitol Governor's Office and May 26, 2011 is the ceremonial opening.
Commissioner Samson asked if this was a meeting of stakeholder in oil shale.
Chairman Martin – It could be as to the reassessment of oil shale. We should all be there.

Adjournment

PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, JUNE 6, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 6, 2011 with Chairman John Martin and Commissioners Mike Samson and Tom Jankovsky were present. Also present were Assistant County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
PLEDGE OF ALIGANCE
MOMENT OF REFLECTION
ROLL CALL
Dale Hancock – For reflection I wanted to remember that 67 years ago today our troops and the allied forces began the invasion of Normandy.
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA:
Emzy Veazy III – **Economic Development**
Emzy made the following suggestions to the Commissioners on economic development: studies being television movie studios being established where you use hangers, etc. a fashion industry and models with careers and interstate trade export and import.
ASSESSOR'S UPDATE: JIM YELLICO
AUDIT PRODUCTION CONFLICT OF INTEREST WAIVER – SEAN MCCOURT AND CAREY GAGNON
Jim Yellico, Sean McCourt and Carrie Cagnon presented letters from W. Patrick Martindale and Todd Attala from Martindale Consultants Inc expressing the engagement of services to Garfield County and to EnCana Oil and Gas (USA) and Berry Petroleum as well as other operators in Garfield County not be considered a conflict of interest.
Sean gave the background saying we were approached by our consultant Martindale that they were approached by EnCana do help them audit the what we call joint interest accounts which means working interest owners amongst themselves or check each other out.

Obviously, they are already working for us under our production audit. They approached us just like Oxy did a couple years ago and we've gone through the paces to make sure that we wouldn't have a conflict of interest. Carey helped us draw up a waiver for you to sign and that's what we're requesting.

Carrie – The waiver is something contemplated by your contract with Martindale, if you are willing to allow them to work on EnCana while working with the County. A memo was provided showing some of the risks associated in a conflict of interest. Otherwise letters are in your packet include the request from Martindale explicatively identifying what the company's interest is and why they are requesting services from Martindale and requesting services from the County and so if the Board is willing to waive the conflict then I have a formal letter that is ready for your signature.

EXECUTIVE SESSION – REFERENCE – MEMO, LEGAL ADVICE AND RISK FACTORS

Commissioner Samson – Yeah, I think I'd like to move to go into Executive Session to discuss this for a moment. Commissioner Jankovsky – Second. Motion carried.

Commissioner Samson moved to come out of Executive Session. Commissioner Jankovsky - Second. Motion carried.

ACTION TAKEN

MOTION

Commissioner Samson – I'm concerned, I think one of our main responsibilities as County Commissioners is to protect the County. I have no animosity towards EnCana, I think they've been a good partner with us etc and I have faith in our Assessor's office and you have done a very good job in what you've been doing in assessing these things and I commend you on that, but I think to protect both Martindale and EnCana as well as the County, I think it help us not to grant this waiver until after the audit is complete and then look at it at that time. That is my motion. Commissioner Jankovsky – Would you add Berry Petroleum to that as well. Commissioner Samson – Yes, we need to treat them both the same. Commissioner Jankovsky – Second.

In favor: Martin– aye Jankovsky – aye Samson - aye

CLERK'S UPDATE: JEAN ALBERICO

- **REQUEST FOR TEMPORARY LIQUOR LICENSE AND TRANSFER OF OWNERSHIP FROM THE 35TH AVE BAR & CAFÉ, INC. TO THE 19TH HOLE BAR & GRILL LOCATED AT 73 SIPPRELLE DRIVE, #A, BATTLEMENT MESA. APPLICANT IS BRENDA GOOLSBY**

Jean Alberico and Brenda Goolsby part manager of the 19th Hole Bar and Grill in Parachute were present.

Jean presented the affidavit of transfer and statement of compliance regarding the request for a Temporary Liquor License and Transfer of Ownership for the 19th Hole Bar and Grill in Parachute, Colorado.

Jean – What you have before you, Brenda is a partner in the 19th Hole Bar and Grill LLC and they're asking that the liquor license for the 35th Avenue Bar and Grill, which was located at the same location which you approved In July of last year. Jean explained in detail the requirements for a temporary license. The $100 fee has been paid of that issuance and she cannot operate until the fool license is issued.

Motion

Commissioner Samson – I would move that we grant the request for a temporary liquor license and transfer of ownership from the 35th Hole Bar and Grill Inc to the 19th Hole Bar and Grill located a 73 Sipprelle Drive, Battlement Mesa and that with that we set the public hearing for the permanent license for July 11, 2011.

Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – Aye Samson – Aye

Jean – John will sign this and you can take this with you.

COUNTY SHERIFF UPDATE: LOU VALLARIO

Not present.

CONSENT AGENDA:

g. Approve Bills
h. Changes to Prior Warrant List
i. Bond Release – Modular Space Corporation – Betsy Suerth
j. Liquor License renewal for Kum and Go #929 located at 59 Tamarisk Trail in Battlement Mesa – Jean Alberico
k. Authorize the Chair to sign the Resolution for the Middlefork Water Recycling Facility Expansion for Material Handling (LIPA-6770) – Molly Orkild-Larson
l. 2011 Professional Services Contract – Olsson Associates, Inc.
m. Release to Contract No. 1 to 2011 Professional Services Contract – Olsson Associates, Inc
n. Release to Contract No. 2 to 2011 Professional Services Contract – Olsson Associates, Inc
o. Release to Contract No. 3 to 2011 Professional Services Contract – Olsson Associates, Inc
p. Release to Contract No. 4 to 2011 Professional Services Contract – Olsson Associates, Inc
q. Authorize the Chair to sign the resolution of denial for a text amendment to the Los Amigos PUD for a Sober house. Applicant is Donald Edrington - Fred Jarman
r. Authorize the Chair to sign a resolution approving a 1-year extension for the High Mesa RV Park to September 21, 2012. Applicants are High Mesa Partners, LLC, Daybreak Realty, LLC, and James and Monique Speakman - Fred Jarman
s. BOCC letter to UCD School of Public Health ending Battlement Mesa HIA Professional Services Agreement – Jim Rada

Pull Item M and discuss.

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to approve the Consent Agenda a – n minus Item m.

In favor: Jankovsky – aye Martin – Aye Samson – Aye

Item M Discussion

Chairman Martin – M is the letter to the School of Public Health.

Carolyn – Commissioners, you had asked that the letter be drafted by Mr. Rada and put on the Consent Agenda but John got ahead of the curve and signed it without bringing it back on the Consent Agenda. So we are just letting the three of you know. If you want to make any amendments to it, it would have to be a second letter, the one letter has already been sent.

Commissioner Samson – I want to add a sentence at the beginning, I think we should add: "Dear Dr. Roxanne Witter, in consideration of the recommendation by yourself and Dr. Adgate of the Colorado School of Public Health, we, the Garfield County Board of Commissioners on May 2, 2011 voted to discontinue further work on the Battlement Mesa Health Impact Assessment (HIA) project." I think that should be included in the letter.

Commissioner Jankovsky – I agree with that Mike.

Carolyn – Jim is the one who created the letter and the only question I have does Jean want us to create this and have Chairman Martin sign to totally replace this May 16 letter or do you want to write a separate letter that says…

Commissioner Samson – No, all I want is that added at the beginning. The rest of the letter is fine.

Chairman Martin – There's a requirement of time. We requested Jim to do that by a certain time and that came forward.

Jim – I reviewed the video and there was no time element but I did produce the letter the week after the May 2 meeting.

Commissioner Samson – So we could do this very easily by send it as a second letter dated today.
Jim – There was also a suggestion from Commissioner Jankovsky that it go on the website once approved by the Board.
Commissioner Samson – I would include that in my motion. Commissioner Samson – I would second that motion.
In favor: Jankovsky – aye Martin – aye Samson – aye
Jim – I'll run that language by you before I send it.

COUNTY ATTORNEY UPDATE: CAROLYN M. DAHLGREN

- **UPDATE ON FEDERAL MINERAL LEASING DISTRICT**

Carolyn submitted HB 11-1218 regarding the establishment of a Federal Mineral Lease Districts (FML) for transferring FML payments to the FML District in order to maximize the amount of federal funding received by counties within the State. Municipalities that want to be included in the FML may enact an ordinance proposing to join the District before the adoption of the resolution creating the district by the county. Carolyn pointed out that each county is only authorized to form a singular district.
Chairman Martin – Ms. Dahlgren is going to do some update on the Federal Mineral Leasing Districts. DOLA does not believe that State Legislation allows for a regional approach. From our perspective as lawyers okay the statute doesn't say that but then we have this other set of statutes that allows governmental entities by IGA to do everything that each individually has the power to do. I'm doing a draft of the service plan and draft IGA. The service plan for the individual district but Garfield County and each of the other four counties would approve, would be a service plan that says "we plan to use this money, not for general governmental purposes but for mitigation of the impacts of … the statutory language." We plan to do that by means of an IGA with our other regional counties and we plan to hire AGNC as the administrator of that entity.
Carolyn explained all the details.
Commissioner Samson – That is the point I brought up at the AGNC meeting, I said what is the purpose of AGNC for the region to work together and this is a perfect example of the five counties working together to get more money for regional projects. Everyone agreed with that concept. My question is the timeline, it's getting critical here because don't we have to have all five County Commissions approval this and then AGNC.
Commissioner Jankovsky – I would guess at CCI we probably need to talk to the five counties and make sure they are moving forward.
Chairman Martin – If they're not that's fine if they have cold feet, we'll go ahead and establish what we can and allow them to join in at a later time.
Commissioner Samson – I think four out of the five counties are with us. The one I think we can work with is Routt County. Their County Commissioner was somewhat reluctant in some things, but he voted for the motion to go forward in Garfield and we taking the lead with Mesa and forming this. With some more information and education can enlist them.
Carolyn – Are you expecting them to all be there for tomorrow's meeting?
Chairman Martin – Yes, Colorado Municipal League (CML) is aware of it and probably have part of the discussion protecting the interests of the municipalities and that is only right. We're not trying to take anything away from them.
Carolyn – This does not in any way affect what they get separately.
Chairman Martin – They want to be included in the discussion.
Carolyn – The question is do they have regional projects that they would like extra money to go into.

Identifying the items for Executive Session

Carolyn identified the items for Executive Session as: Elk Creek application and legal advice; appealing to the US Forest Service TMP; Administration Litigation; Settlement Offer with Sober House; and the Collins case in litigation.
Ed – You have another Executive Session tonight at 6:00 p.m. in Vail and we'll be meeting with Roxy Hubert to discuss that sales tax issue.
Lisa – We discussed that meeting, was that noticed as a Special Meeting, it would be open to the public.

COUNTY MANAGER UPDATE: ED GREEN

RATIFICATION OF DOLA GNECI CONTRACT AMENDMENT – JIM RADA

Jim Rada submitted the document EIAF #6472 – Garfield County New Energy Communities Initiative, Amendment No. 2. Just a quick background, we had put a request in several months ago to extend the DOLA contract to finish the Garfield New Energy Communities Initiative grant project, the extension request was for the end of the year. I needed to get the Board to sign off on the contract amendment. I received notification from DOLA that our contract was due to expire at the end of June, so I hustled and had Commissioner Samson's signature and I submitted the documents to DOLA, along with the Resolution for any of the Commissioners to be allowed to sign those documents. DOLA received the documents, it's in process and we need to have the Board ratify that signature today.

Motion

Commissioner Jankovsky – I will make a motion that the Board ratifies Commissioner Samson's signature on contract amendment No. 2 for the ratification of the DOLA contract with Garfield Clean Energy.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – Aye Samson – Aye

FRESH AIR INTAKE/HVAC ZONE SYSTEM UPGRADE – BRIAN CONDIE

Brian Condie submitted a letter to the Board regarding the safety team identification of three ventilation problems at the Airport Office Building. Brian named the three remedies suggested by the County Engineer.

Motion

Commissioner Samson – I would move that we accept the bid from A-I Heating and Cooling for an amount of $24,155 to correct the building deficiencies at the Airport. Commissioner Jankovsky – Second.
Chairman Martin – Funds were identified to be a budget supplemental from Capital.
In favor: Jankovsky – aye Martin – Aye Samson – Aye

RECOMMENDATION TO AWARD 7TH STREET AND PITKIN AVENUE PARKING LOT CONSTRUCTION TO GOULD CONSTRUCTION – JIM HACKETT

Recommendation: To award a contract to Gould Construction is an amount not to exceed $170,603.00. Once the award is given and notice to process, we will give them 60 calendar days to complete.
Chairman Martin – It is an item we need to work with the City on to make that a more functionally parking lot.

Motion

Commissioner Jankovsky – I'll make a motion we approve the recommendation to award the 7th Street and the Pitkin Avenue parking lot construction to Gould Construction and authorize the chair to sign.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – Aye Samson – Aye

GARFIELD COUNTY ECONOMIC DEVELOPMENT DIRECTION – DALE HANCOCK

Dale Hancock reported.
Chairman Martin took this item out of sequence due to the fact that Dale indicated he wanted to provide a report on Economic Development from Ford Frick, BBC. Then we'll take the request from the other folks. BBC has recommended that applicants for the 2011 funds provide a written application that includes commitments and standards, which Dale reviewed in the record.
If the BOCC accepts these recommendations from BCC, our team stands ready to prepare the application and scoring criteria.

Discussion

Dale Hancock – I want to make sure you look indepth at what Ford has recommended to date. I'm not certain what the Board wants to do as far as an overall organizational structure for economic development. That might be another workshop. One of the things I wanted to say about the creation of job, because if you go through Ford's report it was referenced that jobs are jobs. What I'd like to advise the Board, it wasn't to terribly long ago and this proceeds both you Tom and Mike that we did a scrub the numbers on a retail project that was suggested for one of the municipalities in the County. We found that the wage was not sufficient to preclude the employees from receiving public assistance so with that in mind we would have effectively taken a hit from our Social Services at that time. I still think we need to keep in mind the level of compensation that we're going to do with respect to the pursuit of jobs. Human Services is already impacted by those 10% unemployed.
Ed – It's rough, we get hit in our fund balance to the tune of 20% for every buck that goes out.
Commissioner Jankovsky – I suggested we talk about what Ford has recommended in this report and have some regional group that does work together.

CARBONDALE ECONOMIC DEVELOPMENT PARTNERSHIP FUNDING REQUEST – DAVE WEIMER

Dave Weimer a financial advisory for Edward Jones in the Carbondale office and with me is Bill Grant retired Oil and Gas gentlemen who's on our Board were present and presented the collaborative efforts, vision statement, mission statement and the Board creation of members. As to the partnership vision, the Carbondale Economic Development is requesting $25,000 investment from Garfield County. The funds will be used for:

- $15,000 EDC/Staffing to do grant solicitation and communication;
- $10,000 Marketing Plan including branding, website development, and marketing materials.

Talking with the different entities just in Carbondale, the Chamber of Commerce, and the Tourism Council, there's a Downtown Business Group collaborating with all them in conjunction with the bigger picture for the County, County staff and Rifle's group. We have had meetings and continue to plan to have meetings because we all gather some information and ideas from each other. $.75 cents on every tax dollar collected is spent outside the town limits of Carbondale, that's problematic. We are trying to attract businesses to Carbondale to create economic diversity and create jobs, period. Our Board consists of myself, the president, Debbie Patrick promotional concepts, Brian Leasure is in real estate at River Valley Ranch, Rick Holt is our middle school principal in Carbondale, Travis Stewart is president of Western Slope Materials in the construction business, Bill Grant is with Clean Energy Collective, Elizabeth Murphy who is a liaison to the Carbondale Trustees with us here today and Eric Roush is an attorney who is our liaison to Mountain Regional Housing. This leads me to say that our group has decided instead of going through all the cost, time and effort to create our own 5013C, Mountain Regional Housing in Carbondale already has 501C3 that we have fit under their umbrella so we have a partnership agreement with them that's very flexible that we're able to start our business immediately. We've already been granted $20,000 approved by the Town of Carbondale Trustees, we're asking for some money from Garfield County, we're looking to create community investors, looking at our business community in Carbondale; we're looking at community supporters, which are generally higher dollar people that might that might be interested in helping support our cause. We're also looking at grant opportunities. The type of businesses we are looking at trying to bring to Carbondale are ones with our flavor, outdoor industry, education and alternative energy that encompasses potentially a wide range of different businesses. There's a lot of white marble coming down from the quarry in Marble and it is put on a ship to Italy to be processed. There may be an opportunity to take care of some of that marble in Carbondale, Crystal River Valley or Garfield County for processing and create some working groups to engage folks that might be interested. We are hopeful within the business community to be able to hire a part time or full time economic development professional to do the work. We're requesting $25,000 from Garfield County to be as follows: $15,000 for an Economic Development Consultant/ staffing and $15,000 to be used for marketing plan, materials and a website.
Commissioner Jankovsky – So you folks are not just starting out but you are organizing, forming and trying to hire somebody to be a full or part time to help your board out for leads, etc.
Dave – We have 71 different businesses in Carbondale that are supportive of this initiative. We're excited about that.
Chairman Martin – We thank you very much and we'll make a decision as we hear the other people.

FUNDING REQUEST FOR RIFLE REGIONAL ECONOMIC DEVELOPMENT CORPORATION – JULIE BJURSTROM

Julie Bjurstrom submitted a letter of request for a contribution from Garfield County for $25,000 as a follow-up from the joint meeting held on March 14, 2011.
Julie –We're very interested in attracting those primary jobs. We have taken a two-phase approach to economic development. We have since our meeting in March formed two formal committees under the Economic Development Corporation. The other committee we've established is business attraction and recruitment committee where we're actually going out and trying to identify what key industry sectors, how can we build off of perhaps something already in place and find some complimentary businesses that would be interested in coming to the area. We are here to request $25,000 to help continue to fund our organization as we expand and grow.
Commissioner Jankovsky – Comments, I think in Rifle you're starting to see a bit of up-tick in the economy. The Colorado Oil and Gas meeting on Thursday, we had someone stand up and they were with an Environmental Lab and stated we are here in Rifle; we want all the oil companies to know that we're available for their testing. I would encourage you to talk to seven companies there doing R & D in the Piceance for oil shale. My concern is our government is going to be so restrictive and take that to other countries and use it. I think there are many things going on and especially moving you guys not to just be in Rifle but New Castle and Parachute is very important. Thanks for the work you are doing.

FUNDING FOR ROARING FORK BUSINESS RESOURCE CENTER – RANDI LOWENTHAL

On May 9, Randi submitted a request for $20,000 for 2011 to 1) continue the partial match for the EDC grant; 2) continue to provide technical assistance for entrepreneurs and small businesses; and 3) develop our capacity to focus on local, growth-oriented businesses including the ability to provide market research and other business information.
Randi submitted a report of activity, programs, and services in 2010. We have our virtual incubator and resources center. We support the local economic development efforts. We don't recruit and attract, that's the economic development people that do that. We literary do hands on, roll up your shelves, try to work with the businesses. I would say that one-third of what we do is helping individual businesses that may be an entrepreneur that has a great idea. We either start or try to talk them out, it could be an existing new business, which to us is less than two years old, and it could be an existing business. It can be business plans for access to capital. The other 1/3 is special projects like as when Tom was talking about the Carbondale Revolving Fund; we administer that, we work with the USDA to get the additional $50,000 matching grant from the USDA for that revolving loan fund and we're the administrator of the day to day process with that. We did go to Carbondale and they are funding it again for next year. We're excited about that for the Town of Carbondale. We're asking for the continuation of that support of that grant in the amount of $20,000. We receive $20,000 from each community. That is in the special project that would help businesses in those two towns and it will end up affecting them and the areas around it as well.

REVIEW OF INFORMATION AND DIRECTION IN REGARD TO THE BOCC FUNDING A YOUTH CORPS IN GARFIELD COUNTY – TAMRA ALLEN

Tamra – This is a concept and fits into the jobs creation idea as well as spending money for economic development in the County. She briefly went over the memo submitted in the Board's packet. I did research on starting a youth corp in Garfield County. I found there is a youth corp already established in the area based out of Mesa County in Grand Junction called the Western Colorado Conservation Corps. They are looking at expanding into Garfield County. The general concept is they hire youth between the ages of 16 and 25; they employ them for weeklong stents that can expand over the course of the entire summer if there's funding available. They do a

variety of trail related activities or other kind of management activities. They charge anywhere from $5500 to $6000 per week for a crew which pays for all of the crew, the salaries, the stipend that goes to the youth that are actually employed as well home crews. They provide transportation and all the skills training necessary for the youth that are involved in the program.
Chairman Martin – The Swift Crew is out of the Rifle Honor Camp that does the same thing with the folks who are skilled. The hope is this would help further the education where youth in the area can raise money so they can go to college and pay for their education.
Ed – You want to make it available for graduating seniors and first/second year college students.
Commissioner Jankovsky – If they're running chain saws they need to be 18.
Ed – You're probably right so should we do it from 18 to 22.
Chairman Martin – That would be fine with me. I still think it's a great worthwhile project, I wish the Forest Service still had their trails crews because that was always the way of making extra money through the summer. They don't hire trail crews any more perse.
Commissioner Jankovsky – The other thing I liked in Tamra's memo the fact that they had a crew that did energy improvements through something where they could work with Garfield Clean Energy to do possibly lower income homes, go in and actually do some of the insulation and whatever else might be appropriate.
Dale – One of the questions you may want to ask is about the federal space issues for wildfire.
Chairman Martin – That's the approach to the fire districts.
Dale – That would add value opportunities to get into some of that defensible space issues.
Carolyn – Commissioners, in papering this project are you looking at contracting only with Western Colorado Conservation Corp and creating a scope of services that embodies all of these different ideas or are you looking at contracting with fire district.
Ed – That is the group that actually administers the program. They're the ones that control the crews etc so that's who the paper should be with. We can ask them to narrow the scope of employment to Garfield County.
Tamra – The nice thing about using an entity like the WCC is they are established, know the laws of employment, how it works and what kind of training and skills are required for certain types of jobs.
Commissioner Samson – It said $5,000 to $6,000 per crew for a weeklong for 8 youth and 1 crew leader.
Chairman Martin – We have $379,000 in discretionary fund dollars at your control presently.
Commissioner Jankovsky - I would like to fund these three that have come before us to the amount that they requested plus I think we should start with two crews and get things rolling. I have no problem with this coming from our discretionary funds.
Chairman Martin – I'd say three.
Commissioner Jankovsky – I'd like to it and then if we're successful then we come back next year potentially to look at three crews.
Chairman Martin – Three of four.
Commissioner Jankovsky – That takes us up to $150,000.
Motions for all four groups

Carbondale
Commissioner Samson – I would move that we grant the request for $25,000 to Carbondale Economic Development; $25,000 to the Rifle Economic Development; and $20,000 to the Roaring Fork Resource Center for a total of $70,000; and that we instruct Tamra to begin negotiations Western Colorado Conservation Corps to have two crews work for roughly about $45,000 a crew for this year.
Discussion
Commissioner Jankovsky – That would be 8 weeks per crew.
Chairman Martin – Putting youth together and I hope we can get some college kids so they can pay their way to higher education.
Commissioner Samson – The comment was made that's a lot of money and it is, but my experience has been if you're going to get things going you have to get going and I think we've sat here long enough and we're justified in doing this and making sure that things are getting done in a proper way, but I think it's time to move.
Commissioner Jankovsky – I'll second that motion.
In favor: Jankovsky – aye Martin – Aye Samson – Aye
Carolyn – Commissioners I have a follow-up question, Jim Hackett, Dale and I will be working on getting these contracts out as quickly as possible. As to the Carbondale EDP group if you are not set up as a separate 5013C so is Mountain Regional Housing acting as your fiscal agent, it that who money flows and then you have a contract with them.
Dave – Yes.
Carolyn – That is because you are a loose association or an informal partnership.
Dave – Right.
Carolyn – So that's who the contract entity has to be. Do the Commissioners want to see these; they are all under signature authority so they don't have to come back to you.
Chairman Martin – I don't think we need to see them, we've given that direction and approval of the appropriations and I hope we get some good results.
CONSIDERATION OF ENERGY PERFORMANCE CONTRACT WITH ENNOVATE CORPORATION FOR ENERGY CONSERVATION IMPROVEMENTS TO THE SHERIFF'S BUILDING AND THE COURTHOUSE IN GLENWOOD SPRINGS – BETSY SUERTH
Betsy Suerth, Randy Withee, two representatives from Ennovate Corporation, Kimberly Goodwin and Jack Dickenson from CLEER were present.
Betsy Suerth submitted a memo to the Board saying staff is requesting consideration of the Energy Performance Contract with Ennovate Corporation for Energy Conservation Improvements to the Sheriff's Building and the Courthouse in Glenwood Springs. The project improvements have been considered in early 2010 and approved the budget item for the contract amount of $787,923. That amount is included in the 2010 Capital Expenditures budget for Facilities Management. The scope includes new boilers, some lighting retrofits, occupancy sensors, digital controls and other improvements. 15 years of savings at utilities, alone it's $902,043 dollars.
Kimberly – It's a 12 year plan. What Ennovate does is we guarantee only the pure utility energy savings but we estimate that you will have savings on the annual basis for your operational savings so things you would normally pay out to service contracts to come in and fix the type of equipment we want to replace.
Betsy – Training is included in the contract, Ennovate is going to be provide training to whomever we decide needs it. In this case, our two facilities maintenance personnel members would be Richard and Garland from the Sheriff's office and then we're also have some secondary persons trained as well for backup.

Jack Dickenson from CLEER, the energy navigator comes into play, we're able to watch the buildings perform each year so we'll know if it isn't working correctly and go back and adjust it, call these guys. That's part of their guarantee.
Betsy – The effort was actually part of the original DOLA contract as far as CLEER's involvement.
Randy – Make it clear the boiler is just on the courthouse and not the Sheriff's.
Motion
Commissioner Jankovsky – I would make a motion that we approve this energy contract with Ennovative Corporation in the amount of $787,923 and come out of the capital expenditures budget versus the facilities management. Commissioner Samson – Second.

Carolyn – Since I walked in late, Betsy did you talk with the Commissioners about the anticipation that this will be three years but we'll make sure it's a and year to year.
Betsy – I didn't mention that Carolyn.
Carolyn – The anticipation is that we will have a minimum of three years contract in order to have the measurement from the outside entity and in order for you to see the real live savings, but because of our budget, of course we have to do it year to year. We're all hoping it will be in that language in the contract.
In favor: Jankovsky – aye Martin – Aye Samson – Aye

REQUEST FOR ADDITIONAL FUNDING FOR THE COMPLETION OF MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AND RECOVERY FRAMEWORK PLAN – BETSY SUERTH AND LISA DAWSON

Betsy Suerth and Lisa Dawson presented the request for additional funding to complete the multi-jurisdictional hazard mitigation plan and recovery framework plan. This is for a comprehensive emergency management framework for Garfield County. ECONorthwest they would work with the County staff to do more of this work and are open to discussing that option. There are two major work products that the County would like ECO to complete: 1) a multi-jurisdictional mitigation plan that builds on the work already completed for the County's mitigation plans; and 2) the recovery-planning framework. The scope of work addresses each of these products in turn. ECO has already developed major components of the Garfield County's mitigation plan. There are five steps required to expand the existing work for the County to include a multi-jurisdictional component. The municipalities that have signed on include Rifle, Silt, New Castle, Glenwood Springs and the Fire Districts of Rifle, Burning Mountains and Glenwood Springs. Betsy and Lisa explained the items to be discussed in the workshops. Assuming that the workshop is well attended and that participants are prepared, we should be able to finish the plan with all addenda by the end of the summer, and for a budget of $31,500. EOC is estimating a budget of about $18,000 for the Recovery Framework.
Chairman Martin – You're still looking at an estimated budget of $18,315.49.
Commissioner Jankovsky – Is this budgeted Ed?
Lisa – This is an expanded scope, we do need to request a budget supplement. We have a current purchase order with ECO Northwest but not enough in there to cover this expanded scope so we would be asking for a budget supplement of an additional $30,000 because of what is remaining on the purchase order.
Commissioner Jankovsky- Ed, you're in favor of this.
Ed – Yes, we need this, the main jurisdictional aspect is very important add it provides an opportunity for additional funding though the federal government.
Betsy - Our timeline on this goal would be to complete by the end of the year there is a portion of this that needs to be reviewed by FEMA and we hope to be doing that in October. We're going to have a couple of workshops at the end of the month, June 27 and 28 to knock out a good portion of the body of this scope. Then the consultants will take it from there to pull together all the information and then present what we need to FEMA in October we anticipate you'll see these plans for formal adoption by the end of the year.

Motion

Commissioner Jankovsky – I'll make a motion that we approve additional funding of $30,000 for the supplement budget for the completion of the Multi-Jurisdictional Hazard Mitigation Plan and the recovery framework plan: I guess the additional dollars are there to budget those two items.
Ed – Yes, we need $30,000 more, we have the $19,500 covered. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – Aye Samson – Aye
Chairman Martin – You have to get that completed, if you would make those other inquiries just to cover bases, we don't want anyone left out of that plan.

CONTINUED DISCUSSION ON THE WHITE RIVER TRAVEL MANAGEMENT PLAN AND THE RULEMAKING FOR COLORADO ROADLESS AREAS RDEIS – TAMRA ALLEN

Tamra – Continued discussion on the White River TMP.
Commissioner Jankovsky – I agree to appeal on the additional 5 roads, Segment of CR 282, CR 284, CR 241, CR 137 and CR 30.
Chairman Martin – There's more than those roads. There's CR 150 151 and 151a, the Coffee Pot area in reference to Blue Lake and Blair Mountain, all those on top were identified as errors by Carbonate. They are in the 140's. Then there are 263 allotments in Garfield County in the WRNF and all items need to be identified in regard to those allotments. There are numerous roads that go to water impoundments, cabining areas, salting area, liming areas, camp areas to set up for their allotments, all those areas on the Flat Tops to Rifle have been identified as necessary by the Wool Grower Association, the Cattlemen Association and they actually are paying taxes on those accesses to the County under prosessory interest and they are not aware that they have to put that in their service plan. The Forest Service has not mentioned that to them yet. Otherwise to all those areas are out and would be decommissioned. I would say you have several hundred accesses that are going to be identified. I hope they will do so; those corrections can be done with Wendy. We need to file a protest as an open request on all access for grazing allotments in the White River National Forest. Coffee Pot will remain open but on top around Jet Lake, Blue Lake, Blair Mountain, etc all of that is being decommissioned and they need to stay open as well.
Carolyn – So it's going to be more than 8 roads. Your suggestion was there should be a general hearing if you will regard the grazing allotments, access for grazing allotments.
Chairman Martin – Yes, grazing allotments and special use agreements that are in place, like 137 is a private road and yet it has a Forest Service access number and that argument has been to the Supreme Court and rules that they were the property owner and not the Forest Service but the Forest Service needs to the correction; it's not a public access, it happens to a private road for stock to be taken to Triangular Park. Those are some of the corrections that we need to look at.
Chariman Martin – I have a list of 263 grazing allotments all name and number but I didn't have a map that the Forest Service was going to do. I can supply that to you and you can go ahead and do that with those specific names and allotment number.
Darin Farris from New Castle. I was just seeing which roads were going to be open and closed and road 651 was one that I believe that you were talking about that takes you to Jet Lake and all those other lakes.
Chairman Martin explained Road 651 is a Forest Service Road number; we would have to have a corresponding County Road number.
Commissioner Jankovsky – Actually it's the Forest Service Travel Management Plan, which was part of the Forest Service Plan TMP and they came back in, looked at all the roads and which ones were being used and what they do take care of with their manpower and then they came back, went through an entire process which happened to be about 10-years ago where they did public scoping etc to see which roads; and they had different levels of scoping and finally came back after more than 10-years, filed the TMP that we have without a month to appeal some of those roads that have been left out. There is a strong lobby from Washington that wants to see more roadless areas, which it doesn't make sense to close existing roads to create roadless areas.
Darin – But that's allowing the government to take things away from the community.
Commissioner Jankovsky – Exactly.
Darin - That's wrong.
Chairman Martin – We'll see if the Supreme Court upholds the 10th Circuit of Appeals on access with a guarantee right to the public to enter into public lands. It's a long battle, it's very polarizing, it's very emotional and I hope we can identify the errors and start from there. The cost of maintenance is not the issue; it's a guaranteed right of access. Now, is it administratively acceptable or not, that's

where the local government and the federal partners need to discuss and make these decisions and that's what we're trying to do now with this process. Then the ultimate is to file a protest in court, challenge it, which is open to everyone and every faction.
Commissioner Jankovsky – At this point, we're ready to appeal.
Chairman Martin –We're ready to file a protest in reference to the identified areas that we see errors and we have to be specific as we talk to the Forest Service, corrections can be made up until August so that if we do miss some we can come back and revisit those on corrections, not as protests.
Motion
Commissioner Jankovsky – So we need a motion at this time and that motion would be to file an appeal with the Forest Service for the White River Travel Management Plan on roads 282, 284, 241, 137, 30, 150, 151, 151a and then we have to put in there the identifiable roads for the special permits for access for grazing allotments and any roads that the Coffee Pot on Carbonate we will identify those as well. Chairman Martin will supply those numbers.
Commissioner Samson – Is the correct term protest or appeal. Commissioner Jankovsky changed that to file an appeal. Second.
Carolyn – Cassie is that specific enough.
Cassie – Yes.
Chairman Martin – Then again there were 263 allotments identified in Garfield County that are in the WRNF.
In favor: Jankovsky – aye Martin – Aye Samson – Aye
Roadless Rule Making
Tamra – We have until July 13 to file a comment letter on the draft EIS.
Chairman Martin – You need to review what the level of Tier level of inventory and security that are being proposed.
Tamra - I will review my notes but the folks working at the state level on the roadless plan did advertise a June 16 work session on the roadless plan and they did offer to opportunity to come and meet specifically with this Board to go through that plan so maybe what we do it make sure that is set up and they are able to come in during that day, check your schedules. Then we can follow up on what kind of letter, meet with BOCC, and make sure they are coming and a follow up. What I'd do is I will speak with them and see if there's an alternative date doing a statewide road show on what their rulemaking means as a group or individually**.**
Tamra – I will work with them and try to get a work session that fits into your schedule.
Chairman Martin – I think we need to understand the rules but we need to talk about specifics within Garfield County. That is where we need to aim our focus.
Commissioner Jankovsky – I need to understand those tiers.
Commissioner Samson – Do we need to give Tamra some dates.
Tamra – Let me talk with the state and I know they're doing a statewide road show for several weeks; I will see what's available and talk with you each to see how it might fit into your schedule.
2012 Budget Kickoff
That is set for the 15th at 8:30 a.m.
EXECUTIVE SESSION - CAROLYN DAHLGREN – Under 24.6.402.4 Executive Session regarding legal advice on on-going litigation and or active land use applications for Elk Creek, Collins, and appealing the US Forest Service Travel Management Plan, then the open meetings act as it applies to your evening meeting in Vail. In addition, Sober House on a settlement.
Commissioner Samson moved to go into Executive Session. Commissioner Jankovsky – Second. Motion carried.–
Included I the session - Lisa, Fred, Andy and Dale
Commissioner Jankovsky – Moved to come out of Executive Session. Commissioner Samson – Second. Motion carried.
Vail Meeting – 6-6-2011 6:00 p.m.
Roxy Hubert regarding sales tax discussion. This is not an executive session and possibly some executive session.
ACTION TAKEN – CR 241
Carolyn – Commissioners, the County Attorney's office is seeking authority from the BOCC to start a declaration and quiet tile action regarding County Road 241.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
COMMENTS FROM CITIZENS NOT ON THE AGENDA:
Emzy Veazy III – **Economic Development – continued**
You have a lack of values, lack of an innovative culture that permeating the area and then what happens you have a lack of risk taking in terms of the cultures itself plus the business, if you want to call it a business culture at the same time. That does affect where you have a lack of initiative or personal initiative that is necessary of development for businesses, the recreating themselves, etc, etc, etc. So there's been an inability to break old habits and old thinking, the environment has to be created and you can't always depend upon government, churches, businesses, etc it's got to be people who are willing to do it on their own. Remembers, necessity if the mother of invention. Economic Development is when you tear down stuff and you're doing new stuff – that's economic development. So, what I'm suggesting that you do go onto the Internet, you'll find that and see you can't get businesses or people in this area to participate.
Chairman Martin – You're talking cognitive skills.

CONSIDER A REQUEST FOR A LIMITED IMPACT REVIEW FOR A COMPRESSOR PIPELINE PUMP STATION – MATERIAL HANDLING, FOR THE ADDITION OF A THIRD COMPRESSOR AT AN EXISTING APPROVED COMPRESSOR STATION. THE SITE IS LOCATED APPROXIMATELY 12 MILES NORTH OF DEBEQUE, COLORADO OFF COUNTY ROAD 213. THE APPLICANT IS OXY USA WTP LP – GLENN HARTMANN
Glenn Hartmann, Sean Norris and Craig Richardson, Regulatory Specialist from Oxy USA WTP LP were present.
Carey determined notice, posting and other requirements as well as the applicant provided notice to BLM were adequate and she advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Glenn submitted the following exhibits: Exhibit A – N
Chairman Martin entered Exhibits - A – N into the record.
Glenn gave his presentation
1. GENERAL PROJECT DESCRIPTION

Through the Limited Impact Review process, the Application is requesting an amendment to an existing Special Use Permit approval. The amendment would allow for the installation of a Third Compressor Unit at the Conn Creek II Compressor Station.
RECOMMENDATION of Conditions 1 - 10
Discussion
Commissioner Samson – In Wyatt's letter number two, "they have declined to help with any improvements to Conn Creek in the past and I would like to see them contribute to the maintenance of Conn Creek like gravel, water and drainage improvements.
Sean Norris –explained that Wyatt did approach me about these improvements and a proposal on what we were going to try and do on this road and OXY did decline to take part in that with respect to this proposal and the amount of traffic that is in terms of an increase,

they won't be an increase other than the construction equipment to bring in that compressor and set it. The same operators that are operating the compressor site and CCI of CC2 are driving their pickups back and forth on a normal work schedule, so realistically the level of traffic will not increase.
Commissioner Samson – Yes, without that we needed help with the road.
Craig Richardson – I was told by our operation manager and we did donate some gravel last or year before last so historically we have participated. Perhaps not since Wyatt has been in charge of that area but we have. What Sean is trying to say is that maybe we need further discussions agreed but tying them to this application; we would think it is not approparte.
Sean – That would be my comment as well, the additional traffic or lack of there in terms of additional traffic tied to this application versus obviously we don't disagree that there's a problem with respect to the road and the level of maintenance and material that may need to be added to that road. In all fairness, I can't see that this necessarily wholly and solely associated with this addition of one compressor unit.
Chairman Martin – I think they are open to the discussion with all of the gas users, etc it is a road that needs attention more since 204 road been done at the level it has been.
Applicant:
Craig – No presentation, just that we worked and appreciate help from Glenn on the suggested revisions on the language of conditions of approval and we would hope the Board would take into consideration the suggested language they provided.
Carey - In crafting condition number ten as it has been revised, what you staff has to do legally is come up with is an access between the project being proposed and the amount of improvement being done. At this point, this is what your staff has come up with as the reasonable amount of improvement that you can require based upon the project size. If you picture a bigger discussion but with this application just so it doesn't get lost that this condition is specifically tied to the type of application.
Commissioner Samson – I understand and why I bring it up is because we have a road that needs attention.
Chairman Martin – So, I think we need a joint meeting in reference to the road, the condition of the road but not tied to this application.
Sean – I don't know that I would commit to use being the lead in that sort of situation but we would be more than willing to sit down.
Commissioner Samson – Take the lead, as you're the number one user of the road. I think the Road and Bridge would take the lead.
Sean – Exactly, that is my point. OXY will commit to sitting down in a meeting of that nature with your R&B department to discuss the road.
Motions
Commissioner Jankovsky – I will make a motion to close the public hearing. Commissioner Samson – Second.
Motion carried.
Chairman Martin – We will have to reopen the public comment period by motion.
Commissioner Jankovsky – So moved. Commissioner Samson - Second. Motion carried.
Paul Prestos – 75 County Road 241, I'm confused. I hear from the applicant, no increase in traffic and then later Sean said anticipate a minimal increase in traffic and from this gentlemen reading off anticipate an minimal increase in traffic. I would like to know what a minimal increase in traffic is as measured by a week, month, day and a particular time. If there is more than the anticipated minimal increase in traffic, what happens then, are the residents to accept that?
Chairman Martin – There is only one residence on the entire road on CR 213 that is out of Conn Creek which is north of DeBeque. Once the anticipated increase based upon construction …
Sean - The construction that has gone on CC2, which was the original application, consisted of traffic being discussed at that on that permit. The additional minimal amount of traffic with respect to a compressor unit being brought in place consists of one heavy hauler to carry the compressor in, one crane to lift the compressor off and set it in place, and several small utility trucks that belong to the compressor company that provide the service technicians and their tools to flange it altogether. Over the period of a week, other than the crane and heavy haul truck, which are an in and out in a single day, in one day do the work so you wouldn't see any traffic then and come out the next day. So you'd see two days of one vehicle going in and the heavy haul truck coming out and then the crane in and out. Other than that, maybe a trip each day by four or five of these utility size one-ton trucks that go in and do their work and then they're gone. You figure two trips a day, that's ten trips.
Sean – On CR 213, which has only one resident that's up there.
Chairman Martin –The rest of it is a private road onto the Roan Plateau, they can only go through the guard gate if they're invited, etc otherwise they have to turn around and go back.
Motions
Commissioner Jankovsky – Ill make that motion to close the public hearing. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – Aye Samson – Aye
Commissioner Jankovsky – I'll make a motion to amend the special use permit to allow for the addition of a third compressor unit at the OXY WTLP Conn Creek II Compressor Station with changes as recommended with items numbers 1- 10 with changes recommended by staff on items 3, 6, and 10 with those changes. This is not part of the motion, but then we'd also like to ask OXY as a member of the community to sit down with our Road and Bridge Department, talk with Wyatt bring in the other operators as well and talk about Road 213, what we can get done to make improvements.
Carey – For clarification, you said with the staff recommendations to 2, 6 and 10, there was also a staff recommendation change to number 5.
Commissioner Jankovsky – Yes, I did want to include all the staff recommendations.
Carey – Also, second point of clarification, on condition 10, staff's recommendation different from what I heard from the applicant as long as the distance of road that would be watered. Is that correct?
Glenn – The clarification the application requested was that the northerly most 4/10's of a mile at CR 213, again, to clarify that, it's the area that is immediately adjacent to their operations and the neighbors.
Carey – And because that's different from what is within staff's presentation, I just want to make the record clear are you recommending and does your motion include that additional language.
Commissioner Jankovsky – My motion includes all the language that Glenn has presented to us.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – Aye Samson – Aye
Chairman Martin – The improvements are there and we'll see you at the table.
CONSIDER A REQUEST FOR A COMBINED PRELIMINARY PLAN AND FINAL PLAT APPLICATION TO SUBDIVIDE A ±35-ACRE PARCEL INTO TWO LOTS. THE SITE IS LOCATED IN THE SWEETWATER AREA ON CR 151. THE APPLICANT IS THE JAMES AND JEAN STEPHENS REVOCABLE LIVING TRUST – KATHY EASTLEY
Kathy Eastley, Terrill Knight of Knight Planning Services Inc, James and Jean Stephens were present.
Carey Cagnon reviewed the noticing requirements and posting and determined they were adequate and advised the Board they could proceed.
Chairman Martin swore in the speakers.
Carey did a review of the noticing requirements including posting and found them to be adequate. She advised the Board they were entitled to proceed.
Kathy submitted the following Exhibits: Exhibit A – W. Chairman Martin submitted Exhibits A – W into the record.

Kathy presented her staff report.

2. GENERAL PROJECT DESCRIPTION

The proposed Stephens Subdivision seeks to subdivide a ±35-acre parcel located in the northeast section of the County into Lot 1, a ±3.7-acre parcel and Lot 2, a ±31.3-acres parcel. Existing conditions on the site include a single-family home constructed in 1998, an exempt well and a septic system (ISDS).
The subject site is located in the Sweetwater area on CR 151.

PLANNING COMMISSION RECOMMENDATIONS 1-9

Discussion:
Commissioner Jankovsky – One thing I saw in here Kathy was under the PC recommendations that there are no heart solid fuel places and I'm sure that's a countywide rule but seems like in Sweetwater that wouldn't be necessary.
Kathy – It is a countywide rule contained in Article 7 of the Land Use Code, it would have to be complied with regardless because it is contained in there. Typically, we do require a plat note be the plats as potential notice to purchasers.
Commissioner Jankovsky – Thank you for the explanation.

Applicant:
Terrill Knight, Land Use Planner from the Town of Eagle. We don't have a design but as a concept plan we drew this up and it does quite well for a homesite and there is adequate room for the detention basis for a water tank and for access from the existing well.

Motion
Commissioner Samson moved to close the public hearing. Commissioner Jankovsky Second.
In favor: Jankovsky – aye Martin – Aye Samson – Aye
Commissioner Jankovsky – I will make a motion to consider a request for a combined preliminary plan and final plan to subdivide 35 plus acre parcel into two lots, the site is located in Sweetwater area on CR 151 that applicants are Jean and James Stephens Revocable Living Trust and we accept that with the conditions as recommended by the Planning Commission which are 1- 9. Commissioner Samson – Second.
Chairman Martin – It's been a long process, years hasn't it been Jim.
Jim – Yes, three years.
In favor: Jankovsky – aye Martin – Aye Samson – Aye
Terrill Knight – Thank you for the approval and I will talk with you about final plat issues later.

CONSIDER A REQUEST FOR A MAJOR IMPACT REVIEW FOR THE EXPANSION OF THE ELK CREEK CAMPGROUND TO ALLOW FOR YEAR-ROUND OPERATIONS AT THE SITE AND TO ADD TEN (10) TENT SITES. THE SITE IS LOCATED NORTHWEST OF THE TOWN OF NEW CASTLE AT EAST ELK CREEK. THE APPLICANT IS ELK CREEK INVESTMENTS, LLC – KATHY EASTLEY

Kathy Eastley, Mark Chain of Mark Chain Consulting, LLC, Carey Gagnon and Christian Peterson and Yancy Nichol of Sopris Engineering were present.
Carey reviewed the documents for providing notice, posting and mail receipts obtained from the Assessor's office. She found them to be in order and advised the Board they were entitled to proceed.
Kathy submitted the following Exhibits: Exhibit A – AJ.
Chairman Martin entered Exhibits A – AJ into the record.
Chairman Martin – Swore in the speakers.
Kathy submitted her staff report.

GENERAL PROJECT DESCRIPTION

"The Director of the Garfield County Building & Planning Department opines, under §10-107 of the Garfield County Unified Land Use Resolution of 2008, and the parties agree, that prior to Garfield County's adoption of zoning regulations, the Subject Property was operated as a seasonal campground, containing a maximum of 67 camping sites, in operation from May 1 - November 1 each year, and containing a convenience store for the sale of camping necessities." Court Stipulation, paragraph 2.
This fact was determined during litigation involving violations of county codes. The litigation resulted in an Order Approving Stipulation issued by Jason Jovanovich, Court Judge in District Court, Garfield County, Colorado. See Attachment 3 in the submittal documentation. The Stipulation also stated, "The BOCC and Elk Creek stipulate Elk Creek may operate the campground in the manner described in paragraph 2 above without first obtaining a land use permit. The parties stipulate that a land use change permit is required prior to any expansion of use, including without limitation, any increase in number of spaces used, any increase in the dates of use, any installation or construction of buildings, or any increase in the size of the property."
The Applicant seeks a land use change permit to allow for modification of the court stipulation, which includes a request for year-round operation of the facility and an increase in the number of allowable spaces from 67 to 77 to accommodate ten (10) additional tent sites. The existing 67 sites consist of 53 RV/Camping sites and 14 cabins. A common facility structure is centrally located within the park and contains a laundry, game room, showers, restrooms and two apartments. An RV Park office functions as a check-in/check-out facility as well as containing a convenience store for camping related products.
The campground is located west of CR 241 with a majority of the facility located between East Elk Creek and the County Road. A bridge in the south central portion of the site is adjacent to the office/store (as shown left) and allows access to twenty-two sites that lie on the opposite bank of Elk Creek from the main facility. This area is not proposed for year-round use.
Infrastructure on the site includes three wells and two ISDS systems.

3. PLANNING COMMISSION RECOMMENDATIONS 1 - 18

The Planning Commission held public hearings on this request on October 13, 2010 and December 8, 2010 at which time a recommendation of conditional approval of the major impact review application for year-round use and expansion of 10 additional tent sites.

Kathy brought one condition to the Board's attention that the PC has recommended and that's regarding the driveway slope and that condition that the PC stated in December was that the private driveway into the site should be improved to not exceed the 10% grade or to a design acceptable to road and bridge and Garfield County staff. In the intervening period from December 8 to the present, the applicant has held numerous meetings with road and bridge, his engineer has reviewed various methods that would minimize or mitigate the concern with the driveway grade. I'm going to defer that discussion to the applicant to let the Board know what it is that are willing to do to remedy this issue.

Discussion

Mark Chain – Initially, we'll go with the owner as probably more effective and then I will step in as necessary.

Christian Peterson – I'm the owner of Elk Creek Campground and summarized his need to expand the park. I need this approval to make this park economically viable. I view is a major regional draw where users of Elk Creek are shared where the economic dollars go into Garfield County. I was involved as a minor investor when the park withdrew the stipulation issue with the court order and after I became a major and sole owner of the park. What I've done since that stipulation is I've worked closely with the County and my consultants. I've constantly improved the park, the facilities, and the economic vitality of this park, water, sewer,

electrical systems and just recently built a new bridge. I can share with you that I don't have those dollars, I cannot do it. To support the fact that this park has been access all season all year for 50 years, the Town of New Castle reached out to the public works department where I've called them, met with the gentlemen and said "do you have any problem accessing our park throughout the year, because just up river from our park, there's a bridge that goes upriver and upriver of this is the water supply for the Town of New Castle. We get the Town of New Castle Public Works Department going in and out of our campground for the last 20 to 30 years and potentially longer than that during all seasons, all kinds of weather, snow, rain, sleet, sun you name it and they've never experienced an issue." They come in and out of that campground with tractor-trailers, large rig; it's been a non-issue. Another point to make is that I met with Orion Moon with Burning Mountain Fire District and to me life safety is imperative. One of the things that I've done, I've hardwired all the cabins with smoke detectors, put fire extinguishers throughout all the cabins, I've cleaned out underbrush and growth to mitigate any potential forest fires and anything hazardous to our campers and adjacent property owners. Orion Moon came down and did a pump test in our river, drove emergency vehicles in and out of our campground took the radius and said Christian, I don't have any problem getting in and out of your campground, "what the County is asking is ridicules." That's Orion's opinion but my opinion is that Orion can get your emergency vehicles in and out of here – yes and there's a support letter to that effect that Orion came down, did a pump test and to me the fact that ambulance, tractors, large fire trucks can get in and out of that park is important. There's been some issues with adjacent property owners saying that this is a dangerous intersection. I can share with you that I have done my research, both with the Sheriff's department, with the Town of New Castle Police Department to see if I could find any record of any incident on this intersection. To my knowledge, I'm not aware of any traffic event, any infraction, any collision that has occurred at this intersection, I have Yancy Nichol here to talk about when we get into the more technical details. Some of the things that we feel that we can do to improve the intersection i.e. if you looked at that picture that was put up there, one of the things I'd like to do is cutback vegetation, hedge roll, some trees and things like that so I can improve the site line, potentially do some stripping and some demarcation at the entry as well as potentially put a mirror across the County Road. Other items, because some of the complaints we've had is that people, the 7 or 8 property owners up river from Elk Creek drive down the County Road, I could say at excessively rates beyond the speed limit and they've inferred that they have to put on their brakes or often a camper would pull out and it would be a hazardous condition. I think all things being equal we have a great asset, a great business that wants to contribute to the local community and local economy and I hope you see the same. I have Yancy that go over technical issues related to the entrance that we can address that specifically.
Commissioner Jankovsky – Yes, I think 15% grade is a steep.
Christian – Well, there's grades like that all across the county.
Kathy – I just want to let you know that in the court's stipulation determined the uses that were concerned legal pre-existing uses. We're not into an effect those allowable uses, they can continue operation based upon the court's stipulation but the fact of the matter is that the court's stipulation said if they wanted to expand they had to come through this process. In this process we review spaced on our current code not that we're going back and looking at the operation as a whole, what we felt with this R&B issue was of concern simply because of the winter operation.
Commissioner Jankovsky – Exactly, I'm aware of that and understand. Yancy, do you want to go ahead.
Engineer Yancy Nichols, I started evaluating this after P&Z made their recommendation and know what the conditions was it bring it to 10% grade or work out something with the County staff. I've gone out there multiple times and I tried to explain my point of view, the biggest safety issue out there is site distance. The site distance is very minimum like 65 ft to 70 ft. for a car coming down, so trimming the vegetation and doing some minor improvements out there would really increase the safety of the road. What can I do to help the grade of going to 10%, which creates a major problem. The second safety issues in my mind is the stopping platform and then the grade is a third things. I'm proposing is to reduce it about 22 feet just in the short section that's between the entrance to the park and the county road entrance and Chris Hale and I talked out there on site, there is an area that is straight down towards the trash area there and that 15% gets a little icy, the car has a big long flat area they can just drive and it's not like they would run into a structure or a tree and they wouldn't even have to make a turn. I cannot find anything between that is what I was trying to do. $20k to $50k to do some improvements but I could not get there without modifying the county road.
Wyatt – There is a little platform up there. My biggest issue was site distance, there is minimal site distance there looking towards the north or as you're coming out on the portion left, the removal of trees is necessary, brush is necessary. You also have a curve up at the end towards where they want to lower this road. I don't have a problem with what Yancy has drawn up, it looks good, it would suit me just fine.
Wyatt - We did look at another entrance and have an entrance and an exit. To get that flat level surface where they can come up, the cars can see in both directions. If the trees were cut down and the site distance was improved, I don't think they'd be a problem.
Commissioner Jankovsky – So Yancy's proposal was to lower the county road
Wyatt – That's right for about 300 – 350 feet.
Commisioner Jankovsky – One thing you have to comply with is the state regs and your septic system is good for 2,000 gallons per day and you're hitting at 3200 maybe. It could be an expense that the $180,000.
Christian - The previous owners right, wrong or indifferent that I've reached out to, George James and Carol Richards, they let mother nature determine when this park was open and when it was closed. There is a point where if I have four or five feet of snow on this, I'm not going to open. I'm trying to reach a balance here by saying all things being equal I could share with you there's been times in December when the phone rings and we're turning away an occupant and there's not a stick of snow on the site. I want another four months of operation because you do get those warm snaps; and you do get people that have a holiday up here in Thanksgiving and you have a hunter group that comes up and a large hunting party that say's yes, we'll take four or five hunters that want to come in and stay a weekend. I'm requesting these 4 months because this is a critical 4 months and allows me to capture shoulder seasons of economic tourism that people come into Garfield County, they want to stay in our park, they want to use the resources in Garfield County and they want to use the resources in the Town of New Castle. It's clearly a business proposition that I've run for a … I've looked at what makes sense, how can I maintain the viability in this park, otherwise I'm going to be handing the keys back to Alpine Bank. That's the reality of it. That's the harsh reality of the situation that I'm faced with, I have $2.8 million dollars worth of debt on this park.
Frank Breslin - Town of New Castle, Mayor. I came because I support this park. My parents stayed there back in the 70's and I've personally driven an ambulance in and out of there numerous times over the years. I want to point out that graph is not a proper profile, that's like a 50% grade there so that comparable 15% grade would be on 9th and Palmer here in Glenwood. In Rifle there are 20% grades going up the old Leggett Hospital, the whole mesa where homestead is up there, thousands of people live up there and there's not a single road accessing those homes that's less than 15%. Most of them are 20% plus. 3rd, 5th, 16th street 20% and even the back road coming up to Leggett by Plow Hill that's exceeds the driveway. My contention is there's never been an accident there and I work the ambulance and fire department for 20-years and to my knowledge there's never been an accident there. and I believe if you look at it standing at the bottom it looks steeper than a lot of typical streets but the Town of New Castle has some streets that are in excess of 18% downtown. What I'm saying is that there hasn't been any accidents, this is a very valuable economic thing for the Town of New Castle especially during hunting season, it's a popular place, it's beautifully run and I'm expressing an opinion that is the unanimous opinion of the Town of New Castle Council that we talked about two weeks ago. I'm only expressing things that we've all discussed in council.

Commissioner Jankovsky – I have a question, what do you have to say from the Town Administrators letter to us from Kevin O'Brien where he did have stipulations ended up in No. 15. "Prior to the issuance of land use permit the applicant shall obtain a watershed permit from the Town of New Castle and provide a copy of that permit to the Building and Planning Department."
Frank – Yes, we have concerns about the watershed.
Mark – We've agreed to do that as part, if there is a package plant application to be made through the Department of Public Health and Environment, if that's required, Christian has said he would make application to the town and provide them the background information.
Commissioner Samson – Frank, when the Town of New Castle went over this with a fine toothcomb, it was a unanimous decision by your board, all 7 members, to support this.
Frank – Yes.
Commissioner Samson – Were there any negative impacts.
Frank – We're watching the sanitation parts and the ISDS system, but there hasn't been anybody that was concerned at all about the grade of the driveway. I do agree that the vegetation on the uphill side limits the visible and cars do speed down that hill. A lot of the County Road going up there probably surpasses 15%, it's a canyon road and people live there are good at driving it they're accustomed to it and they're cautious drivers, but I've never seen an accident there.
Commissioner Samson – The water issue needs to be addressed and resolved with the proper expansion taking into consideration. I would recommend that this issue be resolved prior to approving any expansion.
Chairman Martin – Recommendation Number 4 Mr. Samson and to the applicant it does say they have to comply and get the permit from the Department of Health CDPHE and that they facility may not operate until it has been constructed and improvement have been done and that's between November 1 and May 1. You couldn't operate right now even with the approval unless that permit was done and everything was in place.
Public comments
Judy Campbell – I do sympathize with the owner of his investment. He did improve and put in a new bridge in going over the house but that is only because the old bridge with a dump truck was over there the old bridge fell in the creek.
Kathy – I think it's a campground and by its function is a transit operation and not meant to be a permanent residence. There were numerous recommendations that came from the property owners that were questioning that the Board put a …
Christian – At P&Z, everybody was afraid that this would turn in to a man camp.
Mark - There are no school age children in the campground during the school year and no master leases with the gas companies, construction companies or other potential employers.
Jean Prestos – I am opposed mainly due to property values and challenged the publication in the Citizen Telegram because we do not get the Post Independent in our area.
Chairman Martin – The one question regarding the notification, The Rifle Telegram is a paper of record.
Paul Prestos – Concerned with the road issues and the bridge replacement. The driveway is a 15% grade.
Rosie Ferrin –We love East Elk Creek and we're willing to fight for its safety and quality of life. I have problems in the summertime driving that road to go to school every day when I'm in the camper and I know they were there for a long time. However, in the wintertime they've got to have been access on that so the campers in the wintertime may be late fall. I am mostly concerned about the safety of the road and want to preserve the quality of life.
Milt Blakey – This campground was developed before there was any regulation and developed kind of on its own. One thing I want to point out is when we look at the footprint of this campground and you look at the size of lot, talks about 10 acres. A good portion of those 10-acres is on the other side of the County Road 241. Now, looking at very large rigs going in and out of there so site by site over time you take the spaces and things shrink some and I don't know what the fire department did but I would ask before I made a decision whether one, did they make their examination and whether they could get around there in the wintertime when there was snow on the ground, particularly with this extreme grade that we've talking about and secondly whether they tried to take their big equipment through there while the campground was full of campers. It's one thing to drive through when no body's in there, that's easy. Campers some 67 of them take up a whole lot of space. If you add 10 tents sites as you're requested where is that sewage going.10 tents means at least 10, 20, 30 campers. I think it's a very good point that this sewer issue has to be addressed before any kind of approval be given as well as the issue of encroaching on the other landowners property. The cabins are wonderful but I think to have that open in wintertime is just inappropriate. In the wintertime it's a dangerous intersection and vehicles of the size that go in there, going up that road and around what I call rocky point just below the campground and has a steep, steep drive on a very narrow road is inappropriate. So I seriously recommend the Commissioner not approve this application and certainly, if any changes are to be made, a lot of things discussed here need to be taken care of before any approval be given.
Mathew Van Hoose submitted some pictures and you can see that we would have absolutely no problem getting a 5th wheel out of there. The manager did not care of the people there. This is an owner that does not want to take the responsibility for his financial problems. This is blind corner and you have about 2 seconds to get it a stop. I see a many problems. People who are going to be residents down there or renters in jeopardy, he's putting the county people that come up and use it recreationally in jeopardy.
Kelly Smart – I'm the manager of Elk Creek Campground. As far as the wreck that happened, that was judged insurance fraud and so it was purposely done. These people have been coming and enjoying the park and everybody is losing touch as to what the park is all about. It's for everyone to enjoy, all I do is listen to this negative and I'm around everyone that's having a good time enjoying themselves and I everyone is looking aspect as to what this park's all about.
Mark Eddins – I'm representing Eric Faas who's also has Spruce Tree Guest Ranch, which is the adjoining property to the KOA. There have been some on-going problems with trespassing and encroachment. It went to court and had a lawsuit. They need to put a fence along the property. It's a huge asset to the Town of New Castle, one of those hidden gems if it's maintained right. I'd love to see them succeed but the winter operations seem like a lot of problems on that road. That thing is iced up all the time, like they said, you're coming down that road and a 5th wheel unit or similar coming out of that campground, you hit brakes the brakes and your sliding and it's not going to be pretty.
Commissioner Jankovsky – Question for Mark, has that boundary been surveyed?
Mark –Eric Faas could not be present today. I talked to one attorney I thought an agreement was supposed to been surveyed. My recommendation is that they put up a fence.
Kelly Smart –We are friends with the tenants on Eric's property, daily both of us and the gentlemen that rents the house from Eric is the boyfriend of the girl that lives on our property. We are the ones that are trespassing however, we were given permission.
Paul Prestos – In taking about possibly changing the driveway, removal of the shrubs and trees in that area is going to add greatly to the erosion going downhill into that creek.
Yancy – We're recommending taking that oak brush and that hedge down to only down to only about 2-3 feet so there will be vegetation on the ground, site distance for vehicles and drivers.
Commissioner Jankovsky asked Andy Swaller to come to the table; and in response to questions, Andy said camp cottages are at Rock Gardens very similar type of construction. They are okay for limited use for limited periods; several at Rock Gardens do not allow cooking inside. There's an electrical inspection, the fire district determines what the spacing is of them. There's a fire ring that they use outside, there's a smoke detector in them but for limited use, if these aren't insulated they really should not be used in the

wintertime because if you're heating them you're just heating the great outdoors. Camp cottages for limited use with safety requirements attached to them are a common use all over the United States.
Kathy –The tents and the cabins are only available for the time the current stipulation allows.
Chairman Martin – That was the recommendation of the November 1 through April 30.
Carey – One of the questions earlier regarding the survey of the site, the county actually did perform the site as part of the litigation. In the stipulation, reference in Paragraph 5 that unless and until they upgrade the drinking water no one except those persons who reside in the manager's residents and the apartment and the A-Frame structures shall reside with the campground longer. Then one final request, any application that comes through must be reviewed in conformance with the Code, if you do decide to waive the grade standard in 7-307 I would ask that you also include a finding specifically waiving that requirement in your resolution, which is not laid out publically and in the proposed conditions of approval.
Motions
Commissioner Samson moved to close the public hearing. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – Aye Samson – Aye
Discussion
Commissioner Jankovsky – I've worked all my life in a business that works in the winter, year round, plows snow, sands, shovels walkways and if it's done right it can be done. Rock Gardens campground is open year round, they plow and shovel etc so that aspect is doable, at that elevation 5800 feet there's usually not a lot more snow but that canyon collects sot so there's a good amount of snow there in the wintertime, coming up that canyon. I'm willing to make a motion but I want to hear from Mike. My motion would be that prior to any changes that all the conditions would have to be met prior to an issue of a land use change permit. I think that's important and I know it's going to be a burden on you but that's where I would have to come in and I'd probably add a couple of additional. I'm not making a motion; I'm just talking and I probably would add a couple more, I know we talked about Rock Garden but they have a stay requirement of 120 days. I'd like to see consistency there, also if there is a survey in place I would like to see a fence and have the boundary posted and a fence and any encroachments be taken off the neighboring land and I do feel that your free for all tent camping needs to be changed, you need to have a landscape plan and either camping spaces or fire rings or whatever but set places for people to camp. Those would be some of my recommendations. Because of the wintertime I'm staying on the, I can understand the steep grade getting out of there but there's got to be a landing on top and I don't know if you do that without lowering the road from what I heard Yancy say and I think to work in the wintertime at that elevation at the end of end of November and April which he losing right now, I don't think he so much an issue with snow, although we can get big snowfalls at that time but it's also warm enough where it melts quickly. But I would have to say with everyting that's in here on those items and add two items. I just want to have that out for discussion and I would have those things done prior to issuance of a land use change permit.
Commissioner Samson – I guess I've heard both sides here as we all have and I some real serious reservations. I have some reservations about the water and quality there and if you have all those people in tents, they're going to be using that system and it's already overloaded already. I know he's got problems with finances and I can see why he would and I'm sympatric to that but I think we're going to overload the system and that's going to be big drain on him financially, number one. Number two safety, you look at the snowfall they get there, that's a big deal and you start pulling in 35 – 40 foot rigs in there and I can see that not being a good deal, I can see someone getting stuck in middle of the road, I can see an emergency vehicle needing to get down there and you've got a 35 foot vehicle stuck and 3 feet of snow, not good. I'm amazed I guess whether it's winter or summer in the middle of the summer that's not a very good intersection even in the summer let alone in the winter and if they're going to lower the road, that's going to cost a lot of money. I don't think he has the money for that to make that safe.
Chariman Martin – That would be another permit process.
Commissioner Samson – I'm looking at this and I know he's not going to appreciate that and I understand where he's coming from, he's a business man and he's trying to make money, he wants to foster business in Garfield County, we did that with what we did this morning and helping with these economic things, etc but it's kind of like I'm looking and if we do that, to me it seems like you're setting him up for failure. Because it's not going to work putting all that money in there and it's not going to be economically feasible. One of the comments that came to me by one of the people that submitted a letter but I think they were a past owner or had an interest in it and said it's not feasible to have it open in the winter.
Commissioner Jankovsky – That was Bret Jolly.
Commisioner Samson – And he said and it stuck in my mind and I've listened to the testimony and I'm going that's not a good deal. That's not a good location, you've got safety concerns, sewage concerns, road grade, financial concerns and all these things I just don't thing that's the way to do it. Now, the way it's been operating in the past with the hours and stipulations and the days and we've heard so many people say it's a beautiful campground, let's continue to use it etc. The one thing that befuddles me on that is way New Castle Town Board would unamanously support that, because I'm thinking to myself, there's not going to be that much economic benefit in December, January and February.
Commissioner Jankovsky – For the applicant, is you have your break in December and you have your spring break in March and those are times, and people do in these days camp year round in their RV's primarily because they're…
Commissioner Samson – Yeah, and I see those big RV's going down that with 2-3 feet of snow and I just don't think that's a good idea. But that's me. So that's where I'm coming from.
Commissioner Jankovsky – No, I think it can be done but it has to be done with all these requirements and it makes a huge burden on the applicant but I think if you were to meet these requirements and then maintain the campground, you could do those things, but these requirement, if I were to make a motion I'd have to say prior to issuance of these requirement would have to be met and so that from what you've said, it's not feasible to do that but …
Chairman Martin –That the recommendations right now is that Tom all these items have to be met including the watershed plan for the Town of New Castle, the safety changes, wastewater would have to be changed until that happens everything is going to stay the same as the stipulation.

Motion
Commissioner Jankovsky – That would be the motion I would make is that, which would be something to this effect, "Prior to the issuance of a land use change permit, Elk Creek Investments dba Elk Creek Campground must satisfy Conditions 1- 20" and then I would add number 21, which would be if there is a legal survey to post and fence the boundary I believe that's on the east and north side, move any obstructions that are not that is on the property, then I would add a number 22, which would be length of stay requirement of 120 days in the campground."
Chairman Martin – That would be your motion.
Commissioner Jankovsky – And that would be my motion and then we fall into then they would meet those conditions then they would be given a land use permit for year round use of the east side of the Elk Creek Campground with the expansion of 10 additional tent sites.
Commissioner Samson – I will second the motion for the sake of discussion but I think you need to also take into consideration what your legal counsel has told us concerning this 15% grade. We're going to have to make some kind of an exemption.

Commissioner Jankovsky – No, I'm not making an exemption on the 15% grade, I'm saying it has to meet Item No. 5, which is a 10% grade and I would hope there would be a lowering of, which Yancy has done, a lowering of the road – I would like to see a platform there at the top so when people pull up they can look back and they can see if there's traffic coming down the road or not and just not shoot up that driveway onto the road, so those are the things that I would feel would have to be done and then you're going to have to have an excellent snow plowing plan and on top of that, they could keep it open year round and that would be my…
Commisioner Samson - So if I'm following this correctly, what you're saying is they have to do all this before, satisfy all of these…
Commissioner Jankovsky – Satisfy all these conditions before they…
Commissioner Samson – He has told us he can't satisfy those conditions …
Commissioner Jankovsky – The other thing is I thought about putting in there is that No. 4 says, Prior to issuance of the land use change permit the applicant must obtain all Colorado Department of Health and Environmental permits and I think at the same time we should put in a new wastewater treatment plant to be able to meet the operation of the facility.
Chairman Martin – Under Condition 18, perimeter fencing of the site is prohibited by the DOW recommendation.
Commissioner Jankovsky – I think there could be some sort of a perimeter fencing that could meet wildlife standards. I think there are standards.
Chairman Martin – There are standards and they would have to meet that particular issue.
Commissioner Jankovsky – So I guess I would put that into when I say, fence the boundary that the fencing meet the DOW wildlife standards.
Commissioner Samson – So with that being said, if I remember correctly what the applicant said, he is not going to have the financial wherewithal to do all of this, so it's not going to happen.
Commissioner Jankovsky – He might, that gives him the option.
Chairman Martin – That's the motion.
Commissioner Samson – It's been seconded for discussion.
Chairman Martin – I remember when KOA started.
Commissioner Samson – I don't know Elk Creek that well.
Chairman Martin – It's almost an insurmountable task that we're asking the applicant to overcome with all these recommendations, the stipulation allows him to go forward with what have you and have an operation and hopefully try and build his business, but if he's able to do that, if he doesn't achieve the recommendations you have, the court stipulations allows him to stay in business as it is right now.
Commissioner Jankovsky – That's correct.
Audience requested Chairman Martin stated that sentence again.
Chairman Martin – What it amounts to is if the applicant can't meet all of the recommendations the court stipulation says he can continue in operation as it is right now according to the stipulation. That's his option, either meet hose expenditures or keep it exactly as it is from the stipulation, meaning any other kind of requirement of the stipulation no violations etc. So that's a rock in a hard spot, he needs to make changes, needs to make improvements…
Commissioner Samson – Was it added stipulation also you said about a wastewater treatment.
Commissioner Jankovsky – That's number 4, they have to meet the requirement, it's actually number 4 but it says "receive permits" required for the wastewater treatment at the facility and right now within the stipulation, you have a 2,000 gallon per day septic tank and you're hitting 3200 gallons per day, so right now you're maxed out, your septic system even on during your 6-month timeframe.
Chairman Martin – It goes on to say that you cannot operate the facility, the expansion of that facility November 1 to May 1 until they are constructed.
Commissioner Jankovsky – Okay.
Kathy asked for clarification regarding Condition 5, the private driveway into the site shall be included to not to exceed 10% grade. Would you find it acceptable that improvements could be made to lower County Road 241 and if so then the Board needs to specifically need to grant a waiver from the 10% grade?
Commissioner Jankovsky – From what I heard from Wyatt, was that acceptable to you Wyatt.
Wyatt – Yes.
Kathy – Regardless if it is acceptable and that's fine; however, the lowering of County Road 241 does not take away the concerns of the grade nor does it meet the R&B that has stipulated in the Land Use Resolution, if the Board wanted to specifically grant a waiver from the steep.
Commissioner Jankovsky – And that gets us back to a 22 feet grid, 15% grade is that correct.
Yancy – Tom answered your question that allows me to create to the platform and it's more critical that the 15%.
Commissioner Jankovsky – What would we need to add then if they do or to a design acceptable to R&B and Garfield County staff, what would we need to add to that to that to…
Carey – You would need to add to your findings in the beginning that it is in the best interest for them to waive the requirement, the 10% grade requirement, continued in 7-3.07.
Chairman Martin – Is that what you're suggesting?
Commissioner Jankovsky – Yes, that's what I'm suggesting, I think to engineer something that's doable as your engineer is able to do that. That is the only solution to this.
Chairman Martin – So you're saying the engineering solution is what you're looking at, waive the 10% as well as the light of site mitigation that's agreeable to R&B.
Commissioner Jankovsky – Yes.
Chairman Martin – Mr. Samson any question on that. Anything else that need to be clarified? Call for the question.
In favor: Jankovsky – aye Opposed: Samson – aye Martin – aye
Substitute Motion
Chairman Martin – Mr. Samson do you have a substitute motion.
Commissioner Samson – Well, I think he should just and operate the business as the stipulations set forth.
Chairman Martin – So, you're saying no the recommended changes and that your motion is to follow the stipulations/guidelines set by the court and no changes.
Commissioner Samson – Do we need a motion for that?
Carey – You have to deny the application.
Chairman Martin – So, your motion would be that.
Commissioner Samson – I would move that we deny the request for a major impact review for the expansion of the Elk Creek Campground to allow for year round operations at the site and to add 10 sites, which is located NW of the Town of New Castle at East Elk Creek. Commissioner Jankovsky – And I'll second that for discussion.
Commissioner Jankovsky – That elevation we can, April you can have good weather and still get snow obviously and also in November you can have pretty good weather and I'm just wondering if we can go to an 8 month on this with some of these; take out the driveway part of this stipulation, which seems to be having the most impact and give him 8 months of operation and be more

into, and yes, you can get big snows during those months, but then they at that elevation they are usually gone and melt off fairly quickly.
Commissioner Samson – So right now, he has to close from November 1 to April 30 and you would like to open up April and November.
Commissioner Jankovsky – Add 2 months and have all these stipulations except for number 5, which gets you into the hunting season, that gets you in April, that's not that great of month, but it does help with your time of operation. Keep all the stipulations, except for 5, which is the driveway. I would like to have, but I would like to have the vegetation cut for line of site, I think that's important even this doesn't get done, it's important that you do that for safety of your guests and safety for people on the road. Even if you're at a 6-month. I just think you'd do that as a safety.
Chairman Martin – You're substituting that you're extended another 60 days, 30 days on each end, that you again find that their best interest is to waive the 10% grade based upon site line improvement and then engineering of the platform by the application, but all other stipulations be applicable.
Commissioner Jankovsky – I would still have the fencing and the length of stay requirements added.
Commissioner Samson – I guess what I have a problem with that, I don't like the grade already and I don't like giving them a waiver for the grade because I think there we set a precedence. Someone else is going to come in here and they're going to say, look you did it for them why can't you do it for us.
Chairman Martin – Well, it's in the stipulation right now.
Commissioner Samson – I know, it's grandfathered in and they've got it already, I just….
Chairman Martin – That is also because of the review of the court that the operation can be allowed with the existing grade. And they will continue to even if these improvements are done, if he stays in business.
Commissioner Samson – So you would like me to amend it to say that they can stay open for the month of November and April.
Commissioner Jankovsky – I guess we have a motion to deny, so we have to deal with that first and then maybe come back with.
Commissioner Samson – Or, I could just withdraw it and see … Well, I'll withdraw that motion and listen to your motion.
Amended Motion
Commissioner Jankovsky – I'd like to make a motion that we add the month of November and the month of April to their operating season, that we have requirements 1-20 and strike requirement No. 5 and we add requirement No. 21, which if there is a survey that we post and fence the boundary and take any obstructions, make sure any obstructions that are other property have to be removed and that 22, that there is a length of stay requirement of 120 days.
Commissioner Samson – Well, I'll second it for discussion but I still have some reservations.
Chairman Martin – Discussion.
Commissioner Samson – Well, I think I've said …
Commissioner Jankovsky – I don't have any more to add.
Chairman Martin – It's still insurmountable and I don't think it will be successful even with those conditions, but we call for the question. All those in favor of the substitute motion.
Carey – Can I make a point of clarification before you vote on the motion; does this again an explicit finder of waiver of the grade requirement?
Chairman Martin – It did, that would be acceptable for the engineering platform as well as the line of site.
In favor: Jankovsky – aye Martin – aye Opposed: Samson – aye
Chairman Martin – I don't think it's going to be successful, I think it's almost going to be a hardship that's, but you can still operate under the stipulation at this time, that doesn't change except for again meeting the state health requirement for your ISDS system, water system etc.
Flood permit
Carey – A question for the Commissioners. Fred sent you an email last Friday regarding a floodplain permit in reference to the emergency etc.
Chairman Martin – We need to ratify that without the 30-day requirement. Without and wanted legal advise of not satisfying legal notice.
Carey asked if the Board wanted any legal advice regarding the notice requirements.
BOCC no need for legal advice.
Chairman Martin – It's one of those things where you have to take the risk and you have to make a decision; I thought the best decision to make under the circumstances. To keep Fred out of federal court.
Commissioners agreed.
Carey – It may not accomplish that.

COMMISSIONER ISSUES: COMMISSIONER REPORTS; COMMISSIONER CALENDARS; APPROVAL OF MINUTES; AND COMMISSIONER AGENDA ITEMS
None
ADJOURNMENT

*****PLEASE NOTE ALL THE INAUDIBLE SECTIONS OF THIS MEETING**

PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, JUNE 11, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. in Silt on Monday, June 11, 2011 with Chairman John Martin and Commissioners Mike Samson and Tresi Houpt were present. Also present were Assistant County Manager Dale Hancock, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION
REGULAR WORK SESSION:
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
REGULAR WORK SESSION:
2. **ASSESSOR'S UPDATE: JIM YELLICO**
a. **REQUEST BOCC CONVENE AS COUNTY BOARD OF EQUALIZATION**
Jim Yellico asked to meet as the Board of Equalization.
Commissioner Samson moved to go into the Board of Equalization

Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson – aye

REPORT OF PROTEST DATA AS PROVIDED IN C.R.S. 39-8-105(1) & 2 – JIM YELLICO

Jim submitted the Abstract of Assessment. This abstract does not include the updated State Assessed Values, Prosessory Interest Values, Oil and Gas protest adjustments, as the office is still in the process of finalizing those values. Today, Jim presented an addendum showing the decisions on each of those protests.

Jim presented the data showing the 448 protest and the 721 Real Property protests for this period. The number of protests denied was 273. There were 12 voided protests. The total value was adjusted by $17,313,650. This includes both increases and decreases to value. There were 49 Personal Property and Oil and Gas protests in this period. Jim presented the addenda for the decisions on those protests.

As of July 7, 2011, the Assessed Value for Real Property is $918,883,940, which is a decrease of 26% of the 2010 value of $1,240,714,560. This value does not include the State Assessed Property, Natural Resources, Personal Property, or Oil and Gas production.

The final State Assessed values for both Personal and Real property will be mailed to Garfield County by the Division of Property Tax by August 1. The values will be entered into our computer system and will be reflected on the Abstract of Certification presented to the Chairman for Signature by August 25, 2011.

As of July 7, 2011, the Assessed Value for Personal Property and Oil and Gas, and Natural resources is $2,769,951,600, which is an increase of 32.8% over the 2010 value of $2,085,678,860. This includes Drilling Rigs, which are apportioned to our County in the amount of $64,860,260. These values do not include any value change in the addendum presented today.

As of July 7, 2011, the total Assessed value including all but State Assessed Values in $3,688,835,540. This is an increase of 10.7% over the 2010 total assessed value of $3,332,204,060.

Jim included in the Board's packet a list of all personal property accounts that either did not file a Declaration or filed after the Statutory April 15 due date. Some of these accounts will be audited in the 2011/2012 Personal Property field year. All of them will receive the Declaration Penalty allowed by Statute. This is either 15% of the taxes due or $50 whichever is less. This will be attached to the 2011 tax bill due in January 2012.

Commissioner Samson moved to come out of the Board of Equalization and return to the Board of County Commissioners. Commissioner Jankovsky – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

Commissioner Jankovsky moved to accept the report. Commissioner Jankovsky – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

3. **CLERK'S UPDATE: JEAN ALBERICO**

A. **PUBLIC HEARING: TRANSFER OF LIQUOR LICENSE FROM THE 35TH AVENUE CAFÉ AND BAR TO THE 19TH HOLE BAR & GRILL, LLC. THE APPLICANTS ARE BRENDA GOOLSBY AND DONNIE MATTINGLY.**

Jean Alberico, Drew Gorgey, Brenda Goolsby and Donnie Mattingly attended.

Drew reviewed the noticing requirements submitted by Jean for the public hearing including posting, publication in the Citizens Telegram, determined they were adequate, and advised the Board they were entitled to continue.

Chairman Martin swore in the speakers.

Jean had Brenda come to verify the posting and explained where the locations were posted. Jean presented the application for the transfer. The total packet was included in the BOCC's material.

Brenda was before the Board in June and the Board approved the temporary license. She has been operation since early June 2011, Jean asked the sheriff's office to do a complaint check and I received no public comments, complaints, or concerns about her taking over the restaurant and obtaining this liquor license.

Brenda explained what the 19th Hole Bar & Grill, LLC would be doing including serving food. *Inaudible.*

Chairman Martin asked how many would be working and Brenda said she and her bartender. Chairman Martin asked if the bartender had tips training and of legal age.

Brenda – Yes, she is a very good listener and there are two servers in the bar. The bartender can take care of the bar, which helps.

Chairman Martin asked if Brenda could keep the service in the diagram to that area only and explained if the area not on the diagram was used for liquor, it would be a violation.

Brenda – Yes.

Drew responded to Chairman Martin questions if he wanted to say anything else on this topic saying, the posting 10-days in advance and after reading the packet, I don't have any issues.

Jean – I had several staff members do the posting and they agree with Brenda that they were very impressed with her manager. Kathi and I had been to that restaurant when they re-opening and remodeling and Kathi remarked about how many hours Brenda must have put in cleaning, as the place was spotless.

Motions

Commissioner Jankovsky so moved to close the public hearing. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson – aye

Commissioner Jankovsky made a motion that we approve the transfer of the liquor license from the 35th Avenue Café and Bar to the 19th Hole Bar and Grill LLC. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

4. **CONSENT AGENDA:**

a. Approve Bills

b. Liquor License Renewal for Kessler Canyon Ranch

c. Authorize the Chair to sign the Land Use Change Permit for Marathon Oil Company (LIPA 6377), for a "Material Handling/Water Impoundment" for the treatment and storage of produced water in three (3) water impoundments and two (2) freshwater ponds created for natural gas development activities by Marathon Oil Company – Molly Orkild-Larson

d. Authorize the Chair to sign a Land Use Change Permit for the Conn Creek II Compressor Station Expansion – Material Handling, located approximately 12 miles north of the Town of DeBeque off County Road 213. Applicant is OXY USA WTP LP – Glenn Hartmann

Motion

Commissioner Samson moved that we would approve the consent agenda as posted.

Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson – aye

5. **COUNTY ATTORNEY UPDATE: ANDREW GORGEY**

A. **CONSIDERATION/APPROVAL OF THIRD BOARD MEMBER, GARCO FEDERAL MINERAL LEASING DISTRICT**

Drew – At two recent meetings in June 20 and July 5, this Board appointed by Resolution two members to our new Federal Mineral Lease District Board. Commissioner Samson was appointed on June 20 and Eric Schmela appointed on July 5. I understand you are prepared to appoint the 3rd and final member.

Chairman Martin – I was able to contact with former Representative Gregg Rippy who confirmed he would serve on that board. Gregg has a background and understanding of legislative issues and a businessman, he is willing to donate his time. Therefore, I would

nominate Gregg Rippy. Commissioner Samson – Second. Commissioner Samson stated he had talked to Gregg during the Air Fair and was more than happy to do it.
In favor: Jankovsky – aye Martin – aye Samson – aye
Chairman Martin – It is official and Gregg will be notified.

B. **CONSIDERATION/APPROVAL OF MOU BETWEEN THE DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, AND GARFIELD COUNTY, COLORADO AS A COOPERATING AGENCY RE: OIL SHALE AND TAR SANDS RESOURCE MANAGEMENT PLAN AMENDMENTS**

Drew presented the MOU that establishes a cooperating agency relationship between BLM and Garfield County, Colorado "Cooperator" for the purpose of preparing the Oil Shale and Tar Sands Resource Management Plan Amendments to Address Land Use Allocations in Colorado, Utah, and Wyoming and the Programmatic Environmental Impact Statement (RMPA/PEIS). This MOU describes responsibilities and procedures agreed to by Garfield County as a Cooperating Agency and the BLM ("the parties").
The purposes of this MOU are:

A. To designate Garfield County, Colorado as a Cooperating Agency in the RMPA/PEIS process.
B. To provide a framework for cooperation and coordination between the BLM and the Cooperator that will ensure successful completion of the RMPA/PEIS in a timely, efficient and thorough manner.
C. To recognize that BLM is the lead agency with responsibility for the completion of the RMPA/PEIS and the Record of Decision (ROD).
D. To describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the Planning Process.

Drew continued to detail the authorities of the MOU, Roles and Responsibilities of BLM, the County as a Cooperating Agency, Responsibilities of the Parties, Other Provisions, Financial obligations, Immunity and Defenses Retained, Conflict of Interest, Documenting Disagreement of Inconsistency, Management of Information, Conflict Resolution, Coordination with BLM Contractors, Agency Representatives and Administration of the MOU.
Drew stated the draft was included in the Board's packet of information.
Commissioner Jankovsky - Seven groups are doing research and development on BLM land especially in Rio Blanco, which will impact Rifle and Meeker. Garfield County does have the Coordinating Status regarding oil shale and tar sands. There is no action required today on this issue and requested if the Board wanted additional information. As far as I'm concerned, I would like to see this development.
Chairman Martin is hopefully that Garfield County will play a huge role in this endeavor.
Commissioner Jankovsky – I would like to table this. We need to be more involved, with 67% of federal lands in Garfield County and we need to know what is going on in these lands. These issues of concern were brought up by Rifle City Council and Rio Blanco.
Chairman Martin – Our direction would be go ahead and inaudible…
Drew – I have that down for August 1, 2010 meeting becoming a cooperating agency and the County's position and have all citizens speak through representative of this Board on their behalf. We will need a backup representative. Decide now or take some time.
Commissioner Samson – inaudible…

PUBLIC MEETINGS:

AIR FAIR

Ed reported the Air Fair was successful. Thanks to all the employees who volunteered, the Civil Air Patrol and the Sheriff's office. We had 20,000 people attend this event.
Commissioner Samson – Those kinds of things do not come off without a lot of help and I think we had over 200 volunteers, many were county staff but there were other groups, the Girl Scouts, Civil Air Patrol, Cheerleaders to ordinary citizens. It was great. Two years ago, we had 17,000 and this year over 20,000 participants. Everyone I talked to had great things to say about the event. I want to say thank you to the staff, who put this on and to volunteers and to the people who supported it; everyone had a great time. I personally would like to see more coverage by the local newspapers on something on that nature because when we have an event hosted by the County and over 20,000 come I think that's pretty newsworthy. Thanks to everyone in the County, whether you came or volunteered. It was awesome.
Chairman Martin – Just to let you know there was a traffic stopper on I-70 when the planes flew across several times being chased by the other planes. Very impressive and thanks for the support. Thanks to all the volunteers.
Commissioner Samson – One more thing that was impressive was Friday, they had rain off and on but the Friday night portion, the finality was the wall of fire and as soon as that was over, it started down pouring. Major Thompson who was the head of the Civil Air Patrol had 20 young cadets present and those people every time they saw me would come up and thank me for being able to be there. No, let us thank you. They were very respectful and a delight to have them part of this event. They asked if they could come back next year and I said, please do, you're awesome.

I.CRIME STOPPERS – TOM ASHWORTH

Tom Ashworth and Dave Ruechel, head of crime stoppers were presenters.
Dave Ruechel – Here today to make sure the Board was aware of our program, we value your feedback and please free to share your thoughts with us. We are a 5013C non-profit, our board is made up of businessmen and women, retired businessman, teachers, BLM, a variety of radio personalities, a banker, and a school principals. We all have a vested interest in making our communities a safer place to work and live. Crime stoppers bring together the community, media and law enforcement to do that. We need media to make people aware of criminal activities and let the community know who needs to get their information. The level of criminals is committed by one part criminal and 3 parts socially dysfunctional. I understand the reluctance to be engaged and challenge these thugs for fear of retribution themselves as well as vandalism of property. These individuals have no respect for themselves or others. Crime stoppers are a tool for the community to safely have a voice and take a role in protecting their neighborhoods. We receive a lot of information from people that have no interest in collecting a reward they just want to be safe. We want to be an effective tool in our local law enforcement's toolbox, we want to be used to our potential. Much of our budget is for promoting our services and making ourselves available. We alert the community to a featured crime, what to be watching for and who to contact. Our signs have been very effective in areas of vandalism or illegal activities and we're open and receptive to new ideas and methods. We recently met with local law enforcement at their monthly chief's meeting. It was suggested that we provide them with business cards that they could offer to prospective informants. We want to get those printed in English and Spanish and let people know they can use us to report crime. We do all we can about out potential of the community, media and law enforcement and we want to try new things and see what works. You need some signs let us know. If it doesn't work we want to try different approaches. So, what can I do to help our communities. That's what we are here for. Keep us in your thoughts and our operating expenses have been about $3,000 and we're hoping to get a grant for $5,000 and give us additional room for our program plus we've giving over $4000 in rewards since we started July 7, 1997. Since that date we have had 64 test results and 16 arrests, we stopped 38 crimes involving over $80,000 of damage or stolen properties.
Tom Ashworth gave an example where the criminal was apprehended and the other things would be I have the phone numbers, contract information for the heads of security for Antero and Williams. They have had several crimes against their company and their property in the past year. The contacts we've made will assist us in job security. We are approaching the Commission.

Commissioner Samson – Thank you for being here, Tom called me, he's on the agenda, and I'm glad you're here as I think you are a very worthwhile organization. Times are tough. Anyone who's been in law enforcement very long and Chairman Martin can echo this. Organizations like your group that helps law enforcement and truly needs that support and we encourage it. If we invest $5,000, it will be an untold money saved by not only the county but the city as well as personal money. I think it will be money well spent.
Chairman Martin – Crime Stoppers and the organization. In the very beginning of this particular issue in the 90's. It is a wonderful organization. We solved many crimes and we did many things. I'm glad to see its still working.
Commissioner Samson – Two questions, is McGruff the crime dog associated with you or not.
Tom – Yes.
Commissioner Samson – Number two, the Board members you had was a school principal and I'm assuming you have both going to schools to teach kids.
Dave R. In conjunction, we talk to kids about drug, gangs, sexual abuse and child abuse and we have to have permission for us to be in the schools.

Motion

Commissioner Samson – I would move that we grant out of the Commissioners Discretionary funds $5,000 to Crime Stoppers.
Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

II. SILT MESA DOMESTIC WATER SYSTEM FEASIBILITY STUDY – DAN COKLEY

Dan Cokley with SGM submitted the Silt Mesa Domestic Water System Feasibility Study for the Board to review.
Dick Rose, Rick Aluise and Kelly Lyon presented.
Dan stated we looked at the need for a potable water system, asked the residents of Silt to participate in a survey. The District was not surprised that there was not an overwhelming support for a domestic water system based on the due to the cost involved. The majority of residents were not in favor. We put out 500 surveys and received 220 responses, 40%. 24% favored and 37% not supportive. Dan gave a background of what the residents thoughts were on water quality and quantity. The general impression from the survey, the people that want the system have very poor water quality and water quantity. We showed them what the system would look like. The general service area would be the area from New Castle to Rifle, north of I-70 (including the Town of Silt), including areas to the north of the Grand Hogback, with the overall area centered on Silt Mesa. The cost including the plant would cost from $22 million to $26 million. The cost per EQR ranges from $33,000/EQR for Scenario 1 to $33,000/EQU for the Initial System based on the size of the system and increasing number of EQR available to serve and share cost. The amount of financing needed does not vary significantly between any of the four scenarios presented, at a $15,000 tap fee the variance is from $14.0 million to $14.5 million. In order to provide a domestic water system (DWS) to the people of Silt Mesa with inadequate domestic water supplies, the district will need to look at all possible funding options, starting with the most likely sources such as USBR Rural Water Program, CDPHE DWRF, CRD and CWCB with possible self-funding consisting of bonds or future hydropower proceeds. A complete document is on file in the Clerk's office.

Kelly Lyon – level of funding needed to supplement.
Dan – In tap fees, we need $15 million. This is not a good time to do this.
Kelly – Thanked the County for helping us do the study and to make a profit we need to get more people interested instead of hauling water.
Chairman Martin – Fred is always telling the Commissioners that hauling water is not a reliable source of water.
Rick Aluise – I hear and echo Kelly. The cost was sticker shock.
Dave Moore – There is no substitute for clean water. We heard a story about the amount of stimulus money available but it was used for cable TVs in remote areas. If we had a hydropower system, it would pay for itself.
Chairman Martin suggested establishing a service district, sharing with Silt and developing a master plan on development and annexation.

CR 108, TRAFFIC CALMING THROUGH CRYSTAL RIVER RANCH – DAN COKLEY AND JEFF NELSON

Chairman Martin – This is one of those issues that we are trying to work with the property owner through the ranch and it's a unique situation. We also have another descriptive use on the pasture on the other side and they are willing to allow the public to cross through that pasture.
A survey of County Road 108 Traffic Calming Speed Dip Option was submitted by SGM to the Board of County Commissioners.
Discussion:
Jeff Nelson – She obviously didn't get out of it what she would have liked to have had on the design. We invited her to this meeting and she did not show, therefore it shows that she is probably going to accept it.
Chairman Martin- the Ranch Manager was at those meeting as well.
Jeff – Most of the time Tom was there and we met with him.
Chairman Martin – In reference to the repayment, we are going to do the project and then ask for a repayment from Sue and I believe she wanted this and was willing to pay for it.
Jeff – That is correct. We want to go through and have this re-summarized this week for a public bid; it will be a low bid that will do the construction.
Chairman Martin – Then we will work with Mr. Gorgey to make sure the contract is in place on everything.
Drew – Yes.
Chairman Martin – You'll be right there with them Betsy giving us all the details.
Betsy – $5500 for Engineers (SGM) costs and with the Commissioner's permission, we realize the County is paying for this but at this time we would like to invoice the staff for that cost and then we'll...
Commissioner Jankovsky clarified the cost and after Betsy told him what they were for, he felt this was appropriate. Sue has said along that she would pick up the tab.

Motion

Commissioner Jankovsky – I would make a motion that we authorize the billing for the engineering for $5500 out of capital funds.
Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Commissioner Jankovsky- Questions, are we going to be able to get this done this construction season?
Jeff - Yes, this is a small project.

III. CDPHE – WIC CONTRACT – MARY MEISNER

Mary Meisner presented the amendment to the DOPHE explaining that on January 23, 2007 the parties entered into a Task Order Contract for the WIC program. The State promises to increase the amount of funds to be paid to the Contractor by Five Hundred Seventy Dollars ($570.00) during the current term of the Original Task Order Contract in exchange for the promise of the Contractor to perform the increased work under the Original Task Order Contact. The effective date of this Amendment is July 11, 2011. She requested approval of the Board.

Motion

Commissioner Jankovsky made a motion to approve this change to the WIC contract for $570.00 for a total WIC contract amount to $305,211 and authorize the Chair to sign.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson – aye

IV. CDPHE – EPR CONTRACT– WAIVER #154 - MARY MEISNER

Mary explained this was issued pursuant to the Master Contract made on 01/23/2007 with routing number 08 FAA 00020. The cost reimbursement is a not to exceed amount of $33,818.00 for FY 2012. This is for the collaboration with the CDPHE, the Emergency Preparedness and Response Division, local public health agencies and regional epidemiologist and generalist staff members with in the designated All-Hazards Region. This Task Order shall be effective upon approval by the State Controller, or designee, or on 8-10-2011 and an end date of 8-09-2012.
Mary requested approval of the Board.

Motion

Commissioner Samson – I would move that we approve $33,818.00 for the EPR Contract and authorize the Chair to sign.
Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

V. RATIFICATION OF CHAIR'S SIGNATURE CDPH&E IMMUNIZATION "SCOPE OF WORK" – MARY MEISNER AND ANDREW GORGAY

Mary Meisner and Carolyn Dahlgren submitted the document for the term of July 1, 2011 through June 30, 2012. The sum of this Amendment 35 is for a sum not to exceed Fifty Thousand Severn Hundred Ninety-eight dollars ($50,798.00). This will be paid quarterly in the sum of Twelve Thousand Six Hundred Ninety-Nine Dollars ($12,699.00). Mary requested the ratification of the Chairs signature dated on June 23, 2010.
This is housekeeping, we were notified that we needed this immediately and from necessity, we had Chairman Martin sign the amendment.

Motion

Commissioner Jankovsky – I would make a motion that we ratify the chair's signature for the Colorado Department of Public Health and Environment Immunization Contract in the amount of $50,798.00. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

VI. APPROVAL AND AUTHORIZATION OF THE CHAIR TO SIGN A LETTER OF COMMITMENT TO CDOT FOR A CONSTRUCTION AND MAINTENANCE AGREEMENT – I-70/WEST PARACHUTE INTERCHANGE—GENE DURAN AND JEFF NELSON

Gene Duran, Randy Withee and Jeff Nelson provided the agenda sheet.
This is a Letter of Commitment when added to the commitment of the CDOT support of the budget to construct the I-70/West Parachute Interchange. CDOT has committed $6 million to the project. Additionally, the County has committed $1 million, DOLA $5,700,000 is committed by DOLA and $600,000 by Williams and EnCana. The design phase is completed.
$1.5 million was committed for the ROW acquisition, the acquisition is nearing completion. Jeff is here and has been involved in this process but based on information we believe the acquisition cost may come in substantially below the $1.5 million. There has been some indication that they may be a residual amount of $1 million for purposes of the acquisition of the property and I will discuss that aspect as far as this letter of commitment. Staff had pressed CDOT to give us a firm number of how much will be left, but thus far, because the deal was not closed the residual would be. We are monitoring that closely. As I mentioned in my agenda sheet, the letter of commitment essentially speaks for itself. I put in plain terms what Garfield County is committing. In Paragraph 1 - The $1 million dollars is committed and appropriated as the remainder of the amount previously allocated for the acquisition of the right-of-way. If there is a firm commitment of $1 million that's up to the Board to decide. If say for example, the $1.5 million there's $750,000 it's up to the Board to perhaps backfill but that is a Board decision. Paragraphs 2 and 3 is money in the bank. $5.7 million was obtained through DOLA, we've already got a grant contract that's signed, sealed, delivered and filed in the Clerk and Recorder's office so that's a firm commitment. I incorporated by reference the terms of that agreement putting CDOT on notice that the $5.7 million is subject to the scrutiny of DOLA as far as how that money is appropriated. However, based on the terms of that agreement it can be appropriated for the furtherance of the project. All aspects of the project were set forth in that grant agreement/scope of work. Paragraph 3 – This is the $600,000 that has been committed by Williams and EnCana for purposes of this project. $300,000 is allocated for this year and $300,000 for next year. That is in essence is what staff is requesting the Board approve. This is not a contract, this is just a commitment to CDOT so they can budget the project, and they have committed $6 million to the project. Up to meaning if there's any money remaining of the project, CDOT get's that money.
Ed – They made is clear that our $2.5 million is all going first.
Gene – This was submitted to the County Attorney's office for their comment. I didn't speak with Ms. Dahlgren last week on this, so I'm not sure if the County Attorney recommends any changes to this letter of commitment; however, this project is on a fast tract, CDOT has mentioned this is one of the fastest interchanges that they've seen going from design to contract. Staff is working as quickly as we can to ensure that we facilitate what the Board wants and that is this interchange built very soon.
Chairman Martin – I can say it is simply because our two engineers are working on it. It also went along with we actually have funding to pay for it.
Drew – Well the first thing is that it's not yet a contract, it's a letter of commitment, a good faith commitment, there will be two contracts that were referenced in the last paragraph of the letter. It is fine as is and it is as far as it goes. I think if there are any details that will be in the IGA and the grant contract.
Commissioner Samson – I'm just elated that it is going forward, it's great.
Randy – We did receive the money from EnCana and Williams for this year ($150,000).
Commissioner Jankovsky – The other thing I would like to see is the proper legal names of Williams and EnCana there.

Motion

Chairman Martin – If you could make the correction on that letter and do we have a motion.
Commissioner Samson – I would so move. Commissioner Jankovsky – I second and authorize the chair to sign. In favor: Jankovsky – aye Martin – aye Samson – aye

VII. DIRECTION TO STAFF REGARDING REGIONALIZATION OF LOCAL VENDOR PREFERENCE IN GARFIELD COUNTY PROCUREMENT CODE- JIM HACKETT

Jim Hackett requested Direction to staff of the Regionalization of Local Vendor Preference saying Procurement and the County Attorney's Office met by telephone with Mesa County staff on June 29, 2011. The phone call raised several questions that we agreed to take before our respective Boards of County Commissioners for direction. Those are:

1. Does it apply to only specific classifications of procurements (commodities or services or construction)?
2. Will we look at a cap and if so what is it (currently Mesa County's is capped at $25,000, meaning you only get preference on the first $500,000 of any bid)?
3. What is the Region (AGNC plus Delta, Montrose, and Pitkin)?
4. What defines a bidder as far as if they are local?

5. Do we want a percentage for regional and a percentage for the county if you are bidding in your home county? We proposed 4% for the region and an additional 1% for someone bidding in their home county.
6. Do we want it to apply only to formally solicited RFP's and IFB's? In our Code that would be $50,000 and above.

Ed –We have had some discussion with Mesa County and there are some different approaches. We need guidance from this Board so that we can develop a policy. Pretty much between all of the counties.
Jim Hackett – We met and the entire County Attorney's office for Mesa County. Some of the staff had questions and we need the Board for direction on is this doesn't apply for specific classification and procurements for construction. They wanted to pull construction off because they felt that they would give the WCCA off balance; however, that's one of the luxuries of putting the preference in, they seem to get hit more with the question from their Board when they do vehicle purchases as to why local vendors for vehicle purchases aren't included in their process. The have the same process that we do which is we look at the state vendor lists and auto dealers and they all rest on the Front Range, there is none on the west slope. We asked that question. We wanted to hear from the Board.
Commissioner Jankovsky – I think some people out of Mesa County who are doing the complaining rather than the construction industry and they want to see this regionalization. The commodities and services industries…inaudible.
Jim – Their approach to me was take the complainers out and basically not have a regional preference for the construction.
Chairman Martin – They want it from construction industry.
Commissioner Jankovsky –That's what got us here in the first place was the construction industry. Services and commodities are going to be a waste of our time and spinning our wheels. Let's get something done ...inaudible.
Jim – That would force it into Question Number 6, which is whether you want to lower it down lower than $50,000. Currently we have not inaudible … for the simple point of those purchases are currently being able by individual departments to become more sophisticated on how they select vendors, how they go through the process and at this point I would prefer not to have that. Inaudible…
Chairman Martin – We could put in the purchase for the department in that position, go ahead and make those decisions on services …inaudible…I'm still thinking construction is the issue, we need to work on that… if they want to take this off then we need to work out the details.
Commissioner Jankovsky – I guess my question to you is this even doable.
Jim - It's a regional approach…inaudible …I'm a little optimistic, yeah it's based on give and take and back and forth…inaudible. I don't think we're that far off in looking at a regional approach. I really think the sticking point is the region, which is pushing question no. 2 and 3 whether we will cap it. That rolls into questions no. 2 which is currently Mesa County caps, what they give as far a local preference and it's up to $50,000 so what that potentially means is that you won't give a regional preference on the first $25,000 would change the bid. If it was me, I'd say $50,000 cap is reasonable so the first $1 million on the bid you would receive the preference and I think that will hit probably 60% to 70% of bids.
Commissioner Jankovsky – Well, $25,000 is too low but $50,000 would be my motion.
Commissioner Samson agreed that's fine.
Commissioner Jankovsky – The region would be Delta, Montrose and Pitkin County.
Chairman Martin – Pitkin County… inaudible.
Commissioner Samson – We started with a region and that was basically the three county region…AGNC and now we're talking about picking up the total of eight, three more.
Jim – When we met with AGNC for the final potential solution, we did talk about it the first meeting, Garfield, Mesa and Rio Blanco and then …they wanted to add Delta and Montrose and that's what I said, if you want to add Montrose then at least one of our large suppliers rests in Pitkin County, primarily Sandy's Office Supply and they asked about Eagle and I said I don't think we have a whole of vendors. In my opinion, cutting off the Roaring Fork Valley you have some construction companies…inaudible.
Chairman Martin – So that's going to be Moffat, Routt and Rio Blanco, Mesa, Delta, Montrose, Pitkin and Garfield County.
Jim – Then when we start approaching these guys, do they want, inaudible. Mesa apparently honors some in Utah. Grand County…
Ed –Would you prefer to keep it to the AGNC counties if possible?
Chairman Martin – I don't mind Moffat County.
Commissioner Samson – I don't know any business potentially in Routt County down here.
Ed – Actually we do, we have an engineering firm to support the landfill, northwest.
Chairman Martin – See AGNC on the table and what comes out of that then we can develop guidelines.
Drew – Simply that state statutes call for a statewide preference and I consulted with staff and also this would be in addition to the County's Procurement Code and I mention that simply because of specific dollar amounts today that was the discussion and information for CCI on neighboring counties and off the public process language of any Procurement Code changes if there are any, so grounded in that, you are not making decision about boundaries today you are simply trying to give direction so in the future we can have a full hearing and be as thorough as possible and work with everyone to get that done.
Jim – The next question is what defines our work force and Mesa is broad in opening and inaudible …ours is very specific in accordance and 75% of workforce needs have a business in the County. All you have to do is open a storefront, say this is our business, and then leave.
Gene – The instruction we received from the County was Garfield County wanted to avoid.
Chairman Martin – Inaudible.
Jim – One thing of caution is getting into the same as our negotiation the one particular business that seems to be the most is the complaint because we're only doing business in Mesa County and their home office in southern England. That may be something you want to consider because of the amount of employees, property taxes they pay to both counties is something to think about.
Commissioner Samson – Well let's go with that and feel out the situation from other counties and see and go from there.
Jim – The other thing we put on the table, was a discussion that Mesa had, Mesa was not as informed on what was going on as Garfield County, what's this idea of a split, both counties currently have a 5% but 4% goes to the region and 1% goes to the local county. I will tell you where we did have a change of bid that number would have changed the bid to local Garfield County business. I think 4% fair and 1% is fair and it gives people in the region a 4% and gives them an initial 1% in the home county.
Chairman Martin - Inaudible
Commissioner Jankovsky – I like that and prefer to do business with people in Garfield County so, I take it gets more complicated but I like the approach of the 4% and 1%.
Jim – Yes, it is more complicated. Between the three of us we did ..One other issue, what is the date that we need to have that …?
Commissioner Samson – Our meeting in Montrose is Friday, August 5 from 10 a.m. to 3 p.m. and we have the cookie judging and the apple pie moved to the 4th so we are good.
Chairman Martin – Inaudible ... present in Montrose.

Ed – Two items – first long time employee Artie Knight passed away last night in Parachute apparently of a heart attack. She was a long time employee with Community Corrections.
Chairman Martin – Artie worked a long time in the courthouse and did a fantastic job. It's a shame.

DEBRI FLOWS - FLOODING
Ed stated he would have Betsy come up and give a report and update on the work that Road and Bridge has done.
Chairman Martin – We did have a few bright spots in flooding.
Betsy – As you know this is 2 and 3 that we are dealing with flooding from mostly tributaries two to three weeks ago and they did a great job and recognized those crews. Secondly, last night we have some debris flows in a couple of different places, Red Canyon Road was one place and we have problems periodically. That road has been closed as of yesterday at about 4:00 p.m. and probably not be open until the end of today. Cattle Creek had some debris flow issues although not as severe and that road didn't need to be closed at the time, our crews did respond there as well and cleaned up that debris as quickly as they could and that road remained open and is open this morning. That type of materials or soils and debris needs to be dried out before we can really clean it up so people will see crews over the next couple of weeks pulling those ditches and permanently getting the debris out of there. You won't see that until it is dried out. In the meantime was we basically need to do is blade that debris off the road and then wait for it to dry. I want to caution citizens out there driving through any mud or debris flows. Last night we did have one person try to drive through some mud and were stuck in the ditch. It's hard to see where the ditches are located and oftentimes it's raining hard and that makes visibility a challenge. So just be careful out there. The Sheriff's office and our citizenry are our eyes and ears out there and usually we have calls from dispatch and they have a direct line to whoever's on call for road and bridge so that how the system works. Typically, dispatch will directly contact the person on call and that person will call the foreman, the foreman responds to that call if needed and then it's determined whatever equipment is needed within the next hour that happens and our crews are quickly out there. When that happens our crews are quickly out there and that's the protocol we follow when that happens. I did have the opportunity to go around that foreman last night and CDOT was challenged with some debris flows from Westbank to the CMC turnoff and you may know that stretch of Hwy 82 was closed for a couple of hours and some were stuck in it. Again, a warning out there do not drive through those debris flows.
Commissioner Samson – A side note that after we were notified of this, at 10 p.m. I watched 9 News, Denver channel because I was curious to see if they would have anything on about this; they mentioned Garfield County, Glenwood Springs and Carbondale but the icon had a picture of Hwy 82 was identified as Delta County.
Chairman Martin – They were confused because Hwy 15 was closed for some time because of the big debris flow at Delta. So that's is probably why. Check list from Sweetwater or to Douglas Pass, everything was fine on that flow because it hail, etc.
Betsy – Road and Bridge was going out there this morning as I hadn't heard from Mike our foreman from that district, he was checking on that this morning and then we're also checking on calls on property on Four Mile, which we will check today as well.
Update on CR 300 and Hwy 6
Chairman Martin – Any progress, it has just been sitting there for some time on drainage and fill, compaction and the land, is that moving faster.
Betsy – Yes, Chairman Martin if you want it to move faster then check with Jeff.
Chairman Martin – It's bid out and it's a contract signed, do we have a completion date.
Betsy – We probably do but I don't know what that is at this point, I can check with Jeff Nelson our Assistant County Engineer who is handling that project and get back to the Commissioners.
Chairman Martin – The other project was the industrial park and the new intersection we helped the by-pass, how is that coming. I see that they tore up a section of concrete at the entrance and paved Hwy 6 again. Both entrances are now disturbed.
Betsy – Sounds like they are having some problems that I'm not aware of and it's not a county project but certainly we are involved so I will update you next week on that project as well as CR 300.
Chairman Martin – That was a3-phase project we negotiated with Parachute and that exchange would by-pass and inaudible…
Betsy will check.
COMMENTS FROM CITIZENS NOT ON THE AGENDA:
REGULAR AGENDA: BUILDING & PLANNING ISSUES
1. **COUNTY ATTORNEY UPDATE – LAND USE ISSUES: ANDREW GORGEY**
No issues
2. **PUBLIC MEETINGS:**
A. **CONSIDER A REQUEST FOR A TWO (2) YEAR EXTENSION OF THE PRELIMINARY PLAN FOR TCI LANE RANCH PUD SET TO EXPIRE ON SEPTEMBER 8, 2011. APPLICANT IS TCI LANE RANCH, LLC. – KATHY EASTLEY**
Kathy Eastley, Dave Morris and Jon Fredericks, Principal of TCI Lane Ranch were present.
Kathy submitted the following exhibits for this public meeting: Exhibit A – Garfield County Land Use Resolution of 2008, as amended; Exhibit B – Garfield County Comprehensive Plan of 2030; Exhibit C – Letter Requesting Extension; Exhibit D – Staff Memorandum; Exhibit E – Resolution 2009-81 – Preliminary Plan Approval; and Exhibit F – Resolution 2010-57 – Preliminary Plan Extension.
Chairman Martin admitted these exhibits A – F into the record.
Kathy summarized the letter from Land West Planning, Landscape Architecture, and Development Services saying the request is for a two-year extension of the current Preliminary Plan approvals for the TCI Lane Ranch PUD. The current approvals require that a technically complete Final Plan application be submitted by September 8, 2011. This request is to extend that deadline to September 8, 2013. Requests for Preliminary Plan extensions are allowed in accordance with Section 4-103.G.8 of the Unified Land Use Resolution of 2008, as Amended.
Discussion
Jon Frederick – Items listed as Exhibit G through J and submitted these exhibits to Jean:
Exhibit G – Garfield County Foreclosure History; Exhibit H – Market Analysis from Land Title; Exhibit I – Additional work analysis from Land Title; and Exhibit J – Local Area Unemployment Statistics Map.
Chairman Martin entered Exhibits G – J into the record.
Jon explained the exhibits in detail giving statistics in a spreadsheet and submitting information from Land Title, foreclosures and unemployment statistics showing Garfield County as 9.3%/ The unemployment rate in Garfield County is not impressive. There are many things with this development and we plan to do many things to move forward with this development. We originally intend to do construction in 2010. We need to do everything to keep this project alive. Therefore, we are requesting an additional two more years.
Chairman Martin – Or you could start over when the economic conditions improve.
Dave – As an owner of the project, I am committed to the development of this project. We have a Website and Marketing tools in place. We have in our plans a Greenhouse that creates a project for the community. Again, we are deeply committed.
Commissioner Jankovsky – After all the time you've spent and where you are I would encourage you to go ahead and I'll make a motion that we approve the 2-year extension until September 8, 2013. Commissioner Samson – Second.
Commissioner Jankovsky – We have several others with the same issues.
In favor: Jankovsky – aye Martin – aye Samson – aye

B. **REVIEW AND AUTHORIZATION TO SIGN COMMENT LETTER IN REGARDS TO THE RULEMAKING FOR COLORADO ROADLESS AREAS REVISED DRAFT EIS – TAMRA ALLEN**

Tamra stated on the July 5 meeting, the Board would supports Alternative 3. She submitted the draft letter submitted via email for the Chair's signature saying the Garfield County Board of County Commissioners (BOCC) wishes to express their preference that the USFS not promulgate a Colorado Roadless Rule as proposed in the Colorado Roadless Areas Revised Draft Environmental Impact Statement, "Preferred Alternative" (Alternative 2). Instead, the BOCC supports the USFS taking the "No-Action Alternative" (Alternative 3), thereby not establishing a state-specific roadless rule for Colorado. Alternative 3 ensures that all lands in Colorado's national forests are managed according to direction in the 8 separate Forest Plans.

The Garfield County BOCC believes that Alternative 3, "No-Action," best represents the wishes of the local communities in regards to the treatment, designations, management and conservation of roadless areas within each forest, and specifically within the White River National Forest.
Discussion:
Tamra submitted a draft letter to "Tom Vilsack and Mr. Ken Tu stating that the Board of County Commissioners wishes to express their preference that the USSFS not promulgate a Colorado Roadless Rule as proposed in the Colorado Roadless Areas Revised Draft Environmental Impact Statement, "Preferred Alternative 2." Instead, the BOCC supports the USFS taking the "No Action Alternative 3", thereby not establishing a state-specific roadless rule for Colorado. Alternative 3 ensures that all lands in Colorado's national forests are managed according to direction in the 8 separate Forest Plans.

Garfield County BOCC believes that Alternative 3, "NO ACTION," best represents the wishes of the local communities in regards to the treatment, designations, management and conservation of roadless areas within each forest, and specifically within the White River National Forest. The Board formally requests that Alternative 3 be recommended as the Preferred Alternative in the Rulemaking for Colorado Areas Final Environmental Impact Statement, assuring conformance with each discrete Forest Plan."

The Board did not have any suggested edits.

Commissioner Samson – I would move that we approve the bond letter drafted by staff on the Roadless Rule Draft Environmental Impact Statement as Alternative 3 and authorize the Chair to sign.
Commissioner Jankovsky – Second. The whole process comes to us through the administration action. If it comes back for a second time, we can have the maps and our constituents would like to see this for Garfield County.
Chairman Martin – The 9th Judicial District will deal with the rule as well as the 10th and 9th court circuit. We have stated our position for the Forest Service Plan and put forth our best voice for the Forest Service Plan in Garfield County. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

Remote Meetings
Commissioner Samson proposed that this Board direct staff that starting in January 2012 that we start setting up the 2nd meeting of each month to have meetings in remote locations. In January the meeting to be held in Battlement Mesa, February in Parachute, etc. and then after 6 months, we will start all over again,
Jean – Technically, there is a resolution presented to the Board each year stating the meetings, hours of operation, etc and added that it is definitely very difficult to have remote meetings. Today, there was a 3 hours downturn and I would like to see the emphasis on actions beginning at 8:00 a.m. and eliminating the afternoon session. I will also tell you that my staff has never had a good record of the meeting, which we are by statute to have an accurate set of minutes. The recording equipment has failed every time. I understand this is for the citizens especially in the west. However, we need to work with staff and coordinate; we need to put more money into the recording equipment in order to have a good recording on the meeting.
Chairman Martin – Suggested that Fred, Ed Green and the legal department work together and submit a resolution.
Drew stated he would email Ed for this to be placed on the agenda as a discussion item.
COMMISSIONER ISSUES: COMMISSIONER REPORTS, COMMISSIONER CALENDARS, AND APPROVAL OF MINUTES
NONE
COMMISSIONER AGENDA ITEMS
NONE
ADJOURNMENT

JUNE 13, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 13, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
Roll Call
Pledge of Allegiance
Invocation
Commissioner Samson thinks the people of Garfield County need to know that Chairman Martin was given a very prestigious award. He wanted to bring the audience's attention to the National Association of Counties, County news which comes out with a newsletter, and in that you have a picture of our Chairman. In the last meeting they had in Washington; Chairman Martin was elected second Vice President at the conference which was held May 20th of the Western Interstate Region. Which he believes is quite an honor, not for just Colorado but for the nation.
Assessor's Update – Lisa Warder

- **A. Abatement: Northern Lights, LLC – Abatement No. 11-212, Schedule No. R370536; Weingartner Miller Glenwood, LLC – Abatement No. 11-210, Schedule No. R041496**

Chairman Martin – Notification was through a mailing to the taxpayer and that is the only notice required?
Lisa – Correct.
Chairman Martin swore in the speakers.
Lisa – this is abatement 11-212, schedule number R370536; this is a property in Parachute. They protested the property in 2010 and the assessor's office lowered the value at that time. In 2011 they filed this abatement and the tax representative was asking for a much lower value than they had agreed to in 2010. The cycle runs in two years 2009/2010 have the same values and they lowered the value for this abatement to the 2010 level of value for 2009 and the taxpayer stipulated to that amount. The amount is $5,794.52.

Commissioner Samson – I would move that we grant the request for the abatement for the amount of $5,794.52 to the abatement no. 11-212, schedule number R370536.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn wanted to ask Lisa since they do have the stipulations signed by both Mr. Goldstein and Mr. Yellico; is there a piece of paper that is needed for the commissioner's signature as well?
Lisa – Yes, the abatement must still be signed.
Chairman Martin – Go to second abatement and contact by phone.
John Zimmerman called Kendra and explained she was on the phone with the Board of County Commissioners.
Lisa – This is abatement 11-210, schedule number R041496 and the assessor is recommending denial.
Chairman Martin – Based on what information?
John – When they reviewed this abatement for 2008 which would have been the appraisal period that ended in June, 2006. We are looking way back in time here. You have to put yourself back into that timeframe and what was going on in the county at that particular time. The building we are talking about is Glenwood Meadows the Wells Fargo Bank building. Photos passed out to the commissioners and the photos were e-mailed to the tax rep. yesterday.
Chairman Martin asked Kendra if she had them and she did.
John – The building was relatively new at that time new and it has been occupied ever since its initial occupancy by Wells Fargo Bank. His office has the property valued at, for that timeframe, $1,173,380.00 and the petitioner is requesting a value of $994,700.00 for that period of time. He is asking that the board deny the abatement petition based on the analysis they have done and the lack of supporting evidence by the taxpayer. He asked if everyone received the two page write-up, it starts with the response to the abatement petition R041496.
Everyone had received.
John – That details his case and he will highlight a couple of points. First of all a new building can be effectively appraised using cost approach based on the principle of substitution. Meaning that you are not likely to pay more to build a new building than you would to purchase a building that is already there that would suit your needs. He feels like the cost approach on a brand new building is a very applicable approach for that period of time and that is a large basis of this particular request to deny the abatement petition. In addition to the cost approach he has also looked at income approach using a rent rate of $22.00 a square foot, a vacancy rate of 10%; which was probably pretty generous for that particular timeframe. And a land lord expense ratio of 10% and a capitalization rate of 7 ½%. Which was again pretty generous to the taxpayer at that particular point in time and the market that existed at that time. The tax representative for Weingartner Miller had done an income approach using a $20.00 per square foot rate, matching their vacancy rate of 10% and the expense rate of 10%; but has used a cap rate of 8 ½%. The only basis for her discussion is the spreadsheet, which you probably have in her packet, that doesn't specifically list any identifying information on any banks. You will notice all the banks with the exception of one in Grand County are east slope banks which was a completely different economic situation at that time than the Garfield County market. He doesn't feel like these rates or the rental rates or the cap rates that she uses are at all appropriate. He would like to know, especially the cap rate where that was derived from. He did do a more detailed cost analysis than in his write-up in preparation of this hearing. He also e-mailed this to the tax rep. He passed out new information.
Kendra acknowledged that she received a copy this morning at about 6:30.
John – You will see that this particular report date in the upper right hand corner, at the bottom of the first section is 6/2006 which is the appraisal date. The cost of the building, base structure, and just with basic exterior wall and heating and cooling costs, the building alone is $1,405,459.00 without consideration of the land value. When you add the land value in of $450,000.00 which is close to what they had it valued at that time, the total value comes to $1,855,459.00. Marshall and Swift is a nationally recognized and widely used cost service that does research nationally and then localizes it based on multipliers. He feels pretty confident that this is a good indication, hopefully enough of an indication to the board to deny the abatement petition.
Chairman Martin – Asked for Kendra's discussion.
Kendra – Mr. Zimmerman went over briefly in his argument; she did conduct an income approach in valuing the property. They feel the income approach is the most reliable approach when valuing income producing properties and should be given that weight even when it is a newer building. In that they recognize that the cost approach can come into play certainly for newer buildings however, it's been widely recognized and accepted that the cost approach sets the upper limit of value. Furthermore she hasn't had ample time to review, she has taken a brief look at Mr. Zimmerman's cost approach because as she stated she did not receive it until 6:30 this morning. But irrespective to contend that this sets the upper limit of value and that the income approach still is the more reliable approach when valuing this sort of property. She did use a $20.00 per square foot triple net rental rate which they feel is supported by bank leases that they have come across. They represent multiple banks throughout the State of Colorado whether its' the Denver Metro area or the mountains etc. They provided some of that information to you, well the information they have for rental rates during the applicable timeframe. Unfortunately due to client confidentiality issued they did have to redact identifying information as they did not have authorization from their clients because they were not Miller Weingartner clients to release that information. So that did have to be redacted but looking at those rental rates across the state and yet some are in the Denver Metro area as opposed to in the mountains, but they are looking bank information from certainly what they feel to be comparable situations whether in the central business district, or where they are. They are seeing a general trend from a bank rental rate perspective. They felt that the $20.00 per square foot triple net rental rate was the appropriate rental rate to use on this property. Again, they used a 10% vacancy allowance as the assessor, which she knows Mr. Zimmerman did say was most likely generous for that time, but there it does need to be taken into account the consideration as of June 30, 2006 the property was 100% vacant. They felt the 10% vacancy was appropriate for this size and single use of the building given that it was 100% vacant at the time and the assessor clearly agrees with that since they used the same vacancy allowance. 10% expense allowance they did not dispute the assessor's use; however 8 ½ capitalization rate, Mr. Zimmerman said that was exceedingly high for the time, however they have reviewed capitalization rate information from multiple studies for example the ??? rock studies and RERT studies that were in effect at that time for bank properties etc. They felt the 8 ½ capitalization rate was appropriate and that's how they came to their value of $944,700.00; she thinks John said $994,700.00. That comes to about $200.00 per square foot. There are certainly other banks on an equalization basis. There are other banks she believes in Garfield County that have a value for around the same price. The American National Bank over at 2224 Grand Avenue was valued by the value placed upon that property after they did protests, that value was for $196.94 per square foot and she believes that adjustment was made, she is not sure at the assessment level or at the BOE, BOCC level. This is pretty consistent with what they are seeing for those 2008 values and its pretty well recognized within the county area and they do feel that at this level the equalization is not, should be given weight, and they don't feel their value is out of line. This isn't certainly the first time that the income approach, for this specific property, the income approach has been relied upon in future years which she certainly won't get into that qualifying information. But the point is it is not unrealistic, it's unacceptable to be using an income approach when valuing this property even though it is a newer property. It is still the most reliable. Therefore based upon the rental information that she has from various banks across the state they felt that the $20.00 per square foot triple net rental rate for the deductible as is the 8 ½ capitalization rate.
Chairman Martin – Questions?
John would like to respond to a few Kendra's points. In her discussion that the cost approach is the upper ???; he would like to point out that our is well below the cost approach that they performed for the board. Secondly these leases perhaps were not Miller

Weingartner leases but the subject property is a Miller Weingartner lease and that lease information has been withheld from them. We have asked for it numerous times as he states in his write-up on the case. Dozens of times he has asked for income information from this particular agent and this particular client of theirs. He has been stonewalled at every single turn. Never can get lease information from them. In this case the subject property we know is leased and we know there is an amount specifically for this property, and has not been disclosed. He thinks there is a reason that it has not been disclosed. Third the reason the property was vacant at that time was because it was under construction and it was brand new. Our appraisal date of June, 2006 reflects the market value. The status day of the property, the completion date was January 1, 2008 in this case. That is the tax completion date for the property. At that particular point in time the property was occupied and was complete. The other bank Kendra is citing for equalization purposes at 2624 Grand, let's just go back to the cost approach for a moment. In this case the reason he explained that they used the cost approach is because this is a brand new building. That's what makes the cost approach an attractive approach on our new building because it's what it cost to build it. On an older building on like the one she mentions at 2624 Grand you have depreciation that kicks in. That's why the value per square foot may have gone down. And maybe a little bit lower than the subject property. Another thing if you roll your mind back to that particular time, remember all the Glenwood Meadows and the excitement over Glenwood Meadows. High lease rates, a new development to Glenwood that was going to bring unprecedented stuff to the market area. These properties were running in Glenwood Meadows more than anywhere in the rest of the county. With the exception of some isolated things in Carbondale. The national cap rate services that she cites are that; they are national cap rate services. Again not localized to the Garfield County market. And finally the income approach is a perfectly applicable approach to value. But you have to localize it. You cannot just take data from all over the United States and all over the Front Range and even in Grand County; and buy the way if you'll notice some of these leases were actually begun after the appraisal date. If you look at the leases on her list. But you have to localize the data to Garfield County; Garfield County had exceptional economic conditions at the time and lease rates were high, cap rates were low.
Kendra – To respond to a couple of things that John said. She informed Mr. Zimmerman numerous times that they have been unable to get this lease and it is a ground lease and is not indicative of value because it is not for the entire property, it is going for the ground. As a result they have just not able to get that lease from the client; which is why they feel that market rent are the most applicable and that's what they have done here is just look at market rent for bank properties specifically and then applied them accordingly. Also that comparable property value that she referenced previously; that valued at $196.00 per square foot was based on an income approach. They protested that value, they argued an income approach and that value was adjusted based upon that income approach. She feels this is a comparable property to use from equalization basis as far as the dollar value per square foot for bank properties within Garfield County. All and all they do feel that this is an appropriate value and is in line with other banks in the area. It's also in line from a methodology standpoint for how the property has been valued and reconciled in post years following the 2008 year and they do believe that it represents the accurate total value for the property.
Chairman Martin – Motion to close public hearing.
Commissioner Samson – So moved.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – You have what the assessor has and also the taxpayer's representative; there is a difference of a couple of hundred thousand dollars in assessed valuation.
MOTION:
Commissioner Samson – After listening to our assessor, Kendra this is Mike Samson, after listening to the assessors, he would say they put forth a pretty compelling argument as to why they have done what they have done and he would agree with that. So therefore I would move that we deny the abatement petition for abatement number 11-210, schedule number R041496.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – To Kendra; under the rules he believes she can take that further into the court system.
CONSENT AGENDA
ii. Approve Bills
jj. Changes to Prior Warrant Lists
kk. Resolution Extending Medical Marijuana Moratorium – Carey Gagnon
ll. Authorize the Chair to Sign a Resolution Approving a Land Use Change Permit for a Limited Impact Review Amending an Existing Special Use Permit for a compressor Pump Station – Material Handling – Applicant; OXY USA WTP LP – Glenn Hartmann
mm. Authorize the Chair to Sign the Mylar for the Sloop Subdivision Exemption Plat – this Application was Approved by the Director of Building and Planning Through and Administrative Review – Applicant; Leslie Gaylor Lewis and Glen Sloop – Glenn Hartmann'
nn. Authorize the Chair top Sign the land Use Change Permit for EnCana Oil and Gas (USA) Inc. (LIPA-6770) for the Middlefork Water Recycling Facility Expansion – Material Handling – Molly Orkild-Larson
A motion was made by Commissioner Jankovsky and seconded by Commissioner Samson to approve the Consent Agenda Items a - f; carried.
COUNTY ATTORNEY UPDATE – Carolyn Dahlgren
- **A. IGA with RFTA (GOCO Grant)**

Carolyn was expecting to have a signature copy in time; but she talked with Walter Matthew this morning and he was planning to get the signature of the RFTA executive director and send it out to her. The board may want to table this until she actually has the signature. You will remember that the board was asked to essentially be the grant recipient of a GOCO grant back in February. You all agreed to that and a resolution was prepared and the chair signed it. This is now the IGA which will be the administration of that grant. The project described as you remember, she thinks it was described to the board as the lycra improvements. It has to do with picnic tables and port-a-potties, they are permanent fixtures on the Rio Grande Trail. You are being asked to actually hold the money and it will be up to Lisa Dawson if it is in the Grant fund or it's an agency account. You will have to keep records that GOCO requires. RFTA will give the board receipts to show they have done what it is they said they were going to do before they can get reimbursed. The rest of the IGA is your standard IGA information. You are not putting any cash up; what you have done is vote to forgive or wave the building code fees of up to $600.00. That was all done last February, this is the moralization of it. The project is actually described in Exhibit A and the RFTA board has approved this as written. Now the request is for signature of the Chairman. She is happy to wait until they actually have Dan's signature and then you can sign it later this afternoon.
Ed – You are saying that the funds from GOCO have to go through us?
Carolyn – Yes. Not unlike DOLA and NECI and a lot of the other things you act as fiscal agents for.
Chairman Martin – We have to do the accounting and the administration and the distribution of those funds based on the grant.
Carolyn – But you don't own anything except the privilege of being the flow through.
Commissioner Samson – Do we get to take a 20% administrative fee?
Carolyn – No, but you can go visit the facilities.
Chairman Martin – Does the treasurer, who receives the fund, get 1% treasurers fee?

Carolyn – This is grant money, she will have to go back and check if it's just Federal grants or not. Do you want me to bring that question back to you?
Chairman Martin – No, we need to take action to waive that or whatever other resolution on the ability to waive the 1% treasurers fee if that is necessary.
Carolyn doesn't remember.
Commissioner Samson – I would move that we approve the IGA regarding Great Outdoors Colorado Grant for Garfield County Rio Grande Trail Facility Enhancement to eleven and authorize the chair to sign and we will waive if necessary the 1% treasurers fee.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **B. Federal Mineral Leasing; Draft Documents**

Carolyn brought red lined copies so they could see easily; she passed them out.
Chairman Martin talked to the liaison to the Department of Interior in Vail last week and requested them to contact Carolyn directly on issue that the Department of Interior has.
Commissioner Samson had a discussion with R. Brown about DOLA's involvement on this and he was under the impression that things were going well. He thinks there is a miscommunication.
Chairman Martin – Mr. Hernandez, who is the Department of Local Affairs local representative on these types of issues will be putting together a workshop for the attorney's as well as the commissioners and Department of Local Affairs staff members to smooth out any bumps in road to allow the special districts to go forward and to combine.
Carolyn – Good because that seems to be the hitch. DOLA seems to be fine with all these individual districts; it's then combining them by IGA and that's at least what DOLA is saying to the Mesa County Attorney's office. In the packet she gave them two different forms; one from Routt County and one from Mesa County. What she has done is create a document that combines the two. She took the best of both; but there are some decisions that the board has to make. She knows they want to establish it; but in Section 2 membership, you see she put some suggestions in there in italics. Seat one has to be of the commissioners, seat two a representative of a local school district and seat three could be a representative of the business community or it could a representative of the mineral extraction industry community. You have to decide who the other two people will be. That italicized language is just her trying to read their minds. You may have very different ideas about how you want to set this up. Otherwise the document is simply in line with the statute. The duties of the district board come right out of the statute and it includes language in small "c" about how your district board can co-operate a contract with any other district formed under the act through the Inter-governmental Agreement process. Which is her understanding of what the board wants to do. In Section 4 on meetings, has the usual requirement that meetings have to be within the district which in our case is all of unincorporated Garfield County excluding municipalities because none of them had said they want to join now. But the document does give the option of municipalities coming in later if the district board wants to meet somewhere else like perhaps at the AGNC office then the district has to pass a resolution saying why they are meeting elsewhere. That is just a matter of public notice. The very last section has the clerk giving a copy of this resolution to the Executive Director of DOLA and has Lisa Dawson giving a federal tax ID number for the district. Repeat again that this is just a Garfield County district. We have 90 days to create the individual service plan and there is no real limitation on when the IGA would have to be put together but her assumption is that the board wants that done quickly. The way this is set-up now the money would come from DOLA to this district and then pooling the money would be a matter of the IGA. The service plan and the IGA are the next steps but we need the district created first so that district board, one of the commissioners plus two other people. Have you thought through who you would like to have as your other two members?
Commissioner Samson – It has to be a school district right?
Chairman Martin – No.
Carolyn – No, this is just what….that's what Routt County did. She just put in that the committee that the board put together on the secure rules schools act, even though she knows that is likely to go away, because that is a preexisting entity that they are used to working with. If it's just business community you might want to rely on your economic development team. If it's industry you might want to rely on your EAB. You may want to rely totally on yourselves and appoint two stellar members of Garfield County community. But she thinks it would be unwise to appoint your administrative staff.
Commissioner Samson – Do you need to know this today?
Carolyn – You don't have to action on this until next week; but if you are ready to go you can do it now.
Chairman Martin – It's not the individual you are assigning at this present time; it's only the area that you wish to appoint from he thinks. If it's going to be a school district then we have to find out who in the school district would be able to service on that one.
Commissioner Jankovsky would think that the municipalities would want to join this fairly quickly.
Chairman Martin – Do we wish to go ahead and mull it over or do we wish to make a decision?
Commissioner Jankovsky would like to see them get this done. I think the motion the other two members should be at our discretion and not have it be school district or municipality. It could be municipality or school district or it could be someone from the business community. It just gives us more flexibility.
Chairman Martin – So would you like to select a few people from the business community?
Commissioner Jankovsky – We don't have to select those people at this time do we; because it just would be….
Commissioner Samson – Do you need specific names or do you just need general categories or could we just say it's left up to our discretion so that we can decide. Maybe school district, maybe business community, maybe EAB?
Carolyn – You have to create it; first of all she wanted to read the language about members. At least one member of the board of directors shall be a county commissioner, other members maybe representatives of the governing body of municipalities included in the district. We are not including any at this point but you have the option to do so. Or other officials representing the interests of areas impacted by mineral lease activities. That of course is why Routt chose schools and industry.
Commissioner Samson – They didn't put the municipalities in there.
Carolyn – They don't have any at the present time.
Commissioner Samson knows, but they didn't leave the door open for that did they?
Carolyn – Yes they did.
Commissioner Jankovsky – You could have a second person that is from a governing body and that could be municipality or school district and we could have a third industries or business representative.
Chairman Martin – that's what you wish to go ahead.
Commissioner Jankovsky – Yeah I think that is a good way to do that.
Commissioner Samson – Second that motion.
Carolyn – Okay the statute says that you just have to state the number of directors in your resolution. There shall be no fewer than three directors and a total number of directors shall be an odd number. So you could do it like a separate…
Commissioner Samson – So you could have five.
Chairman Martin – You could have five.
Carolyn – Yes and you could appoint number s by a separate resolution if you just want to put the number in this one.
MOTION:

Commissioner Jankovsky would like to just put the number in at this time; be three. So I would move that we accept this federal mineral leasing draft documents in front of us and that we have a three member board, committee and one member would be from the Board of County Commissioners and the other two members would be appointed as necessary in a further resolution.
Carolyn – She can use the statutory language about being in areas affected.
Commissioner Jankovsky – Yes.
Commissioner Samson – Second.
Chairman Martin – Any questions.
Carolyn – No sir we'll get this done so you can sign it this afternoon and then next week she will bring them another resolution about appointing members.
Chairman Martin – Hopefully we will have a response from the Department of Interior.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – Before we leave public session she wanted to point out, and she understands from the clerk that you talked about this briefly, that you wanted to continue today's meeting until tomorrow afternoon so you could potentially take action on the state tax refund.
Chairman Martin – We decided to do a special meeting and we will post that and have that meeting at 1:00 p.m. and Dawn has also been notified.
Executive Session:
Carolyn – the next item is the potential medical marijuana litigation and they would like to discuss that with the board in executive session. You have the letter in your packets but Carey would like to give the board legal advice. They also need to talk with the board about the Overlook Mine LLC, or Overlook Sand and Gravel which is an active claim against the county to see what signature authority the board is willing to give their administrators to settle that claim prior to litigation. Otherwise she can assure the board there will be litigation. They have one EEOC matter to update and she has told them before EEOC disallows our announcing the name of that person who has filed the charge. Cassie asked her to specifically ask the board if they had any changes to make to the Amicas brief that she sent to the board by e-mail. Carolyn assured her that the board has read every word of it on screen. Last time John actually did want to read it and make some edits so please let her know. If they would like to come upstairs and get a hard copy and sit down and read it please do so. There is a confidential legal memo in the boards packet on the Cerise Pit for this afternoon. Are there any of those items you wish to discuss this morning in executive session?
Commissioner Jankovsky – Will there be any information on the Collins litigation?
Carolyn – The only thing that she has to tell them on that; Cassie has spoken with their attorney, Chad Lee, and Chad is out of town for this week, so all discussions will be held next week.
Chairman Martin – We could go ahead and do all public information first before going into executive session on those items.

i. Discussion of Rule 5.7 Local Vendor Preference – Jim Hackett

Jim – this is just a update to see what the board, they had a discussion he is assuming up at the conference with Mesa County; so he wanted to get feedback as to where do you him and his staff to take Rule 5.7. Leave it the way it stands or are we working to look at a regional approach or are we looking to do away with it?
Commissioner Samson – It would nice, as Garfield County, to enter into some talks with Mesa County and Rio Blanco County; those two in-particular. See if we can work out some kind of a regional approach to local preference.
Ed – in audible……..
Commissioner Samson got the impression get all three staffs working together.
Jim – His understanding with Jean reaching out on another matter to Mesa; Mesa County staff is in a bit of turnover, disarray at the moment. His understanding is that the lead procurement individual is no longer with the county. The administrator person that Jean talked to indicated that they were going through a code rewrite; however from her understanding they have hired a consultant to do that. He has no idea who that might be. He has done preliminary research on their code; their code is capped basically at $25,000.00 and he does have members in the audience here that maybe more familiar with it as far as how they apply that. If you read it on its face value they can apply it across the board but basically it freezes at $25,000.00. Another words that's the most you could give so technically it's capped. If you take 5% of that its capped at $500,000.00. but he thinks they have been applying it based off procurements $500,000.00 and above, not procurements from where ours is at $50,000.00 and above. Working with individuals might be challenging; he reached out to Rio Blanco a couple of weeks ago just to look at what at what various one had and didn't have as far as preferences. Rio Blanco currently does not have a procurement administrator. Either it's funny when they put out RFP it actually is one of the commissioners that the RFP's are sent back to. He asked through their the road and bridge shop and found out that they will pick and choose as to if they feel there is an economic benefit to stimulate the local economy to award to someone who is in a relatively close proximity to somebody who is out of the county. They will go ahead and do it, although they have no written rules. He doesn't mind doing it; he will have to be lead to the individuals he needs to talk to, to do it. His ultimate druther if you were to ask him for his professional opinion; do away with it and allow the regional to look at, and it would only apply in RFP forms, it wouldn't apply in IFB's. Write in our RFP's criteria that slants it towards the western slope contractors. Things like understanding of local building codes, understanding a local workforce, and you give contractors points for how they demonstrate how well they do that. Which should automatically rank them out higher than guys from out-of-state, or from the Front Range or wherever that don't understand what we do locally, but it doesn't automatically apply 5% or whatever percent the region decides it will take. He knows down at La Platta there's is 5% local, 2% regional so there is another approach that is out there being used.
Chairman Martin thinks they will get their direction but he thinks Jim will need another meeting to discuss all approaches with the three counties.
Commissioner Samson – That is what he is suggesting; the three county staff get together and see what they come up with and bring it back to the commissioners.
Ed – And list the new county administrator for Mesa County.
Commissioner Jankovsky – Mike; would you like to call Craig and find out who the contact person is he suggests? Mesa County is kind of driving this.
Commissioner Samson will give Jim the name.
Chairman Martin – So should Rio Blanco.
Commissioner Jankovsky is still very concerned about putting people in Garfield County to work. That is his number one goal.
Chairman Martin – that's where we will leave it. Mr. Samson you will coordinate this so we can get the three counties together, make our findings and then a final decision and put it to rest.
Executive Session:
Chairman Martin – We have the items identified, unless there are other items to discuss. We had the identification for the executive do we have a motion to go into executive.
Commissioner Jankovsky – So moved.
Commissioner Samson – Second.
Carolyn would like to start with Overlook.
John Colson wants to object about going behind closed doors about this potential medical marijuana legislation.

Chairman Martin – If there is any action we will bring it out and it is also filed in court so it becomes a public action so you can find out that kind of stuff. But this is only for legal advice.
Carolyn – The letter is actually in the packet. Mr. Chairman she forgot to ask him if he could please make sure to talk with her office today to identify the County Road numbers up near Carbonate and the grazing permit access routes he was talking about. Because they have to finalize those.
Chairman Martin – Found another one; this one was in Sweetwater. This is a private road which goes to the US Forest camp ground around the southeast corner of Sweetwater Lake. Also condemn a private road across private property and a few other things. It's the same road, so they condemned their own, they decommissioned their own access to campground as well as the private property access.
Carolyn – Perhaps that is something you can just point out to them.
Chairman Martin – It's on their map plus they already have an agreement with that property owner in reference to two other issues off of that private road that they are decommissioning as well without notification to the property owners. A couple of errors that need to be corrected.
Carolyn wanted to talk with Martin today because they have to get those documents filed this Friday.
In favor: Samson – aye Martin – aye Jankovsky - aye
Motion out
Chairman Martin – Motion to come out of executive session.
Commissioner Jankovsky – So moved.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – We need to give direction on a couple of items; the Overlook issue on negotiations, Ms. Dahlgren.
ACTION TAKEN:
Overlook:
Carolyn – Staff is looking for authority to negotiate the settlement pre-litigation in accordance with the terms discussed in executive session.
MOTION:
Commissioner Jankovsky – I'll make a motion that we give authority to the county attorney's office to the county manager to offer a settlement as per our executive session.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Medical Marijuana:
Chairman Martin – Also need to give direction in reference to medical marijuana potential lawsuit to Carey.
MOTION:
Carey is looking for direction to provide a response letter to Mr. Neeley by tomorrow's deadline containing the content we discussed in executive session. Then once that has been received by Mr. Neeley then provide it to the public.
Commissioner Samson – So Moved.
Commissioner Jankovsky – Second.
Chairman Martin – That is the direction and the letter becomes public after distribution to the parties.
In favor: Samson – aye Martin – aye Jankovsky - aye

- **C. Potential Medical Marijuana Litigation – Carey Gagnon**

A letter from Neiley & Alder Attorney's office were given to the board regarding a resolution confirming and amending a temporary moratorium on new medical marijuana optional premises cultivation operations within unincorporated Garfield County. This attorney's office represents Valley Investment Properties Partnership (VIPP) and Hydroponic Creations, LLC. VIPP is the owner of the Thunder River Marketplace located at 6800 Highway 82, Glenwood Springs, Garfield County, Colorado. Hydroponic Creations is a Colorado licensed and compliant medical marijuana dispensary that has been a tenant in the VIPP building since November, 2009. On May 16, 2011, the Board of County Commissioners approved the above referenced resolution which purports to prohibit the operation of medical marijuana centers and the sale of medical marijuana infused products in unincorporated Garfield County as of July 1, 2011. It is their position that the implementation of the resolution, with respect to their clients, will be unlawful and would result in their clients suffering substantial takings damages for which Garfield County will be required to pay compensation under the Colorado Constitution. The letter goes on to talk about the Colorado Legislature passed in C.R.S. 12-43.3-103(2)(a) which purports to grant to local authorities the ability to "adopt and enforce a resolution…licensing, regulating or prohibiting the cultivation or sales of medical marijuana." It is probable that this legislation is unconstitutional as it appears to conflict directly with the rights granted under Article IVIII, Section 14 of the Constitution of Colorado. However, through proper respect for the rule of law, the issue presented here can be resolved without the need to resort to a constitutional challenge. They question whether Garfield County can totally prohibit the sale of medical marijuana products in unincorporated areas of the County. The right of citizens of Colorado to use medical marijuana was established by amendment to the Colorado Constitution. Thus, while Garfield County may be authorized to regulate the sale of medical marijuana products, we do not believe the authority exists to abridge this constitutionally guaranteed right anymore than the county could prohibit its citizens from owing firearms, freely practicing religion, exercising freedom of speech, or engaging in other constitutionally protected activities. If it becomes necessary to challenge the resolution in court, we will not merely seek to have it declared inapplicable to VIPP and Hydroponic Creations, we will seek to have it invalidated in its entirety, thereby reverting regulation of medical marijuana in Garfield County to the state statutory scheme. In the event Garfield County seeks to enforce the resolution against their clients, they will seek takings damages under the Colorado Constitution. Forcing Hydroponic Creations, a tenant in VIPP's building, out of business would result in the loss of rental income related to a use that was lawfully established and remain lawful under the Colorado Constitution and statutory framework. It is unlikely that a new tenant could be found for the premises in the present economic climate. Thus VIPP's damages would extend through the existing term of the lease, October 31, 2012 and beyond to renewal terms. They believe Hydroponic Creations will suffer hundreds of thousands of dollars in damages if Garfield County seeks to enforce the resolution. Because of ongoing moratoria, there are no alternative locations to which Hydroponic Creations could relocate and continue to serve its patient base. Thus the practical consequence of the implementation of the resolution would be to close this business which was lawfully established and has operated with all required permits in compliance with applicable state regulations and the Colorado Constitution.
IGA with RFTA (GOCO Grant)
Carolyn – Walter Matthews, the attorney for RFTA brought the three originals with Dan's signature.
REGULAR AGENDA

1. **County Attorney Update – Land Use Issues – Carolyn Dahlgren - NONE**
2. **Public Meetings: NONE**
3. **Public Hearings:**
   a. **Consider the Request for a Land Use Change Permit for Major Impact Review of the Clifford Cerise Ranch, LLLP Application for Extraction of Aggregate on 65.48 Acres of a 97.81 Acre Site Located two (2) Miles**

Northeast of the Town of Carbondale, Colorado off of County Road 103 (File No. MIPA 6545) – Applicant; Clifford Cerise Ranch, LLLP – Molly Orkild-Larson

Shawn Frisch, Julie Cozad, and Chase Mullen were present.

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

Chairman Martin swore in the speakers.

Commissioner Jankovsky has some conflicts on this particular issue. The past chairman of his election committee is a member of the Wooden Deer homeowners association, the treasurer of his campaign committee is employed by Lafarge, and Clifford Cerise is a minority shareholder in Sunlight Mountain Resort which he is also a minority shareholder in Sunlight Mountain Resort and currently the general manager of Sunlight Mountain Resort. With that said, he doesn't have any financial gain in this decision and he thinks he can make a good decision based on the facts and based on our land use code and so forth. He wanted to bring it in front of the board and make sure it was alright with the other two commissioners if he continues.

Commissioner Samson has no problem with that.

Carey – Nothing in statute would prevent that. Just to make sure the record is clear; you have no financial interest in the outcome of this application?

Commissioner Jankovsky – that is correct, there is no financial gain to himself in the outcome of this decision.

Carey – And you have no interest in the property that is the subject of this application?

Commissioner Jankovsky – That is correct.

Carey – You serve no directorships, officer ships related to Lafarge or any of its affiliated companies?

Commissioner Jankovsky – That's correct.

Carey – Any other concerns that would prevent you from judging this application on its own merit based upon the information presented today.

Commissioner Jankovsky – No.

Carey – I see no reason why he should not be allowed to proceed should it please the rest of the board.

Chairman Martin – We will allow you to go ahead and make a decision.

Planner Molly Orkild-Larson submitted the following exhibits: Exhibit A – Proof of Publication; Exhibit B – Garfield County Unified Land Use Resolution of 2008, as amended; Exhibit C - Garfield County Comprehensive Plan of 2000; Exhibit D – Application; Exhibit E –Staff Memorandum; Exhibit F – Staff Power Point; Exhibit G & Exhibit H – E-mail from Garfield County Roads and Bridge Department dated February 16, 2011 and March 10, 2011; Exhibit I – E-mail from Garfield County Vegetation Manager, dated February 25, 2011; Exhibit J – Letter from Consulting Engineer, Mountain Cross Engineering, Inc., dated March 1, 2011; Exhibit K – E-mail from Garfield County Environmental Health Manager, dated February 25, 2011; Exhibit L – Letter from Colorado Division of Water Resources, dated February; Exhibit M – Letter from Colorado Geological Survey, dated February 25, 2011; Exhibit N – E-mail from the Colorado Department of Transportation, dated February 10, 2011; Exhibit O – Letter from Colorado Division of Wildlife, dated February 23, 2011; Exhibit P – E-mail from the Town of Carbondale, dated February 28, 2011; Exhibit Q – E-mail from US Army Corps of Engineers, dated March 18, 2011; Exhibit R – E-mail from the Carbondale and Rural Fire Protection District, dated March 11, 2011; Exhibit S – Letter from Tetra Tech, dated March 21, 2011; Exhibit T – E-mail from Garfield County Vegetation Manager, dated March 21, 2011; Exhibit U – E-mail from Consulting Engineer, Mountain Cross Engineering, Inc., dated March 21, 2011; Exhibit V – Letter from Colorado division of Reclamation, Mining and Safety, dated February 24, 2011; Exhibit W – Letter from Down Valley Septic LLC, dated March 22, 2011; Exhibit X – Letters and E-mails from Concerned Citizens, Letter-Katherine U. Hubbard, dated March 25, 2011, Janet Johnson, dated March 29, 2011; e-mails – Bill Walter, dated April 5, 2011, Dan Jervis, dated April 5, 2011, Sue and Chris Coyle, dated April 5, 2011, Lucie Fitch, dated April 5, 2011, Scott Jospeh Minor, dated April 5, 2011, Gordon F. Viber, dated April 5, 2011, Sarah F. Burggraf, dated April 5, 2011, Bob Naegele, dated April 5, 2011, Thomas D. and Marilyn A. Hays, dated April 5, 2011, ernie and Barbara Coyle and Sue Coyle, dated April 5, 2011, Glen Harris, dated April 5, 2011, Ernest Kollar, dated April 5, 2011, Sue Lau and Mark Kavasch, dated April 5, 2011; Exhibit Y – Addendum Letter from Hankard Environmental, dated April 6, 2011; Exhibit Z – Letter and Supporting Informatin from Crystal Springs coalition, dated April 6, 2011; Exhibit AA – Cerise Mining Site Noise Impact Study Preliminary Response for Wooden Deer HOA, Carbondale, CO, dated April 13, 2011; Exhibit BB – Lafarge's Response to Exhibit B Proposed Conditions of Approval by the Crystal Springs Coalition, dated April 13, 2011; Exhibit CC – Lafarge's Power Point, dated April 13, 2011; Exhibit DD – Copies of Photos of Bald Eagles and Dust From Powers Pit from Will Burggret, dated April 13, 2011; Exhibit EE – Copy of Computer Generated Graphic of the Approved Western Slope Aggregate Gravel Mine Area and proposed Area of the Cerise Pit; Exhibit FF – Letters and E-mails from Concerned Citizens: E-mail from Erie Kollar, dated April 15, 2011 with Gravel Mine Article from Post Independent, dated April 14, 2011, letter from Patrick Burke, dated April 27, 2011, E-mail from Susan Lau with 10 Photos, dated May 20, 2011, E-mail from Mark Kavasch, dated May 20, 2011, Letter from Jonathan Fitch, dated May 23, 2011, E-mail from Ernest Kollar, dated May 26, 2011, E-mail from Chris Coyle, dated May 25, 2011, E-mail from George Clemons, dated May 27, 2011; Exhibit GG – E-mail from David Myler, dated May 19, 2011 with Crystal Springs Coalition Comments Regarding Cerise Mine Major Impact Review and Exhibit A – Proposed Conditions of Approval; Exhibit HH – E-mail from Sean Frisch of Cerise Website Information, dated May 26, 2011; Exhibit II – Economic Impact Report, dated November, 2010; Exhibit JJ – Fact Sheet for Site Visit/Public Meeting to Subject Site, dated May 31, 2011; Exhibit KK – Lafarge's Response to Exhibit A Proposed conditions of Approval by the Crystal Springs Coalition, dated June 2, 2011 and Exhibit LL – Cerise Mining Site Noise Impact Study Preliminary Response for Wooden Deer HOA, Carbondale, Colorado, dated April 6, 2011. Added Exhibit PP; a letter from Delia G. Malone and John C. Emerick, dated June 9, 2011; Exhibit QQ – letter from Lee Ann Eustis originally e-mailed 5/30/11 and dropped off at Garfield County June 10, 2011; Exhibit RR; Lafarge Power Point presentation

Martin – Asked Molly to make a copy and have available to public this week.

Chairman Martin entered Exhibits A – RR into the record.

Planner Molly Orkild-Larson explained:

GENERAL PROJECT DESCRIPTION

Clifford Cerise Ranch Company, LLLP (Applicant) seeks approval of a Major Impact Review Permit to extract mine sand and gravel on their property located on the northeast corner of State Highway 82 (SH 82) and County Road 103 (CR 103). Presently, Lafarge West, Inc. has a lease agreement with the Applicant to mine and process the aggregate on-site. The lease also allows for an on-site concrete plant and temporary asphalt plant. The subject property is approximately 98 acres of which 65.48 acres of the property is proposed to be mined.

BACKGROUND

Gravel operations presently exist in the SH 82 corridor and adjacent to the proposed Cerise Mine. The Powers Mine is located at the northwest corner of SH 82 and CR 103 and the Blue Pit Mine adjacent and east of the proposed site. The Powers Mine is scheduled to close in 2012 upon the opening of the Cerise Mine. The Blue Pit Special Use Permit (SUP) for gravel extraction was originally approved by Garfield County in 1981 (Resolution 81-384). An amendment to the SUP to maintain the existing gravel operations and add an additional 64 acres to the permitted area (82.70 acres) was before the BOCC last year. Of the 64 acres requested, the BOCC only approved the mining of the cells along SH 82 (Mining Area 2 -18.49 acres and Mining Area 4 - 22.05 acres). The Blue Pit's Mining Area 4 is adjacent to the Cerise Mine.

SITE DESCRIPTION
The Cerise Mine is located approximately two miles directly northeast of Carbondale, Colorado, north of SH 82, and east and adjacent to CR 103. Access will be provided by CR 103. The site plan shown below illustrates the proposed gravel operation location.
Concerned Citizens of the Wooden Deer Subdivision/Crystal Springs Coalition (Exhibits X and FF): The Crystal Springs Coalition is comprised of property owners in the Missouri Heights area, including the Wooden Deer and Rimledge Subdivisions. Two letters and 13 emails (Exhibit X) and two letters and six emails (Exhibit FF) were received by the County for the Planning Commission and BOCC public hearings, respectively, from concerned citizens. The concerns expressed include:
• Close proximity of the mining to homes;
• Concerns of decreased property values;
• Concern of the size of two mining pits next to one another;
• Cerise Mine is not compatible with the surrounding area;
• Impacts of the views to the south;
• Increase of noise;
• Increase of dust and health impacts such as sinus and lung infections;
• Health concerns regarding the asphalt batch plant;
• Impacts to wildlife and their migration corridors;
• Fear the Cerise Mine will be maintained and operated like the Powers Mine;
• Lafarge is not trusted due to poor past operation record;
• Increase in traffic on CR 103 will cause safety hazards for motorists, bicyclists, and school children;
• Impacts to CR 103 due to heavy traffic;
• Increased dangers for turning movements at the intersection of SH 82 and CR103;
• Suggestion of using the Blue Pit access off of SH 82;
• No need for another gravel mine since existing pits can sufficiently provide the area with materials;
• Need for an asphalt batch plant when other plants exist in the vicinity and in a populated area;
• Impacts to water quality in the Roar Fork River due to site runoff; and,
• Installation of equipment to monitor air quality and noise.
The Planning Commission recommends the Board of County Commissioners **approve** the proposed Land Use Change Permit for "Extraction" of gravel with the following conditions:
1. That all representations made by the Applicant in the application, and at the public hearing before the Planning Commission, shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
2. That the operation of the facility be done in accordance with all applicable Federal, State, and local regulations governing the operation of this type of facility.
3. Site operations shall not emit heat, glare, radiation, dust or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard.
4. All equipment and structures associated with this permit shall be painted with non-reflective paint in neutral colors to reduce glare and mitigate any visual impacts.
5. All lighting associated with the property shall be directed inward and downward towards the interior of the property.
6. The Applicant shall install all signage as specified in Gene Coppola's Traffic Study including: 1) stop sign (R1-1) placed on the access road approach to CR 103; and, 2) two truck warning signs (W8-6) on the CR 103 approach to the site access road.
7. All vehicles using CR 103 to access the Cerise Mine shall abide by Garfield County's oversize/overweight system. All vehicles requiring oversize/overweight permits shall be obtained from the Garfield County Road and Bridge Department.
8. Prior to the issuance of Land Use Change Permit, the Applicant shall obtain a Driveway Access Permit from the Garfield County Road and Bridge Department. A copy of this permit shall be submitted to the Garfield County Planning Department.
9. Prior to the issuance of a Land Use Change Permit, the Applicant shall conduct a geotechnical investigation of CR 103 and based on this analysis, provide a pavement section design to the Garfield County Planning Department for review. The portion of CR 103 that is to be analyzed commences 200 feet north of the Cerise Mine's access road to SH 82 and this portion of road shall be reconstructed to the proposed engineered design.
10. Prior to the issuance of a Land Use Change Permit, the Applicant shall enter into an agreement with the County pursuant to the Garfield County Road and Right-of-Way Use Regulations regarding the improvement of CR 103.
11. Prior to the issuance of a Land Use Change Permit, the Applicant shall obtain the appropriate State Highway Access Permit from Colorado Department of Transportation. All conditions of the access permit shall be conditions of this permit.
12. Prior to the issuance of a Land Use Change Permit, the Applicant shall provide Garfield County Planning Department with an APEN Permit from CDPHE for the entire mining site.
13. The reclamation plan of the site shall include using hydro-seeding with hydro-mulching and tackifier for all slopes greater than 5:1 as required by Section 7-840 of the ULUR.
14. The gravel pit shall be allowed to operate Monday through Saturday from 7:00 AM to 8:00 PM with crushing, digging, and heavy hauling allowed from 7:00 AM to 6:00 PM allowing for administrative and maintenance activities to take place until 8:00 PM. There shall be no operations on Sunday except emergency maintenance.
15. During periods of operation, all noise generated from the operation shall not exceed the CRS §25-12-103 such that noise shall not exceed dB(A) for specified adjacent land uses.
16. The Applicant shall implement the following noise mitigation standards:
A. The two berms shown on the "Mining Sheets" must be constructed early in the project. The northern berm must be approximately 50 feet tall and the western berm is approximately 17 feet tall;
B. While constructing these berms, earth moving equipment such as scrappers cannot operate for more than 15 minutes in any one hour while within approximately 100 feet of the permit boundary;
C. Place a silencer on the dust collector blower that is situated on top of the concrete batch plant (or build a sound absorbing barrier around it);
D. Equip the electrical generators (gen-sets) with commercial grade silencers or better (at least 20 dB of insertion loss);
E. Use white noise back up alarms on all Lafarge mobile equipment. Backing up by contractor vehicles not outfitted with these alarms should be minimized;
F. Conduct all construction activities during the daytime (7:00 am to 6:00 pm); and,
G. Conduct all noise-producing activities associated with operations during the daytime (7:00 am to 6:00 pm).
17. The Operator or Property Owner shall submit an annual report to the County Building and Planning Department with GPS measurements shown on a map showing the current disturbance, what areas have been backfilled, where topsoil stockpiles are located, all site structures, what areas have been seeded, mulched, and what is planned for the ensuing 12 months.
18. The County can request a site inspection with 24 hour's notice to the Operator or Property Owner. Full access to any part of the site will be granted. On request, all paperwork must be shown.

19. A full list of all other permits shall be provided to the County within 24 hours of their request. Any person at any time can call the following agencies directly and request an inspection if they believe a condition of that agencies permit is being violated. A. CDPHE Air Quality Control 303-692-3150
B. CDPHE Water Quality Control 303-692-3500
C. UD Army Corps of Engineers 970-243-1199
D. Division of Reclamation, Mining and Safety 303-866-3567
E. CDOT Grand Junction office 970-248-7000
20. The Property Owner and Operator acknowledge that the County has the following performance standards, and failure to comply with such standards could lead to revocation of the Land Use Change Permit:
A. All fabrication, service and repair operations shall be conducted within an enclosed building or obscured by a fence, natural topography or landscaping;
B. All operations involving loading and unloading of vehicles shall be conducted on private property and shall not be conducted on a public right-of-way;
C. All industrial wastes shall be disposed of in a manner consistent with statutes and requirements of CDPHE;
D. Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point of any boundary line of the property; and,
E. Every use shall be operated so that it does not emit heat, glare, radiation or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard. Flaring of gases, aircraft warning signal and reflective painting of storage tanks, or other legal requirements for safety or air pollution control measures shall be exempted from this provision.
21. The County shall be invited to any bond release inspection of the State Division of Reclamation, Mining and Safety. The County will have the opportunity to demonstrate that any item of the permit has not been complied with and that bond should not be released.
22. The reclamation bond that shall be held by the DRMS shall be for the reclamation plan approved by the BOCC. No Land Use Change Permit shall be issued until proof of the bond is in place.
23. Prior to the issuance of a Land Use Change Permit, the Applicant shall provide a cost estimate for the irrigation system to the Garfield County Planning Department for review. The DRMS financial security bond shall be updated to reflect this cost and a copy of the revised bond submitted to the County Planning Department.
24. All of the conditions of the County permit and the State Division of Reclamation, Mining and Safety are binding. The Division of Reclamation, Mining and Safety can withhold the reclamation bond if the final reclamation is not executed according to the plans.
25. The Applicant shall be required to submit a report annually, until such time as the release of the reclamation bond, of the gravel operation for Garfield County Planning Staff review. Upon review of any deficiencies pursuant to conditions of approval or other local, state, or federal permits, Staff may forward the report to the BOCC for full review of the Major Impact Review Permit. This report shall include GPS measurements shown on a map showing the current disturbance, what areas have been backfilled, where topsoil stockpiles are located, all site structures, what areas have been seeded, mulched and what is planned for the ensuing 12 months. This map shall be overlain on the approved site plan which includes the approved phasing area locations, and mine permit boundary. Copies of annual reports required by and submitted to other agencies will be attached to the annual report submitted to the Garfield County Planning Department.
26. The Applicant shall provide a copy of the applicable 404 permit to the Garfield County Planning Department prior to the issuance of a Land Use Change Permit.
27. The Applicant shall meet all applicable Colorado Department of Public Health regulations for a non-transient, non-community water system when the number of individuals using the potable water well is more than 24.
28. Prior to the issuance of a Land Use Change Permit, the Applicant shall submit copies of all equipment relocation notices to the Garfield County Planning Department.
29. Prior to the issuance of a Land Use Change Permit, the Applicant shall provide the Garfield County Planning Department a will serve letter from Qwest.
30. Prior to the issuance of a Land Use Change Permit an Emergency Preparedness Plan shall be submitted to the Garfield County Planning Department for review.
31. Prior to the issuance of a Land Use Change Permit, the Applicant shall submit to the Garfield Planning Department a final Stormwater Management Plan.
32. Prior to the issuance of a Land Use Change Permit, the Applicant shall drill the two permanent permitted wells (Permit Numbers 74795-F and 74796-F) and provide the results demonstrating quantity and quality of both wells to the Garfield County Planning Department for their review.
33. After drilling the permanent water wells as described in Condition 32, the water system design for the office/scale house shall be evaluated and any modifications to the proposed design shall be submitted to the Garfield County Planning Department for review. This task shall occur prior to the issuance of Land Use Change Permit.
34. Prior to the issuance of a Land Use Change Permit, the Applicant shall have the two wells installed as Monitoring Hole Notice 40396 (TW-1 and TW-2) permitted as monitoring wells. Provide Garfield County Planning Department with the new permits.
35. The Applicant shall contact Bill Blakeslee, Water Commissioner, when development of the Cerise Mine impacts Crystal Spring Creek.
36. The site shall have wildlife proof dumpsters.
37. The Applicant shall implement the following Best Management Practices to ensure air quality impacts are minimized.
A. Exposed areas will be vegetated or stabilized to limit wind erosion;
B. Frequent watering by water trucks of gravel as it is removed and transported;
C. Use of a conveyor system rather than trucks to transport the material on-site;
D. Install, operate, and maintain water spray bars within the conveyor system and all crushing and screening equipment;
E. Limit drop heights of gravel for conveyor loading, transfer points, screening, and crushing;
F. Limit on-site vehicle speeds;
G. Treat frequently travelled on-site roadways with stabilizers and/or watering to minimize re-entrainment of dust from road surfaces;
H. Minimized dust from loaded haul trucks by covering and/or watering material as necessary; and,
I. Construction of berms and/or mine walls to serve as wind breaks.
Discussion:

Chairman Martin – You didn't touch on water the availability of water.
Molly will leave that to the applicant.
Sean Frisch gave power point presentation. He introduced Walter Wright, Dan Knox, Julie Cozad, and landowners are here to support this application. Explained who Lafarge is; See page five of presentation. (Presentation available at the Clerk and Recorder's Office.)
Chairman Martin – Gave instructions to all those wishing to speak to the board.
David Myler – Thanked Sean and his team for a very professional presentation. It is helpful for all of them to get all of the facts on the table in the manner in which it was done by the Lafarge team. He is here to discuss the reasons why they believe this project should be denied. By we; he means the Crystal Springs coalition which is a loose group of property owners and residents primarily in

the Missouri Heights area including the residents of the Wooden Deer and Rimledge Subdivision which are adjacent to this project. He is going to talk about what they think are the two key reasons why the project should be denied. There are a number of other speakers who are going to address separate issues. For the sake of presenting the best argument they can, they have divided the subjects up. Hopefully they will avoid too much repetition. He is going to talk about first of all failure of applicant to satisfy a number of the prerequisites for approval that are set forth in the code and probably more importantly, at least from the standpoint of the coalition and the neighbors of the project. The fact that the Cerise Mine is simply not compatible with a residential neighborhood and that incompatibility cannot be cured by the mitigation measures that have been proposed. First of all with respect to the code requirements; the code requires that an applicant demonstrate that they can satisfy air quality standards. We are talking about federal standards, national air quality standards act and the statutory requirements which are also based on emissions a particular matter and the county requirements. Which say quite clearly that emissions should not leave a project site. What the applicant has done is to present what seems to be a fairly generic fugitive dust control plan and have articulated best management practices as they relate to the control of dust. But they don't demonstrate whether or not those practices are going to work. He thinks the regulations require some sort of analysis, some testing, some modeling, some way for us to judge whether or not what they are proposing is actually going to control dust to the level that is required by law. This is particularly important when you have the testimonials of the neighbors from year's worth of experience living with both the Powers Pit and the Blue Pit which describe houses full of dust and filters on dust control devices being changed on a daily basis and unfortunately some fairly serious health you will hear about today. Contrasting what is actually occurring on the ground with the lack of any sort of demonstration; which is required by the county's code that this project will satisfy the air quality standards is simply inadequate. What the applicant has done is they have had their consultant essentially describe that they will control the dust at Cerise in the same manner as they have at Powers. The dust control and best practices will be the same. Given the testimonials they don't think it is working. They don't think it ever has worked. They think there needs to be more; your code does require demonstration and simply saying we have been operating the Powers Pit for a number of years with a dust control plan and haven't gotten any violations; he doesn't think it is a demonstration of anything. It sort of like him saying if he is driving down Hwy 82 at a 100 mph and I don't get a ticket; I'm not speeding. He thinks the county's code requires more. The code also makes it very clear that no application like this can be approved without the required state air quality permits. The applicant has acknowledged and they agree; they don't have all the permits that they need. The equipment that they plan to use at the Cerise site is permitted but it is permitted for other locations. It is scattered around the state and the county. In order to move that equipment to the Cerise site and put it into use they do need to go through another process with the state. They believe that the county code requires that they obtain that permit before an approval of this major permit application can be granted. And there is a very good reason for that. The process of obtaining the next level of permits from state will require air quality modeling; which allows them to look at whether or not they can demonstrate their ability to satisfy the air quality standards. That is information that they thing would be vital to your review of this particular land use application. Also the state will determine what the production levels are based on that modeling. Those production levels will come into play in determining how long this pit will continue to operate which affects a lot of the impacts that they are trying to mitigate. The code also requires the applicant to demonstrate that they can satisfy the noise standards. Now the applicant has submitted its noise report, his group has submitted their report and they are significantly different. Even the applicants own reports shows that they can't satisfy the minimum or maximum noise levels to the west and to the northwest of the project site. Those noise levels are 55 decibels and if you look at the report they exceed 55 decibels. They did ask the applicant for the assumptions that they relied upon and used in producing their noise report and they indicated they couldn't provide them because they were confidential. So they used industry standards in their noise report for the same type of equipment. Nevertheless they produced a study that shows that the noise levels to the north and west will be substantially greater than what the applicant is projecting and substantially greater than what the state statute defines as nuisance noise. They don't believe the applicant has demonstrated their ability to satisfy the noise standard which is another reason for denial. Finally when it comes to wildlife the code requires a plan to mitigate impacts on, in this case the eagle habitat that has been identified in this area. There is no plan because the applicant's reports indicate that there is no habitat for threatened species. The bald eagles were removed from the endangered list quite some time ago; but they continue to be considered threatened by the State of Colorado. The opinions that they have submitted with the letter handed out today from Delia Malone and John Emerick who is a professor at the school of mines and Mary Harris from the Audubon Society conclude with the Cerise gravel mind will irrevocably alter and disturb bald eagle and golden eagle habitat resulting in harm to their survivability. Again there is no plan submitted by the applicant to mitigate the impacts and maybe there is a good reason for that because he is not sure that you could mitigate the impacts. He thinks the bald eagles are simply out of luck when it comes to this particular area of habitat that they use on a regular basis. If the applicant can satisfy these particular items that he has identified; probably the most important item, or the most important issue for neighborhood is the one of compatibility. The county has a compatibility regulation that seems to be designed for just the situation like this. Where you have a project which would otherwise be approval; let's assume for the moment they can satisfy the requirements he just mentioned relating to noise, and air, and wildlife. You have a project that is approvable but it may not be compatible for a variety of reasons. Incompatibility can be solved or cured under the county's regulation by adequate mitigation. The applicant believes they can adequately mitigate. They don't think they can come close. He would have to say that Lafarge has come up with a good plan to mine gravel. It's a professional plan, its well thought out, it's well conceived, its got all the bells and whistles you would expect; the problem is it is in the wrong location. It cannot be made compatible with a residential neighborhood. It's not a bad plan; it's in the wrong spot. He wanted to read the compatibility provisions. These are compatibility provisions that apply specifically to mineral operations. Any proposal regarding mineral extraction it cannot mitigate adverse impacts, maybe denied based upon a finding of incompatibility for the following reasons. 1. Adversely affecting the desirability of the immediate neighborhood adversely affecting the desirability, impairing the value of adjacent property, adversely affecting the quality of life, of adjacent properties, creating a public nuisance for the surrounding areas, all of the property owners that live in the adjacent neighborhood will experience these adverse impacts. They don't believe that the mitigation measures that are proposed will materially reduce any of those adverse impacts. He will not go into any detail because the owners of the property are coming up and explain the affect of quality of live. What does mitigate mean? He has been in this business for a long time and he has been in many many hearings and many many discussions where they talk about mitigating damages. He has to say it is not capable of precise definition. But the one that he has always found that means the most to him is that whoever is causing the adverse impact will take some action or refrain from taking some action that will reduce that impact to a level that a reasonable person would find tolerant. You don't have to eliminate it; but you have to do more than minimize it. You have to take some serious action here to put the put neighbors, in this case, in a situation where these values that the computability regulations are aimed at can be protected and preserved. He would also like them to keep in mind, and this one took him a little while to get his head around. But technical compliance with the operating requirements and standards for a gravel mine does not necessarily equal compatibility. He gave an example: the berm that we have to mitigate noise impacts. He is certain that if took a noise meter and you walked around on the north side of the berm opposite from where all the operations are taking place, you would probably get a decibel reading of 55 or less. Technically you're in compliance with the state statute. But as you can see from the noise study they produced; as you move away from the berm, away from the noise and up the hill you have nuisance level noises. You have noises considered by the state statute to be a nuisance at everyone of the Wooden Deer Homes that they analyzed from the noise standpoint. Technical compliance; incompatibility. Nuisance level noises at the houses; compliance on the other side of the berm. The berm creates the illusion of mitigation but it doesn't do anything but mitigate the real noise impacts in the neighborhood. To him that's incompatibility; that is a basis for denial. The construction noise; under the statute you can increase the noise during so called

construction activities from 55 to 80 decibels. That's a 16 fold increase; 16 fold! So what you have is a situation here where during construction you have legal noise that's 16 times greater than the nuisance level in a residential neighborhood that's adjacent to that noise. Technical compliance; incompatibility! With respect to the air issues: again he calls their attention to all the testimonials and the evidence that the owners are presenting with regard to the dust that they contend with on a day to day basis. If in fact the Powers Pit has been complying with air quality standards, he thinks again you have technical compliance with incompatibility. You have a quality of life issue that is horrendous but yet they comply with state statutes. We don't know whether they comply with state and federal and county air quality requirements. There has never been any testing. There has never been any modeling. All they know is they're houses are filling up with dust. Air is something that we are all extremely concerned about. It's more than a nuisance; it's more than having to dust the coffee table two or three times a week. There are some serious health issues associated with dust. They are not sure that implementing the same dust control measures at Cerise that have been in place at Powers for many years are going to solve problem. They think that the applicant has committed to controlling dust on the site and to be honest he believes that they are. He has met Sean, his team and he knows they will try to control dust on the site. They don't think they can. The nature of the site is such that they can't. The board and the staff agree that a gravel mining operation is on its face incompatible with residential uses. The only way you can cure that is with mitigation. The mitigation they are proposing with respect to air; we don't know if it will work or not. They think it ought to be monitored. Ronald Regan was famous for saying; trust but verify. He used it in a little different context he will admit but that's what they are asking for here. They are asking for some sort of mechanism to verify that the applicant is doing what they say they are going to do. They are going to control the dust! They will keep it under the national and state and local standards which define harmful dust. They have suggested a condition that there be air quality monitoring as a condition of this application. They don't think that without monitoring you can have adequate mitigation. Monitoring and then an action plan, correction plan to do something about it if it turns out that the best levels are being exceeded. And if you don't have adequate mitigation; you don't have a compatible project it has to be denied. This project should not be approved without some mechanism to monitor the air quality. Likewise with respect to noise. Same thing, trust but verify. Let's have some monitoring. He believes the applicant when they say they will try to control the noise. We are going to try to control the noise. So that the noise won't exceed the nuisance standards as established by the state. Let's test it! Let's have some monitoring. Let's condition this application on monitoring. Going back to the air issue when it comes to monitoring; the applicant has indicated that have staff that are trained to recognize dust pollution. And they do that by measuring opacity. Opacity will allow you to determine whether or not there is a large particulate matter coming from the site. That large particulate matter is a nuisance and does have health problems but it doesn't compare to PM10. PM10 gets in people lungs; it causes severe respiratory problems and can cause cancer. You can't see PM10! He took his kids to see X-Men and they have mutants that can probably see PM10 but he doesn't think Sean will hire those guys. He thinks the only way they will know if they are exposed to PM10 is with some sort of measuring device. Some sort of monitoring device similar if not identical to the ones Garfield County uses to monitor PM10. Because you can't see it, because it's a health hazard, because it's important to know when around so you can do something about it. The folks who have lived in Wood Deer and Rimledge for many years have endured an enormous amount of adverse impacts as a result of the gravel mining in their neighborhood. Largely because the gravel mining was there first. They have been very patient! He doesn't want to see them rewarded with another 30 years of dust and noise. Even worst visual impact and even worse traffic. He thinks they have done their share for the benefit of the aggregate business in the county. Enough is enough; they need a break. He thinks the board will hear from some of the neighbors there is no reason for them to have to endure these impacts for 30 years. He uses 30 because this pit is projected to go 15 years at 650,000 tons a year and he doesn't know how many decades it will take to get back up to that production level. So this pit is going to last a long time and these people have endured enough. He thinks they need a break!

Connie McCrudden – Number one, you just handed us a list and her letter is not included in there which she was very disappointed to see. She has a copy of here; which she mailed on the 25th along with pictures and the newspaper article from the April Post Independent about the silt mine. She wanted to tell the board they purchased their land in Wooden Deer about 20 years ago. The developer told them at the time that the Blue and Cerise ranches would remain just that. That was probably his and maybe their opinion at that time and she understands that. So they built a beautiful and a quality home which they have enjoyed the past 17 years. They have never been investors in stocks and bonds only real estate realizing that this has always been a good investment in this valley. They figured when the time came to downsize they would naturally be able to sell their property at a price that would accommodate their needs as they grew older. But neither her husband or herself actually thought they would live to be 81 and 88 which is where they are right now. At this time they are definitely having to downsize as their social security checks are now not keeping up with the rate of inflation nor the poor economy which has lowered the value of their house considerably. It has now been on the market for 1 ½ years and they have reduced the price in half. It has been shown very few times; however this past March they had very interested clients who spent an hour and a half in the house with their realtor and ours. When they left they asked for the subdivision covenants and a copy of their floor plan. These items she gave to their realtor along with several newspaper clippings regarding the outcome of the Blue Pit and the pending Cerise mine. She felt it was only fair to disclose this information to them. So within a week they informed their realtor that they would not be making an offer because of the gravel pit disclosure. Her biggest concern is she truly fears that this will become a common occurrence if Lafarge is allowed to take over the Cerise ranch. She would also like to add in hearing David talk about the berms and dust, and so forth, having living here this many years it took Lafarge at least 10 years with the big berm that's at the top of the power strip, to get it vegetated. She called year after year telling them about the dust and they would always say they were trying to get things to grow but nothing seemed to grow until this last year. She thinks it is because they had so much rain and finally after all this time it is a vegetated berm.

Sue Coyle – 501 Wooden Deer Road – In the last few weeks several people have come up to her and said you don't have a chance against this giant corporation. They have said the county commissioners have already made their minds up. This is a done deal before the hearing even starts. All she can do is hope that isn't true. What is true is when the board made their site visit to the Cerise ranch you also stood on the deck of their home and saw everything that they stand to lose if this project is permitted. They do appreciate the board taking that time to experience their perspective. Because what they have to lose is enormous and no screening berms are going to change that fact. There are 39 property owners in our subdivision including owners of homes and lots. None of them just randomly chose Wooden Deer. They chose it very deliberately because of the openness, the agricultural nature of the area and most of all because of the views. The green hayfields in the foreground and Mount Sopris in the background are not just ascetically pleasing. Those views are a little different from each home are as much a part of their property values as the houses themselves. The real estate ads let with; views view views, not pits pits pits. If they had they wouldn't be here now. The owners of the property in question say it is their desire and their right to rip up those lush green pastures and turn them into an open pit mine such as we already have at the Powers site. It's what they want obviously, they understand that. But to many of them, if that one family is granted what it wants it would mean financial doom. For many of them it was real stretch to put together the money to buy their properties, for many of them it has been a real stretch to hang on to them. We are citizens of Garfield County, we pay our taxes, our mortgages, work and shop and volunteer and vote in Garfield County. We count on the commissioners to represent them and to protect our rights; especially our property rights. They bought their properties in good faith, believing that if the county permitted the subdivision they would not subsequently render the subdivision valueless by placing two gravel pits essentially in their front yards. It's a terrible power you three men have! You have the power to say to our 39 property owners sorry but the desires of one family to tear up their own land outweigh the needs of an entire neighborhood. You have the power to take an entire neighborhood and with one word render it basically valueless and for what? For a gravel mine that is unwanted, unneeded, and unnecessary. We are not asking them to

surrender their mineral rights. That gravel will always be there if and when it is ever needed. But they are asking us to sacrifice our investments; our financial futures and our quality of life. We are your constituents and we are counting on you to use your powers judiciously and honorably chose the greater good for the greater number of people and to not sacrifice us in order that one family can profit from our loss. Please do the right thing.
Katherine Hubbard – Wooden Deer subdivision is built on a hill that overlooks the Blue and Cerise properties. It also overlooks the existing WSA gravel pit and the existing Hwy. 82 Lafarge gravel pit to the west of County Road 103. Her home lies about 2/3rds of the way up that hill just above Sue and Chris Coyle where you have been for your site visit. The existing pits are far enough away that they have been tolerable neighbors; just barely. We do hear them, see them and smell them. They get dust from them and sometimes a lot of dust to the point that it coats the windows, car windshields and outdoor furniture and we breath that dust. Those who live toward the bottom of their hill, closest to the pits, get more of the dust, the noise, the smell, than those of them that are higher up. The higher up you go the more adversely affected you are visually. The negatives are different for each of them. If expansion of gravel mining were to occur, those who are higher will be looking over any of the proposed berms and down into the industrial activities associated with mining. Those who were lower would get more of the impact of increased noise, more dust and more odors. She has loved her view, the bucolic landscape of the hayfields below Mt. Sopris beyond. She has loved watching the seasons change, plowing and planting in the spring, haying in the summer, cattle and horses grazing, visiting herds of elk mostly in the spring and fall but sometimes more than 100 bans of deer, raptures circling overhead and winter brings a carpet of snow and tractors delivering bales of hay to the hungry cattle. In early winter she has had elk bed down nesting in the snow very close to the house. One Christmas morning, when she pulled up the kitchen window shade, there were 5 or 6 elk just rising from a good nights sleep out of their nests. She said to her small visiting grandson look Will Santa's reindeer look took a nap right here at our house. Small grandson looked at me and said grandma those aren't reindeer those are elk. Times change, things change. When Wooden Deer home sites were permitted this became a residential agricultural area. Please do not change that agricultural designation into industrial area by permitting the Lafarge Cerise pit.
Janet Johnson – She and her husband have lived at 471 County Road 112 for 17 years. County Road 112 is located a little over a mile from the intersection of County Road 103 and Hwy 82 that we are discussing this afternoon. She does not live in the Wooden Deer subdivision but their home is impacted by the Lafarge gravel pit both the noise, both in smell and both in sound. As you are aware their road #112 is one of many roads in this area that joins County Road 103 as a main conduit to and from Hwy 82. Within some three miles of the proposed gravel pit entrance and exit there are at least 10 roads leading onto Hwy 103. This is not counting private drives, private roads and planned residential communities. These roads you are probably familiar with. Crystal Springs Mountain Road, Cattle Creek Road, Wooden Deer Road, Deer Path Road, Red Wing Lane, County Road 113, Canes Road, County Road 105 and the list goes on. Additional traffic from Lafarge using County Road 103 as entrance and exit; would severely impact all traffic using 103. Also please consider that the roaring fork schools bus drop-off, pick-up and turn-around is located just a few hundred yards from the proposed new entry on County Road 103. Children and their parents are on this road Monday through Friday. Again the visual and noise impact is not limited to the Wooden Deer subdivision. Homes located higher on 103 and 112 are already affected. She is confused from the hearing speakers earlier; she doesn't know if the county has done a recent traffic survey of County Road 103 or whether Lafarge has. How many cars, trucks, cyclists, construction trucks, horse trailers, towing vehicles and school buses use this road on a daily basis? Some type of study must have been done since within the past year several speed limit signs have been posted along roadway 103 indicating, she assumes, some type of noticeable heavy traffic usage were a problem. County Road 103 is a curving two lane road and while it is a workhorse in the sense of daily traffic it is also a beautiful and quiet entrance to our valley and to our homes. A quiet refuge from the highway trucks and speed demons of Hwy 82. She strongly urges them to consider the very negative impact this proposal would have on the beauty of this area, the air quality of this area and most importantly the safety of this area for its many residents.
Lee Ann Eustis – It's ironic following Mrs. Johnson she communicated with the commissioners on May 30th and her concerns were specifically to the traffic. She lives 4 ½ miles up 103 from the egress ingress road that they are proposing to the Cerise pit. She has been there since 1965 and yes certainly she expected to changes over these years. She won't go on about the traffic, the bicycles, the bus, the school busses and she will only add that she doesn't know what studies were done. All she knows is there is now usually a Garfield Sheriff watching to make sure no one exceeds the speed limit of 25 mph as you come down to reach Hwy 82.
Chairman Martin – As a note he can tell them that they passed the model traffic code which gave the sheriff the authority to enforce speed limits. Also they have to make sure they posted all limits so they are enforceable and that's why you see signs. This was based upon the action they took as a request from the citizens to put the model traffic code into affect.
Tom Hays – 593 Wooden Deer Road. With this application we are being faced with the possibility of having two operating contiguous gravel pit operations in, as other people have stated, a mixed used area. They also bought their property as soon as that project was being developed before the roads were even finalized. They built their home, raised their family knowing and accepting the fact that the Blue pit and Powers pit were operating. But they had a little buffer in between the two, the Cerise ranch. Since that time Powers pit has reached its end. The Blue pit has received approval for expansion and now Lafarge is asking to move into that buffer space. Which is effectively creating a continuous mining operation that spans over a mile and a half in length at one portion or another of this timeframe. The blue pit was recently approved for expansion based largely on some innovative thinking, a model that showed some real progressive mining methods and a reclaim as you go technique. Which sort of helped to reduce some of the negative impacts on the surrounding areas. Lafarge on the other hand has submitted an application which pretty much ignores these techniques and is asking you to approve a plan based on the same 30 plus year old business as usual methods that were used when there were very few concerns about conflicting uses and cumulative impacts. He feels this shows a disregard and a lack of concern on Lafarge's part for the rights of the surrounding property owners and quite frankly to the residents of Garfield County. In the cumulative impact analysis; which is section 5B in your books. Comparison is made between the current acreage disturbed by the Powers and Blue pits which is approximately 119 acres and what will be disturbed when the Blue and Cerise mining's are operating. This is an apples to oranges comparison and irrelevant because these are not continuous mines. They are separated. This analysis shows that the Cerise mine phases one and two which they propose to being in 2012 and continuing until sometime 20, 21 and the Blue pit will also have a combined acreage of that approximately 119 acres. At this point these are contiguous operations and this does have a real cumulative impact on the surrounding area. This analysis also states that the aggregate plant will be moved to the pit floor in phase 3 of this operation. That's 2021 to 2023. That means that the crusher is going to be at the surface level for well over half of the anticipated life of this pit rather than being moved down early in the project where it would help to mitigate some of the impacts. It also states that the reclamation of the previous phases will begin in phase three. Again this is 10 years into the life of this project. This is not a reclaim as you go strategy. He thinks that both of these examples typify a business as usual approach on Lafarges part to this project. The Cerise mine is not an extension of the Powers Pit. It is a brand new mine and with regard to the Cerise mine we were here first. He asks them to seriously consider the fact that the old model for dry land gravel extraction has recently been replaced with new standards and best practices and this application does not apply to those standards.
Dan Jervis lives at the bottom third of Wooden Deer subdivision. Metaphorically speaking county commissioners are the Sheppard's of the human citizen flock of Garfield County. You are entrusted with the caretaking and protection of the flock and that includes the diligent avoidance of predators. The citizens residing near this proposed site consider Lafarge as a predator which will only further prostitute the landscape. With the existing half dozen gravel mines already in operation locally the need simply does not exist. Therefore denying this application until the true need exists would demonstrate a sensible decision by the county commissioners.

Mimi Jervis – 276 Wooden Deer Road. She and her husband lived in Garfield County for 33 years. They have worked and paid taxes. They built their house in Wooden Deer about 17 years ago through blood sweat and tears. They painted their house, Dan did the plumbing and heating and they worked their tails off to have this beautiful home in this beautiful area. Her husband suffers from some health issues. Noise bothers him, he has consistent headaches. That's one of the reasons they live where they do. It doesn't matter what studies you have done, that Lafarge has done she knows what she sees and she knows what she hears. She knows the smell, she knows how much dust is in her house. She still loves her house and her view. But the view they have now; they have Lafarge over to the right and we have western slope over to left and in the center was this beautiful little farm that kind of kept them all saying if the county allowed this all to be one big gravel pit it would certainly change their visual views. She is also worried about the devaluation of their property. As she ages she considers the fact that she may have to sell her house some day if anything should happen to her husband and she worries she may not be able to do that. She would respectfully ask that they deny the request.
Chuck Vidal lives in Wooden Deer and he has talked to CDOT and he has determined that the peak demand for gravel in the Roaring Fork Valley really existed when Hwy 82 was four lanes. With the downturn there has been significant reduction in demand for gravel in the Roaring Fork Valley. Residential and commercial construction is down and it is not expected to increase for at least the next five years. CDOT says there are no major public works projects anticipated for Highway 82 within the next five years. The only one that might occur is the extension of the runway in Pitkin County. There seems to be a logic bust on the demand. The applicant has projected 359 to 500,000 tons per year. There are no precise records kept by the county or the state on gravel products of the pits that exist in Garfield County but through discussions with various managers and information that is presented in the application of the Blue pit; it appears that Severs pit at the high levels of somewhere in the neighborhood of 500,000 ton per year, plus or minus has at least a 20 year supply at that level. The Severs pit, which is owned by Lafarge, was closed because of lack of demand. At the current levels reserves would be somewhere in the neighborhood of 10 - 20 years. The Blue western slope permit under their existing permit or their old permit, had and could supply gravel at a level of 500,000 tons per year for the next 5 to 8 years. At the present level of production that has extended to at least 50 to 100 years. And there are six other gravel pits in Garfield County. Taking the three gravel pits in the Roaring Fork Valley and assuming a production level of somewhere in the neighborhood of 500,000 tons per year; that would last at least 50 years and that is without Lafarge gravel pit. And the current demand, which is significantly less than that, you are talking about a supply equal to somewhere in the neighborhood of 100 plus or minus years. The economic benefits that have been projected by the applicant in terms of employment and dollars are a function of demand and if that demand is not there then they will not be realized. Also the demand, when it was in existence, and if it is rejuvenated comes primarily from Pitkin County. Why do the citizens of Garfield County have to suffer the negative impacts to supply gravel to the construction business of Pitkin County? Your decision is a very long term impacted decision and you are responsible for looking after the interests of all of the people of Garfield County. Just a personal note that a number of times after Lafarge bought into the existing Powers Pit they have asked them to deal with the noxious weeds and have gotten no positive response. We are talking about Canadian thistle, cheat grass and they have basically ignored that problem. Again it is inconceivable that this pit can be found to be compatible and/or can mitigate the impacts.
Chris Coyle wanted to first congratulate Lafarge on a very professional, very very excellent presentation outlining all the duties, all the hoops they jumped through to get to this point in the process. The thought that occurs to him is that just because they can doesn't mean they should. From his standpoint and obviously from what he considers to be some of the nicest presentations he has heard by way of public comment to any kind of a project in Garfield County. He has been moved by what he has heard, the testimony. Not only that because he knows the people; he knows it to be true. He knows it was thought out, he knows it to be very considerate. They take this business very very seriously because they feel as though their lives and what they had planned for their lives is immediately being jeopardized by the Lafarge project. He cannot stress that too much. From their standpoint; what they see is a large dirty obnoxious loud neighbor coming to our neighborhood. The argument that, well we are already here simply does not apply. Not only that but the rules have changed since the Powers pit went into place. It is his understanding the Powers pit was never county permitted. Essentially it was deemed to be a non conforming legal use of the property and while he is sure it did have some sort of VRNG kind of a permit and had to deal with whomever they had to deal with. The fact of the matter is that this was sort of a preexisting use of the property that was done pursuant to a lease. A lease, as he understands it, has expired and they were unable to get Chemco Powers to extend. Hence the next project; the Cerise pit. From his standpoint and what he was assigned are the various proposed conditions of approval that they would request the board entertains and perhaps put into place in the event that the board decides to approve this pit. He can assure them the last thing in the world he wants to see is this pit approved. But in the alternative they need to address these things as part of their presentation to the board. They would be remiss in not doing so. The proposed conditions of approval are set forth in Exhibit KK. Number 4 it provides dust, odors and fumes shall be contained within the extraction site of the Cerise Mine generating such emissions and shall not negatively affect surround land use. Furthermore, operation of the Cerise Mine shall not emit heat, glare, radiation, dust, particulate matriculate matter or fumes beyond the permit boundary. The applicant or operator shall not allow the Cerise Mine to generate dust to exceed 150 un/cu.meter of dust per 24 hour period. All haulage roads within the pit shall be watered four times per day unless due to inclement weather, snow or ice, such watering is not required. Lafarge's response to that is; this condition is not necessary because it is addressed through staff conditions two and three. Lafarge now shall comply with State CDPHE standards for air quality which includes limitations on particulate matter. As we know the CDPHE standards are essentially maximums. They have been derived for practice where gravel pits were not next to residential areas. If Lafarge is seriously saying that we don't need to cover these because there are rules out there that absolutely do cover them; he says fine. Let's write it down; let's not drive homeowners back to the books. Let's just put it right there and let everyone know what the scoop is. Any time any large industrial entity says, you know just wants to give a blanket, to a code or whatever; what that tells you is they are basically buying themselves time to be able to lawyer up and answer to the problem that has been presented to them. Their goal is to produce; not to comply. The next item that came up that they wanted to have included in their proposed conditions of approval, relates to noise generate and the operation of the Cerise mine shall not exceed the residential zone noise standard defined in Colorado Statutes. It says that noise shall not exceed 55 dba from 7:00 a.m. to 6:00 p.m. when measured 25 feet outside the permit barrier. One of the things that is interesting about this is that number one Cerise, of course he can't agree to it and number two one of the things he finds the most interesting about this is that the noise standards are measured with 5 mph wind. If you check the statute that is what you will see. He can only tell them that they experience more than 5 mph wind constantly. He can also say that they can hear people clear their throats just about around their place when the wind is blowing towards them. He would share with them that he has stood out on the 12th tee at River Valley Ranch Golf course and heard the WSA crusher and the Powers crusher grinding away; that's 3 miles away might because guess what the wind was blowing hard, not enough to drown out the crushers. Imagine having two gravel pits side by side both running their crushers with south wind coming directly over them and we will be a wash in sound. They might as well invite Lafarge to come into their living rooms, onto our decks. They are truly an obnoxious neighbor. He would also suggest to the commissioners when they look at the sound studies they have attached to their application; what you would see is an awful lot of their equipment. Rates at 100 db when it's in operation and Sean made the statement that you know it's kind of funny to him that this equipment is probably going to run for 15 minutes at a time. He will share there is a reason for that. The reason for that is without hearing protection more than 15 minutes exposure to that kind of noise will deafen you. It will damage your hearing. They have also requested that the applicant install and maintain monitoring devices which are capable of measuring the amount of particulate matter or other air pollutants occurring at the permit boundary and which transmits the data to off sight computers. Similarly the applicants shall at its expense install and maintain monitoring devices which are capable of measuring sound levels at the permit boundary and transmitting data to designated offsite computers where measurement of air quality are noise

to indicate the allowable levels are being exceeded the applicant shall immediately cease operations upon being notified by the county until such time it is determined by county representatives in consultation with a designated representative Crystal Springs Coalition. The conditions have changed or corrected measures have been implemented which allow operations to continue in compliance with air quality and noise standards. Of course Lafarge can't agree to that condition because it's just too much for them. He is always impressed whenever he sees a major international corporation with world wide operations and all the money they can put together to be able to get an application. The issue for him is why can't they spend a little more money and do it right? Simply provide the monitoring that our environment, our economy, our people in contact with this operation expect a need. If you look at where we were before the proposed Lafarge project and you look at the land that Scott Ryder came before this commission and asked that you approve a subdivision, the previous use of this had been to provide archery practice for the previous owner; they had Wooden Deer all over the place and they would sneak up on them and shoot them with their arrows and that was a good thing to do. They ran cattle all over it and that was that. Well there has been a significant change. We need to address that change and this is clearly within the power of Lafarge to do if they wish. He doesn't blame them for not wanting to do it. They have, as all big companies do, they have perimeters. Maybe more Lafarge than anybody else around here. They have perimeters that they do not wish to ever agree to because what that means then is it could be used as a precedent. A precedent that required them at every operation to put in this kind of monitoring. And they really don't want t go there and he doesn't blame them because it is simply one more thing they have to do. That's not how you make money. The next thing they asked about and it dovetails in with what Chuck Vidal had to say. They had requested all noxious weeds as listed by the county vegetation management shall be controlled in any areas of the property not being actively mined at that time. Including topsoil piles and areas where mining has been discontinued for more than 30 days. He will share with them that Chuck and his family are weed hawks. They really attend to this stuff and as a part of trying to do something to keep Wooden Deer subdivision from being overrun with all these noxious weeds; they have had a county representative come out and do a survey of the entire subdivision. What that county representative basically said, which didn't satisfy Chuck and Linda, was this is one of the best looking pieces of property they have see in Garfield County. You basically have no weeds, at least nothing of any significance. If we open up another strip mine and we put up big berms that don't get vegetated, as we all know they fill up with weeds immediately. Essentially what we have created a seedbed that when the wind blows and carries not only the sound but the weeds; Wooden Deer will pay. Wooden Deer is the one who is going to get to fight the weeds. Now reference to another proposed condition which is 10A. they have requested that the hours of operation be cut down from 7:00 a.m. to 5:00 p.m. Monday through Friday and with heavy hauling from 7:00 a.m. to 5:00 p.m. on Saturday and crushing and digging from 8:00 a.m. to 5:00 p.m. on Saturday. There should be no operations on Sunday except in the case of an emergency or for standard maintenance purposes. The issue here as much for them is, if this thing is permitted, once again we are having them thrust into our homes, we are not being able to do anything about it. Not really. The noise is there, the dust is there, the smell is there. At least they would like to get a little relief as to how long it is going to happen. Something they can count on. In reference to 10B it says all truck operating the pit including third party trucks not operated by owner operator; shall be subject to the following. Then we list all these various conditions and Lafarge has agreed to some of them; but the bottom line on the deal is that they have not agreed to the Jake braking issue or to the silencer issue on the back up beepers. Although Sean said they did; their comments indicate that they are not agreeing to this. Bottom line deal is Lafarge is not helpless. Lafarge can have third party vendors come in to their place. If they hear a backup beeper on the truck; all they have to do is say you know if you want to come back change out your beepers. It's not going to break you, just do it. As to jake braking; same deal. If truck drivers, independent contractors cannot keep themselves from using their engines to slow themselves down; Lafarge is advised and they simply tell the people if you can't do better than that you can't come here. He suspects that all of those fellas will be able to do it well, all they have to do is be told. And it is not beyond Lafarge to tell them. He won't deal with the bonding requirements. He has dealt with the truck, the various issues on that are there. In paragraph 15, which he thinks is important in their proposed conditions provides the BOCC shall have the power upon good cause being shown to revoke or to modify the permit if the applicant fails to comply with these conditions of approval or any other applicable county regulation. To require certain corrective measures to be taken to direct the county staff or its agents to enter upon the premises and to take corrective measures required by the board, to impose new or additional conditions, standards, or restrictions, to address environmental concerns of neighborhood concerns especially as required for public consideration of health, safety and welfare. Or to achieve the objectives and purposes of the original permit or to bring the permit into compliance whether they are laws or regulations, regulating permits two or uses of the site, the cost of any required corrected measures shall be assessed against the operator. Lafarge's response to this is; Lafarge feels that this authority is written into the Garfield County land use code. It appears that this condition would be repetitive and could cause future confusion between the code and the condition. He would offer them a little something else on that. He would simply say if your gonna do it; why not just say it. Not only that but in the alternative citizens should not be required to lawyer up to do things that are right there. So they can understand what their rights are. His concern is if we leave it to the code which as he understands it is in the process of being revisited even as we speak. We don't know what the rules are going to be going forward and they would like to have something that tells them exactly what it is that Lafarge is going to be held to and that they will be able to bring to the boards attention. Finally they have requested a condition neither tempering nor permanent asphalt operation shall be allowed within the permit boundary. The obvious reason for that is that asphalt operations, one of the most obnoxious aspects of any gravel pit operation; burns your eyes, burns your nose, smoke in the air and he knows that people will say well that's just a poor running asphalt plant. And the answer is that they all run polar from time to time and they shouldn't be burdened with that. There are other places to asphalt, make asphalt up; he will talk to Greg Ricky about it see if he can't find someplace else other than this. Those are the conditions that are included; they have requested they be entered if a permit is be granted. He begs them not to grant permit for all the reasons that have been cited and for all the good people that have taken the time to come here and to give you their heartfelt testimony. Lafarge will withstand the disappointment of not getting this application and the Cerise's will always have their property available for gravel development at such time as it is needed.

Chris Steuben is lifelong resident here, 156 Road here in town and his family has been here for many generations. He knows the Cerise's personally and he has to disagree with some people; the right of the one is more important than the right of the many. This land has been zoned for this use for many years and the people who built their homes in this area did so knowingly. He works at the Powers pit and has done so for 10 years. He has spent almost the last 40 years in the mining industry in the valley. He is very aware of how things work. He thinks that the Cerise ranch pit is a ecologically sound move for the county. There is a very thick bed of gravel in this area and has been for many years. The Powers pit has been a work horse in the valley for almost 40 years and one of the things that strike him is people say how they built here, I built here, I built here. Well they have done it with the gravel out at the Powers pit their foundations, their driveways; we are all rely on that resource in more ways that we know. Unfortunately it's reached the end of its life cycle and they are reclaiming it as they speak. There has to be a replacement for this pit. He doesn't know where some people get their numbers from but he works with it day to day and sees how much gravel goes out and it is a quantity he doesn't think people understand. He thinks the Cerise pit is a good location to Hwy 82. There is no radical roads built, most of the traffic will go from the pit right to the highway. He doesn't think it went back as far as big trucks going down a winding road for miles and miles. Which they have done in the past with the Red Stone mine, the asphalt mine and all these other mines and all these roads built around here are from their mining operations in the past. He wanted to emphasis that gravel pits are a good thing, they are not a dead zone, and there is a lot of activity. There is a lot of critical activity for all of us in the gravel pit. Just say you rolled a ???? road; all of that stuff has to go somewhere. Just like last year in town here, they rolled main street went to Severs pit where it is sorted and resold. Redistributed in the county. He thinks recycling of solid waste is a very important aspect of a gravel pit. It relieves a lot of pressure

on the landfills and it's constructive use of building material. One of the things people really overlook is how essential the gravel pit is in a time of disaster. Last year we had a mud slide at the scenic overlook in Carbondale. It was a pretty big mess but there again; where does it go? They took 50 to 60 loads of mud; but luckily they had a place where could deposit it and let it dry out and work it back into a reusable product. Last year when the rocks came down in the canyon; the phones were very busy at the plant, do you have this product, what can we use here, can we fix this. It's a matter of making things right again and taking care of people. This year with the high water they have donated sand for sandbagging and try to suggest materials to help people get through their problems, cement blocks and things like that. He doesn't think that people realize that six cities and four counties depend on materials from these gravel pits in Carbondale. We service all the counties, Pitkin, Eagle, Garfield, and even Gunnison County up in Marble and all the towns in the valley rely on them for adequate building materials. He thinks the pits here are important to the economy in the area. They provide jobs not only for the people that work for Lafarge but a lot of industries, landscapers, contractors, hundreds and hundreds of people. Just everyday people count on them for their projects. The proximity to this resource is very important. He thinks as far as the infrastructures of the cities and again they repair things; the costs are imperative. If you have to truck this stuff from down valley, Grand Junction even and sometimes the quantities they are talking about; staggering the amount of money you would have to spend just make to make a normal repair. And after seeing the county's website you have some pretty good repairs from water already. He thinks that keeping this resource accessible in our valley is imperative. Just to keep the costs of the repair and maintenance down if nothing else besides the new projects. He thinks Lafarge is a good company and we are very fortunate to have company of their size and their stature willing to invest in our valley. He thinks it is very important to them all. Its capabilities and resources are often needed on larger projects. Grand Avenue is good example here a few years ago when you have to have 30 to 40 mixers working; they have the resources to be able to take on those jobs. From his experience with them over the last 10 years they are committed to producing quality products. They test their products, they are in compliance and they are really adamant about producing good material. He thinks that is important to everyone here who goes across a bridge or down a road, or depends on a water line or anything else. From his perspective, which is right in the middle of that Powers pit; they are doing a good job on reclaiming. The engineers are making sure everything is compacted properly, place properly and thing are done right. He thinks that is important too. They are very environmentally conscience and they are very proactive about it in training and teaching and making sure everyone knows what is going on about what to do and not to do as far as spills and dust control and things like that. Nobody's perfect; there are days when you have a lot of wind and you're not going to stop things from blowing. Never have. Lafarge donates a lot of money to charities here in, as you well know Tom with that ski day. Tens of thousands of dollars to charities and they participate in all the special events and donate time and materials and try to be a good neighbor in that aspect. Some people say it's just good PR but he thinks it is just good. He thinks that this is a good location with a good company and it should profit us all. He thinks it is ecologically responsible area to mine because of the resources there. You don't have to tear up a lot of property or a lot of area to sustain the needs of this valley. He would like to see the Cerise's land over rights upheld.
Chairman Martin – Counselor; he understands there are three issues on the exhibit list that we need to correct in front of everyone.
Carrie – The Exhibit list that was originally provided by staff ends at LL. We have added three additional exhibits today that started at PP, and so we are missing Exhibit MM, NN and OO. We will leave those blank and there are no exhibits for those three things, there is nothing missing from the record.
Chairman Martin – There was also a list that there was an exhibit that had been submitted by an individual and with photographs and we have identified that to add to the list. Do we need to take action to do so?
Carey – You still need to take action.
Chairman Martin – Could you identify that?
Jean – A letter from Connie McCrudden; there are no pictures. She said she mailed the pictures.
Connie hand delivered them in Jankovsky's letter box.
Commissioner Jankovsky thought these were distributed to everyone, but he did read the letter and didn't realize he needed to distribute.
Chairman Martin – We will make three copies; one for the applicant, one for Samson and himself and the original to the clerk and recorder and it will be entered as an Exhibit.
Molly – We will make that Exhibit SS, a letter from Connie McCrudden dated May 25, 2011.
Chairman Martin – Do I have a motion?
Commissioner Samson – So moved.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Cassie Cerise – She felt it was important she came down today. She is related to the applicants; however she will not benefit financially at all if you were to vote yes for this project today. She drives by the existing Lafarge pit on most days. She lives at 1234 Cerise Road up in Missouri Heights. It provides many teachable moments for her young boys; she has a two year old and a four year old. Usually as we get close her oldest will ask her who is working today mommy. He delights to see the dump trucks and the backhoes out there moving, moving things and making thinks. He has come to understand that it makes something really important for him. It makes sand for his sand box; he really enjoys that. She would ask you to not deny him that experience. She thinks it is important on their end of the valley that we see people actually making a project that people use on a daily basis. She loves yard sales as she is a picker. A yard sale to her usually means that people are leaving the valley though. Seems like people are leaving this valley because jobs are so scarce especially their end of the valley now days. A no vote today would probably mean that she will be going to about 45 yard sales next summer. Her family has been extraordinary stewards of this proper since 1938. Her grandfather, her uncle and her cousins have all worked very hard to preserve this landscape. None of them have lived lavishly; but they have all chosen to fight the short seasons and shed blood, in Missouri Heights, to keep their fields green and their cows fed. She would doubt that any of them were happy when the others around them sold out and these subdivisions started to come in next to them. But she will tell them that no one protested these subdivisions. Today you have a lot of these lot owners here begging for your no vote and a large portion of the opponents seem to live in one subdivision. She won't talk to them about science or codes or anything; but she really wants them to understand that when each of them built their lot, bought their house there were two gravel pits operating in their view plain. She doesn't believe that any of them should acted surprised that this request is being made. There is talk about neighborhood compatibility and it just goes back to it. These gravel pits were here before these neighborhoods. To her this shift in location fits perfectly with what has been there for many many many years before these subdivisions were on the ground. She sympathizes with the lot owners and she understands the concerns and the health issue. To her it boils down to two words; due diligence. They knew when they bought that these uses were there and to think that you have a pit here and pit here and those hay fields are going to stay hay fields in perpetuity; she thinks that is completely unrealistic. It sounds harsh, but the only way you're going to ever truly control your view plane is to own your view plane. She would really urge just a straight yes today; don't over regulate these jobs down valley or out of state. We are losing too many workers as it is.
Marcee Hobbs – 769 County Road 112, she lives right above Janet. She didn't come as a PHD with studies behind her belt or a lawyer. But they bought the property in 1989 and have lived up there for 21/22 years. She knows that the gravel pits were there; she didn't know the rules were changing. She is supporting not continuing, not having the permit. She knows the reality check is that she follows trucks, she sees rocks hit her windshield and hears the noise two miles up. So that is the reality check. When it's not windy she hears the noise even more so than when there is wind and it does affect the quality of life. Yes we would probably have to have a

yard sale too if the gravel pit goes in and we might not be able to sell their property. She is here to support the coalition and all the hard work they have done and also know that it does affect the quality of life.
Jean called Cheryl Strickland; she was no longer in the audience.
Philip Long has been a long time resident of Garfield County and a longtime employee of 30 years with Lafarge. Ken Kriz, sitting in the room, hired him 30 years ago and God willing he will still be working there another few years. He will keep his comments brief because he feels the application is very complete and detailed addressing all the regulations that govern our industry. He wanted to address one thing that is very near and dear to his heart and that is raptures. Gravel pits ironically are one of the best locations for wildlife and our feathered friends. If you would like to see a good example of this; currently we have a nesting family with young ones of ospreys. They are an eagle referred to as the sea eagle. They are in the Severs pit right next to the shop and have relocated there after we opened the pit. They have had bald eagles, deer, elk, fox, coyotes on a regular basis because when gravel pits close down at night there is a source of water a re-vegetation supply is a feed and shelter for wildlife.
Bill Arrasmith – lives at 300 White Horse Drive, New Castle. He has been, as Phil a resident of this valley and subsequently the I-70 valley for over 30 years now. He has also been associated with this industry either Lafarge or similar business for the same 30 years. He would refute some of the information here that we don't need this gravel pit because we do need this gravel pit. As sources run out in other pits he doesn't know where Mr. Vidal got his information necessarily, but he would disagree with it. Know that we do need another gravel pit to replace what is happening at the Powers Pit. In the realm of employment Chris brought up when he talked to everybody it's not just the 45 people that may work there or the more people that work there; it's the hundreds and hundreds of businesses that have been served over the years that supports their business in this economy. He also knows it to be a good economic decision to have a competitive situation in this valley and he urges this board to not to lessen that competitive situation that we have at this point. Because that is a very expensive thing for counties to go through and you can go to Routt County and find this same thing out. In the position he holds, he is a general manager at Lafarge; he doesn't believe that he has ever been around a group of people, it's been called a large corporation but these people live here. These people pay taxes here, they raise their children here; he has raised two kids that have moved away and he is raising another here. We are no different than anyone else that lives here. He has never worked for anyone who is as deeply committed to operating safely and environmentally responsibility in any of their operations. Whether it be this one or any other. He is proud to say he is acquainted with and work for the organization.
Mark Kavasch - 152 Wooden Deer Road and has lived in their home for 16 years. They are probably the closest year round neighbors of the current and proposed Lafarge pits. When his family moved in everyone was healthy; now everyone in his household has respiratory illness. His son does not but he moved away to California. His wife has had sinus surgery twice, has had chronic sinus infections. It has taken them about four years by the process of elimination to figure out what the cause was. They run three gas detectors in their house which all register as zero. So it is not gas in the house. They have all been tested for allergies; which all they have is one allergy to penicillin and a minor one to hay fever. So it's not allergies. He had, in the fall, double pneumonia. Three doctors from Valley View came into his room and said what is going on; we cannot figure out why he would be a candidate for double pneumonia. They narrowed it down to it must be something in the house, something you are inhaling. This day he keeps a respiratory inhaler on his bed stand. Some evenings he needs this. Currently his wife has been working with the doctors at the Western Colorado Lung Center. She has been diagnosed with a non contagious form of TB caused by inhaled soils. The doctors have described it as similar to coal miner's black lung. After prolonged continued exposure to fine particles that accumulate in the lungs and she now has nodes in her lungs that will have to be biopsied. A few years ago they would take twelve mile hikes and she would break into quarter mile sprints and challenge him now and then. They recently returned from a trip and she could barely do a one mile hike because of the inability to process into her lungs. They have spent thousands of dollars in medical bills and mitigation they have had to do on their property to try to compensate for the gravel pits. They have added extra weather stripping to their house under doctors orders. Their recommendations he should say, air conditionings. They put in three air conditioner units, they have four air filtration systems in the house. The filters on the air filtration, the manufacturers recommend changing every three month; they change them every three weeks. Each machine that he cleans out it's a fine gray dust on the charcoal in the filtration system. If you approve this and an asphalt plant is added to this that is going to be a higher level of air pollutant that he doesn't think his family can overcome. On windy days they do see a large clouds of sand and dust and they can hear the particles hitting the panes of glass on their house. At this point they do keep a box of face masks so when they do a deep clean of the house of the shades, he has to wear a mask on his face to get the dust out of the house. While the lease holders and gravel pit operators stand to gain substantially from approval of this gravel pit they will continually be severely impacted both in their health and their continuing medical and mitigation expenses. He has been keeping a running total of what they have spent to date. He has about $9,000.00 in trees, berms, irrigation, to build his own berm at the base of the property. Their medical expense over the last five years; the deductible exceeded $25, 000.00. The air conditioning, the air purifiers are $3,000.00. He spent about $4,000.00 a year in filers. $800.00 in weather stripping and resealing the house and shutting down the ventilation systems that were built into the house. He has at least $50,000.00 into expenses and about $5,000.00 a year in maintenance of those systems to mitigate. You haven't even done tests on air pollution. He is telling them there is air pollution and it's not acceptable. My family's lungs can't take it. It is happening. He wants the board to test for it and he has even researched buying their own PM10 meter to install on his property to register, for proof to show you that it is happening. They are requesting the board deny the application.
Jean asked if Susan Kavasch was going to speak and they replied no.
Susan Gibbs – 1698 County Road 103. She is looking to the commissioners as stewards of the land in Garfield County and rumor has it, from various different people, it's a done deal it's approved so why even show up. But she felt the need to share that she has watched the approval of the subdivision across from CMC, the approval of the subdivision of Calicotte and it is totally overrun by weeds. When she was here for those there were supposed to comply to the weed control or whatever. If you have no to alternative and feel the need to approve this; she would ask that they have to comply to the specific conditions of approval. She is curious who manages that? When you approve something like this who manages whether the weeds are controlled; that's a minor issue she knows. But the noise, the water, the impact that it does have she doesn't necessarily saying a yes or a no to this. But who's responsible to follow through when there is an approval made on this kind of impact to our county.
Chairman Martin – The vegetation management which is Steve Anthony who is located in Rifle and does the entire county.
Susan Gibbs – Who she knows personally.
Chairman Martin – He also has staff as well as they take on summer help as well. We also contracted with CMC to do monitoring as well for air quality control. That is Paul Reiser in the Health Department out of Rifle as well. Also the water quality and the air quality is the State of Colorado and those two divisions and the CDPHE. That's who is responsible.
Susan Gibbs – So if we see something like all the while top that is at the Calicotte that is taking over all the hay fields that were there; call Steve.
Chairman Martin – Not to mention the chicory and the other stuff out there.
Michael Cerise – 4156 Crystal Bridge Drive. To give you a little history, as Cassie said 1938 our grandparents bought the place and we have helped on the ranch as long as he could do anything. His father worked on the ranch for all but the first eight years of his life. They have taken care of ranch; its been their place and they want to keep that ranch. But they are getting old and they don't have people to take it over and people think that when they look at a ranch that it just takes care of itself. Its green and it takes care of itself and they grow to like that. But they are the ones who have to take care of it. In the 50's the Powers pit, which it wasn't the Powers pit at that time. It came on board as a gravel pit and it moved in next to them. In the 70s the Blue pit came in and it moved in on the

other side of them. In the 80's the highway department took their gravel resources and built the road to El Jebel from basically 103 Road all the way to El Jebel. They used their gravel resources! Their place basically is in the gravel resource path; that's what it is. They can't do a subdivision on their place because they have a gravel pit next to them. So what will they do with this land? Their question is they found that their best thing is to extract their gravel and use that resource. And use it over the next 15 years and go from there. The neighborhood has grown up around them. Wooden Deer never came in until the 90's and they weren't asked if this was an impact to them and it probably was in their ranching industry. There is some impact to us; that area they talk about the dust, when he was a kid that was dry hillside with cheat grass and pinions and pines. It was never really grazed by cattle or anything like that. It was just a dry hillside. In fact Freeman James ran some sheep on it in the spring when the cheat grass was green. But otherwise it was never grazed and it was a dry dusty hillside. Dust comes in there from the ranching next door in the Powers area he noticed they have plowed some fields. The dust storm came in one day and blew all the dust into us and into Wooden Deer. But that's agriculture so it's okay I guess. Are we residential, are we agricultural, or are we industrial. He thinks they are industrial. He thinks that they are a gravel pit. In the last 25 years they have had many major players that are dealing with gravel pits right now in Garfield County and have come to them and asked for their resources. They ranched as long as they could. They finally decided in the last 10 years they needed to do something with their ranch. They are trying to understand what to do with it. They found that gravel resource was probably the thing that they could do and keep their land and not have to give up their land. That was one way they could continue to be there, they could still ranch part of it as they extract part, and then when it's done they can take it back and do what they want with it. They have water, they have the ability to keep it green and we have the ability and Lafarge has the ability to keep the berms green. That seems to be some of the problem everyone has that Lafarge will built a big dirty berm and let it blow into the next county. But they have the water to keep it green and they expect Lafarge to do that. They don't want the weeds and they expect Lafarge and themselves to take care of the weeds. He hopes it doesn't happen; they have sat with Lafarge for the last two years talking about this. They didn't want a big hole where we just go to Arizona and say gee that was great we got our money out of that. They don't plan on leaving. They don't want to give their land up to someone that may leave and just say go mine it; send me the check. This is where we were born and raised. They really think their property makes the most sense with it being right in the middle of where the other gravel is. You can't see it from Hwy 82, you can't see it from the major urban areas like Carbondale. They think that it will be hidden. There are people that are impacted, sure they understand that. There are some people, but for the benefit of the county or the eastern part of the county they think that it has more benefit. Any development has impact whether it's residential, commercial, and industrial and they just really feel their property poses the least impact of any other potential area that you could mine gravel. If you can find it in this side of the valley now. Those areas are gone, they are being covered with developments and so we don't have that resource. The gravel resources will be lost if we don't take care of them today. He would ask that the board approve their application.

Toni Cerise – 153 Village Lane in Carbondale. We didn't go into this lightly. They spent years talking with Lafarge talking and planning. They were concerned. They are fourth generation natives of the valley. Both their father and their mother, she was from New Castle. It was important to them that this property was properly developed. That it ends up in the end still a green space. There is 98 acres in the parcel and they are proposal 64 acres of it for the Lafarge pit. The property that is left is their homes. Her father lives there; he's 81 years, her brother Bobby lives and they will continue to live there. They are not selling out, they are not leaving, they are here and this is their home. She hopes that the board approves the project.

Ken Kriz – 483 County Road 167 Glenwood Springs. One of the things he has heard this afternoon are rights and his question is what about the rights of the Cerise family? He does know they have been here much longer than a lot of them including him. He does think they have rights to do with their property. When you talk about rights you look at water rights and senior rights counts for something and he thinks senior landowners should account for something. The other thing is the economic impact it takes about 1 ½ tons of gravel to make a yard of concrete and when you start adding those cost into the price of a home every thousand dollars you add to the price of a home the monthly payment goes up $10.00. That can mean either buying a home or not buying a home. The other thing that doesn't make sense to him; they are talking about the back-up alarms. The governor wants you to have back-up alarms and people are saying they don't want to hear them. There is so much conflict there; it is beyond the mind to comprehend.

Will Burggret – 805 Wooden Deer Road. He is a recent purchaser up there in the last three years. So the comment due diligence is rather insulting since Cerise ranch was zoned residential and the existing gravel pit at WSA only had about 8 to 10 more years which was reasonable to him and he could live with it especially with home prices in the valley. Young families starting out getting it by the skin of their teeth. He is in a different stage in his life than most of the other residents in his subdivision. They are planning a family, now hearing Mark's health affects and researching on line trying to figure out what this means for him, his future, his family, home values. He is finding studies on line showing that they are doing studies on the health affect of air quality and the developmental ability of a child and their IQ values. While these are ongoing studies and they are not conclusive it is enough of a factor that he is not willing to put his family at risk. What's my option? Do I sell because this place isn't going to be a desirable place to live any more. It's too risky for his family and he is not willing to put them at risk. How do I do that? He looks at other things; how do you figure out the value of the land without testing the market? There has been other studies that show homes near gravel pits versus comparable areas have been affected as much as 20%. And their value with the views that they have and being in real estate and knowing the market he would assume that is closer to 30%. So on average you're probably talking about a home owner's loss of about $200 to $250,000.00 per homeowners. He knows he got in by the skin of his teeth and he needed to buy a home in the valley and this is where he could afford and is a beautiful place to live and he did his due diligence. The game has changed now; now he can't live there anymore but I can't sell. So we are getting it on both ends. As a county commissioner they want to ask them to use their power in which it was given to protect those people that can't protect themselves and say no to this project.

Ernie Kollar – 746 Wooden Deer Road. If this application is approved as proposed we will be faced with wall to wall gravel pits. Their view will be interrupted by a continuous band of exposed material. The noise and the dust will blast the Wooden Deer subdivision in stereo. The two pits will progress independent of what the other is doing, the entire area will be transformed from a rural residential character and zoning to an industrial waste zone. The cumulative impacts have not been addressed in this application. Without real time continuous monitoring of dust and noise how will it be determined which pit is the source of the problem? Each pit will point their finger at the other. Approval of this application would create side by side pits a situation where the pits should be held to higher standards. Lafarge stated real time monitoring is not necessary arguing it is not required at other pits. The situation here is different; here there would be side by side pits both in the path of prevailing winds. If approved the county would be approving two completely different plans; conflicting plans. Lafarge argues the need for competition but their plan is not equal to the Blue pit. The playing field is not level. They would be permitted an unfair advantage. Hours of operation for crushing, digging and heavy hauling for the Blue pit is 7:00 a.m. to5:00 p.m. For Lafarge 7:00 a.m. to 6:00 p.m. Mitigation; Blue Pit plans to start deep down at the bottom on the south side then move north. Lafarge's mitigation plan and sequencing is exactly backwards form the Blue pit. It will not work. It's designed for areas that are level not for slopping sites. The berms will not be affective for the upper homes because Wooden Deer is several hundred feet higher than the pit. The upper houses will look directly over the berm and into the pit. Sound will also travel over directly over the berm. For the lower homes dust will swirl around the berm. They need to start at the south end, dig down deep to the bottom of the pit where they would be out of sight then move north with possibly smaller berm protection. For sequencing Blue Pit introduced the concept of reclaim as you go. Lafarge plans to strip topsoil from the entire site and work top down. As he understands it, it will take 9 to 10 years, based on their numbers, before the aggregate plant is moved down to the bottom of the pit. There is no reclaim as you go. It is all one big hole, a hole they are trying to hide behind one big ugly berm. The predicted

15 year pit life is very optimistic. It is based on levels of extraction that are unrealistic. It is based on boom time levels which in the broad view was a relatively short period of time and probably a thing of the past. If, based on current levels of extraction, the pit will last 30 years. We will be faced with the same situation Lafarge's silt plant, the North Bank Gravel pit is currently faced with. One where the economy is used for the excuse not to reclaim. This is all the more reason to break up the phasing into smaller pieces. The cumulative impacts cannot be addressed unless there is a coordinated effort between the two pits. In a letter by Sean Frisch of Lafarge dated August 10, 2010, Shaw says "Lafarge has worked to minimize the cumulative impacts of having two mining areas adjacent to each other and is willing to work with the Blue pit to develop a comprehensive mining plan for the area". Even Lafarge recognizes the need to develop a comprehensive plan which so far the county has been negligent in facilitating. Phasing the pits is a sensible method to avoid the cumulative impacts that will otherwise destroy the rural residential character of the neighborhood. Phasing should be orchestrated so there is coordinated progression between the two pits. The phases should be limited to three or four hundred thousand ton sections with reclaim as you go. Each pit needs to begin at the south end dig to bottom then move north. The coordinated effort needs to resemble a ma and pa shop. Not a big industrial waste zone. If this can't happen then the start of the Cerise mine should be delayed until the Blue Pit is in its final stages of reclamation. If this is done there would be the opportunity for Lafarge to use the access road from Hwy 82 currently used by the Blue pit. There could even be the opportunity to capture some of the gravel between the two pits that would otherwise be left un-mined. This is not about keeping people from mining; it's about doing it right the responsible way. The neighborhood should not be expected to endure the proposed impacts from both gravel pits simultaneously. Again the impacts should be spread out. There are three other gravel pits in the Roaring Fork Valley that can supply the needs. One is already owed by the applicant. There is already 20 to 40 years of permitted gravel in the upper portion of Garfield County. The gravel will not go away; it can be extracted after the first pit is finished. The application should be denied and brought back to the table with a more reasonable approach. One, with coordinated phasing between the two pits. Two, with smaller sections of mining areas that are reclaimed before the next section has started, and three with real time continuous monitoring. Given the side by side nature of the two pits, it would be irresponsible for Garfield County to simply reach to the individual applications. The process needs to slow down so a comprehensive approach can be taken. A comprehensive approach starts with denial of this application.
John Martin – 3602 County Road 108, Carbondale. He is here to say the Cerise's should have an opportunity to mine their gravel. They've been excellent neighbors to him; he was an operator of the Powers pit for a number of years until they sold it out to Lafarge. He farmed the ranch next to the Cerise's in 1956 and he got to know them pretty well. They have done a good job and they should have a right to that and one other thing is they shouldn't have the obligation to keep their place green so you folks can look at it. That's not their obligation at all. They are farming it and trying to make a living. They are having a hard time, there's no money in farming and it's time for them to have an opportunity to do something with their ranch.
Sean Frisch– Lafarge has heard these comments on a few occasions at this time. They believe that all of their comments that have been submitted into the record regarding the conditions of approval as well as all of their studies and through the 36 conditions of approval have been presented by staff; they believe they have addressed, to the best of their efforts, any of these comments that have been made and he would leave it up to the commissioners to ask questions of them for response to any of these. Or items brought up by the public and they would respond at this time.
Chairman Martin – What is the pleasure of the board at this time; questions of the applicant.
Commissioner Jankovsky – The thing he noticed during Sean's presentation more than anything when you showed the Blue Pit, you showed sections being mined and then reclaimed. What he sees in their application is basically, not right away but within a short amount of time the whole 67 acres are disturbed. Why have you not come in, and he knows in their pit in Silt you were mining 10 acres at a time and reclaiming those 10 acres. Why have you not come in front of them with an application that does takes smaller sections and reclaim and then move to the next section to mine?
Sean – In their case their pit is different than Blue Pit. The Blue pit is an extension of an existing pit, so they already have; go back to the slide. They actually have an existing area where their plant is set-up, their redi-mix plant is also already set-up, Sean has all of their operations set-up and they are only conveying that material across the river to be processed. In the case of the Cerise Pit Lafarge is required to set-up an area where material can be processed. So they have to start from scratch here. They have to establish a plant site, establish a wash pond; so these are all things that need to be taken into consideration immediately. If they could dig a hole and put a plant down in the bottom; they would do that immediately. They know that helps all the impacts; they would love to do that but they need to get that hole in the ground first. So what they are proposing are two phases, phase one to create the tailings pond that will last the life of the mine. And then the second phase they have actually phased it to be a little bit larger than they would like to so that the processing plant can be moved to the floor of the pit as soon as they can possibly get it down there. The initial stripping is approximately 27 acres, it obviously looks large in some of the photos because you see small distinct phases going across for the Blue pit. However you have to take into consideration all of the area that is already disturbed and will remain disturbed by their pit that they have been previously able to mine. In his situation they don't have the allowance to start at the bottom and work out, they have to start on top and get down before they can work over. So the first two phases will start on top and work out. From there on out they will be able to mine in steps down to the floor and hide the operations better. But that is the reason behind it, they can't immediately start at the floor like the other two pits that were brought up.
Commissioner Samson – Mr. Kollar made a very interesting comment; he said that you (Sean) had written a letter saying that you were going to work with the Blue Pit for cumulative impacts. Could you address that and tell us what you have done so far; what your plans are?
Sean – When they first submitted the application in August, 2010 they did state they would work with the Blue Pit in any manner they could to help address any cumulative impacts. They did make two to three phone calls trying to get in touch with them; obviously they were going through their permitting project and just until within the last month they have not been able to get hold of them to start addressing any comments. Because we are so late in process they didn't have a chance to address a change in the application; however they have to talked with them about their mine phasing as well as Lafarge's mine phasing. They also looked into the compatibility and the timing of their application to identify what the cumulative impacts would be and what type of things they could use to mitigate those. Those have been made conditions of approval as part of the noise and air studies they have submitted. Esentially that is the work they have done. They stated in August they would try to contact them and try to work with them; to about a month ago they were not able to get in contact and be able to start any of those discussions. They will continually be working with them and if there are techniques they can use they are happy to accommodate those and they can even, Lafarge agreed to go into annual review of this pit. They can present new techniques that may come in the future that they will notice when the two pits are operating to improve some of these conditions of approval or techniques.
Chairman Martin to staff; anything that came up you want to discuss?
Molly did want to provide some clarification about the reviews ….in audible….. Staff did look at the air permit; it would be reviewed by the state. They have the software…..in audible….. .. has to meet standards. There was a comment about ???plan, mitigation, the mitigating impact to eagle habitat, Division of Wildlife indicated there were no impacts. This letter came after the letter that was submitted today; Friday is after the fact…..in audible……. that's about all I have to say.
MOTION:
Carey – Wanted to raise one issue. Several references were made throughout the process to the site visit. So far the only exhibit that's part of your list regarding the site visit is the info sheet that Molly handed out. Carey would like to request that they include, among

your exhibits the minutes from that site visit as well. Since they are presently included and in addition before you close the public hearing if that is something that you learned or that you saw on that site visit that you are planning on relying on and making your decision; if you would be willing to raise that now so either the applicant or the public can address that while the public hearing is still open.
Chairman Martin – Any issues from that site visit that your wish to consider?
Commissioner Jankovsky – I don't mind including the minutes.
Chairman Martin – We need a motion then to include those minutes.
Commissioner Jankovsky – I'll make that motion.
Molly – And could we identify it as "TT"?
Chairman Martin – All right.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – We will supply those minutes as part of the public record. Any other issues you wish to discuss or questions?
Commissioner Jankovsky – On the noise it was talked about 55 decibels was talked about considerably and from what I read from an industrial application 80 decibels seems to be more the noise level that would be acceptable.
Chairman Martin – Industrial standard is 80 decibels, residential within that area has been deemed to be 55 decibels. So if you are going to go ahead and do that you'll need to make sure that you do your findings that this is industrial zoned area that will be allowed to have 80 decibels or stay within those state regulations, if that is what you wish to do.
Carey – I think the important thing to keep in mind is that the decibel model is measured from the neighboring property and so depending upon which perimeter your concerned about then the neighboring zoning maybe different.
Commissioner Jankovsky – In the residential area it maybe 55 decibels, but in the mining area it maybe 80 decibels.
Carey – That's correct.
Chairman Martin – At a 25 foot distance or whatever distance it is to be measured would you make sure that site is correct so we can consider that.
Carey – Are you talking about construction now or about general operations close to construction?
Commissioner Jankovsky – General operations.
Carey – I would refer to section 7-840 in our land use code; subsection C it's on page 7-127. References noise and vibration; it says an applicant shall conduct a noise study that demonstrates the proposed gravel operation can meet the requirement …..in audible….based on measuring sound levels of noise radiating from a property line at a distance of 25 feet or more beyond the subject properties. So it is a 25 foot limit and then the chart goes on to demonstrates differences between residential, commercial, light industrial and industrial. Which I believe ……
Chairman Martin – Does it have construction in there as well?
Carey – It does not.
Chairman Martin – so at that time you would have to plan that this is going to be under construction for overall standard practice.
Commissioner Jankovsky – 25 feet, if you have an industrial operation, you would go 25 feet beyond the boundary what is the decibel; would it be the 80 decibels or 55?
Carey – If the neighboring property is residential then you default to the residential standard which is during 7:00 a.m. to 7:00 p.m. is the 55 dba.
Commissioner Jankovsky – So from the edge of the Cerise property you would go then and say it would be a 55 decibel.
Carey – As you head north to Wooden Deer subdivision that is correct. If you were to head the other direction towards the Blue Pit it's a different standard, subject to your industrial because that is the use of the neighboring property.
Molly – To Tom; staff recognized to the your east the Blue pit…..in audible.
Commissioner Samson - Question for staff. He thinks it was Mr. Kollar who made the point; that when the Blue Pit extension was approved their hours were 7:00 a.m. to 5:00 p.m. instead of 7:00 a.m. to 6:00 p.m.?
Molly – I haven't looked at that specifically on that approval. I could check into that?
Chairman Martin – There was an adjustment to the time but I couldn't tell you what it was. That was part of the original motion.
Commissioner Jankovsky – I think that is an important piece of information to have.
Chairman Martin – Do you wish to keep the public hearing open, continue it? Do you wish to do a deliberation today? Do you wish to do research?
Commissioner Samson – What I would like to do is give anybody who wants there last say to say it if that is possible. And then close the public hearing and go from there.
Chairman Martin – Do you concur?
Commissioner Jankovsky – I concur.
Chairman Martin – We'll start with the public; is there anyone in the public who wishes to have a second say?
John G. – Just a question; I submitted a letter a couple of weeks ago and I don't know how these things are getting lost. But it is also not on that list. I just wanted to bring that to your attention. It was written to the county commissioners at their address.
Chairman Martin –We'll need to find out. What happens a general mailing goes to our mail room and then sometimes they distribute it to different places, whatever interest it maybe. It may have gone to planning, it may have gone to individual commissioners, it may have gone to the administration, it may have gone to the clerk and recorder, and that's again a distribution problem.
John G. – Right and I understand that and I heard the way to get rid of nuclear waste is to put it in an envelope and mail it to you.
Chairman Martin – No, it will end up on my doorstep.
John Martin – 3602 County Road 108. One other comment I wanted to make is, all of the dust that comes into this valley does not come from gravel pits. We get a lot of Utah blow dust that comes in. I live five miles from the gravel pit and the dust all comes right up the valley that comes to me. And there are a lot of days my windows are brown or red and my vehicles are covered with it and it blows out of the deserts of Utah. This is just the way it is part of the time.
Sean – Again I would like to thank everyone for their time today and I would also like to thank staff for all the work that she has put in. All the neighborhoods and all the questions we've asked. Thank everybody again and ask for approval of this application.
Molly - Are you comfortable with the 90 decibels?
Chairman Martin – That's a determination in deliberation. I think that we will have to have findings one way or the other on that; either for or against. Gentlemen anything further that you wish to ask the applicant, the staff, legal is always open too but we would have to go into executive session and identify that as legal advice only or the general public.
Commissioner Samson – Can always talk to the staff right?
Chairman Martin – Once the public hearing is over, and then it is up to the three of us to deliberate in public and come up with the finding either for or against and conditions of approval or none. But you have to have findings.
Commissioner Samson – So if I want to do some more research, I cannot utilize the staff?
Carey – If you would like to do more research then it would be appropriate to continue the public hearing on the matter. Conduct whatever additional research you feel is necessary and then….in audible…
Chairman Martin – You would have to identify that subject matter and share the research and the findings with the rest of the board in a general session and disclose what it is.

Commissioner Samson – I don't want to close the public hearing then because I think I need to do some more research on the sound. I want to do some more research concerning the hours. I want to do some more research concerning the cumulative impacts. I find it a little bit interesting that I believe Sean said they were trying to contact the Blue Pit in August; is that what you said?
Sean – Yes.
Commissioner Samson - And now it is now June. I want to do some research on what cumulative impacts between the two pits could possibly benefit each other.
Chairman Martin – Then your motion is to continue the public hearing for the research of the subject that you're brought forward and that you will report to those at a public meeting at a date specific and that we will continue the public hearing; is that what you have?
Carey – That's what I understand. Are you directing staff to provide you with additional information?
Samson – Yes.
Carey – You have specific issues that you would like your staff to address regarding sound, hours of operation, cumulative impacts?
Commissioner Samson – Now if I have something else come up in mind between now and then I can't ask anything about it?
Chairman Martin – You need to identify those subjects.
Carey – If you can identify your list of subjects now.
Commissioner Samson – Well that's what I've got right now, but something else could come out.
Carey – If something additional comes up you can always continue the hearing again.
Commissioner Jankovsky – Did you have air quality as well? I would like to see air quality as well. I feel like I could make motion but it would a lot better motion if I had some time to look at it so I will second your motion.
MOTION:
Chairman Martin – The motion is to go ahead and continue the public hearing with the items that you have stated for research by the staff to bring back. We will disclose that to the general public, the applicant and discuss it openly. And Tom seconded that; do we have a date specific?
Commissioner Samson – Well I want to ask Molly since she is the lead on this; would you feel comfortable in coming back to us in a week, or do you feel you need more time?
Molly – I think if you gave me two weeks I could do it.
Commissioner Samson –It would have to be 3 weeks Tuesday July 5th.
Chairman Martin – Is that allowed in statute that length of time?
Carey – I believe so.
Commissioner Samson – Before we vote I want to make two comments. It has been said a couple of time, about 3 times today, by some of the people that they felt this was a done deal. I'm not going to say that I take offense at that. I don't. I know that I ran for this position and I was elected and we gotta take the heat. No matter what we do up here we're gonna take a lot of heat. I understand that. But I hope to the people who felt that way it wasn't a done deal. We three, I'll speak for myself, but I think I can speak for the other two gentlemen; we don't come in here with any preconceived notions. It's not a done deal. We're trying to do the best we can for everybody. The Cerise family wants to do what they want to do with their land; you people want to protect your interests. We all understand that. There are tough decisions. Most of you people when he knocked on their door made comments like thanks for running I'd never do your job. But good luck to you. So please remember that. We're gonna have to make some tough decisions here and some of you aren't going to be happy. I understand that but it's not a done deal. We take our jobs seriously, we're trying to do the best we can and go forward. The other thing I wanted to address is a couple of comments made to him in some of the letters that were written were things that said; well how would you feel if you lived next to a gravel pit. Until about two months ago let me tell you where I did lived. I lived next to an access road that was next to a state highway that was right next to the railroad which was right next to guess what, a gravel pit. I lived there for over 30 years. So I do have some experience with that also. I wanted to make those two points. I'll call for the question.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – On the treasure fees regarding the GOCO grant; GOCO is one of those exceptions.
Commissioner Samson – One thing to finish up here is Molly would like a little more direction on the particulars as to what we want from staff.
Chairman Martin – That's part of your motion to identify those items.
Commissioner Samson – I think we've already identified them we just want to talk to make sure we're on the same page; correct Tom?
Commissioner Jankovsky – Asked Molly – what do you have?
Molly – I have noise standards, impacts cumulative with reference to the applicant contacting the Blue Pit operation, hours of operation.
Commissioner Samson – Let me go back to number two; if we could find out what's been done there and maybe some exploration as to what could be done. Another words; are there some possible solutions, ideas? Could they possibly use the Blue pit that is already established; could there be some way maybe using land equipment, something to make this work?
Molly – Access?
Commissioner Samson – Access; but so that they could do the reclamation in phases.
Chairman Martin – We are treading on dangerous ground here in reference to changing the overall application that is in front of us.
Commissioner Samson – I understand that but I would just like to get some information on that.
Chairman Martin – it's something that you can consider; but if you wish to change the application; deny this one and tell them they have to change and go ahead and coordinate, that is a totally different application process.
Commissioner Samson – I'm not saying that is what I want to do; I'm just saying I want to explore the possibilities.
Molly – Let me make sure that I am understanding; possibilities to make the cumulative impact less. Is that what you are getting at?
Chairman Martin – Yes, what are the options to allow that to happen. What are the options we can consider to lessen the overall cumulative impact?
Commissioner Samson – that's where I want to go. I assumed you were on the same page there. Not that I am suggesting that we have to tell them you have to go back to the drawing, scratch everything; no.
Chairman Martin – That would denial.
Commissioner Jankovsky – That gets into the whole phasing. That was my question; think it would have been so much easier; well I don't want to go there. I would like to see the stipulations for the Blue Pit approval. I would just like to be able to read each of those because I wasn't involved in, I wasn't here when the Blue Pit was approved.
Molly - I apologize; I was hoping other staff would be here to answer all the questions. I should have that information.
Commissioner Jankovsky – Then I would like to be able to talk about air quality. I would like to be able to talk; as I mentioned to Jim Rada and our environmental staff on air quality especially PM10 and monitoring possibly.
Molly – Okay. Now with Jim Rada, are you wanting to meet with him or?
Jankovsky – Yes.
Molly – So a special meeting to meet with him. Any other staff?
Chairman Martin – You can't have a meeting.
Commissioner Jankovsky – I can't have a meeting with Jim Rada?

Carey – If you have questions for Jim Rada it is appropriate us to ask him for comment…
Commissioner Jankovsky – I would like to have him here and if there is some data you could provide me to read.
Chairman Martin – Otherwise if you were to ask him questions it would need to be in front of the applicant.
Commissioner Jankovsky – And then if he were here for the meeting then that would be great. I think a lot of these issues fall into his department, whether it be noise or air.
Chairman Martin – Wasn't he a referral?
Molly – Yeah he was.
Chairman Martin – In reference to K, Garfield County Environmental Health Mangers e-mail and then there was; I thought there was another one.
Molly - In June?
Commissioner Jankovsky – Can I get information or maybe I just ask about asphalts plants. Does that need to be in front of the applicant where asphalts plants are right now in the county? Does Severs pit have an asphalt plant?
Chairman Martin – You can ask that of staff to go ahead and give you locations.
Carolyn – And then it will become an exhibit at the continued meeting.
Molly – So location of existing asphalt plants.
Commissioner Jankovsky – Both temporary and permanent.
Commissioner Samson – Was there anything else we identified right off the bat?
Molly – Okay. Cumulative impacts. So five, the asphalts plants that we will be addressing. So we will have five issues.
Chairman Martin – Alright those five issues that you have identified we will have on the fifth of July. We have the option to review that and also share it. If there are other questions, research that needs to be done we'll have another motion to continue the hearing identifying those, that information, otherwise we'll close the public hearing and make a determination.
Molly – I want to just get back to noise standards. What is it you wanted to have us research? I know the 10 decibels are above the industrial.
Commissioner Samson – 80 to 90.
Molly – 90 yeah. It's not clear through the Colorado revised statutes of whether that interpretation…it's not clear.–
Commissioner Samson – Where will we get a definitive answer then?
Chairman Martin – You have two different zones that you're dealing with in this application one, well actually three. Because the adjoining property, one is industrial, the other is light industrial which is the highway department and the third one happens to be residential. So you have three different standards you have to meet depending upon which boarder you take your readings from and that's the problem. Now where does construction noise come in; we have to have a finding that we allow that to take place if we allow construction to do a berming. That's bordering on residential therefore we have to make a finding that we are going to allow that noise which could be up to 90 decibels building that particular issue and we find that in favor of the betterment of the community or not.
Commissioner Jankovsky – Someone make a good point there; but if you're behind the berm it's going to be 55 decibels. If you're up about another ½ mile it might be 75 decibels. The way it says 25 feet from the edge of the ranch…..
Carolyn – I hate to be a wet blanket; but it is my job. We have to be careful to continue deliberating when people aren't present.
Chairman Martin – We're not deliberating, what it amounts to is trying to get a clarification to the staff on what they are really looking for. The question is what do you really want from the noise regulations? I think we're there.
Commissioner Samson – did we help you at all or not?
Molly – Yeah I think so. If I have further questions of the board; can I approach any of them or what can I can or cannot do?
Carolyn – I think we can figure it out together and leave these guys alone.
Chairman Martin – And I think that we'll be able to say on the record if I'm not able to go ahead and do that without more clarification on the public record protecting all three of you as well as us.
Carolyn – And in terms of documents you wanted the conditions of approval for Blue Pit and you wanted a map of the location of existing asphalt plants. You wanted those two to be added to the exhibits.
Commissioner Jankovsky – It doesn't need to be a map it could just be locations.
Carolyn – It might be easiest for GIS to……
Chairman Martin – Using your zoning map.
Molly – Yeah I'll plug in Rob; I'll talk with him.
Chairman Martin – At that point then we can enter that as an exhibit for our consideration to be part of the public record and refer to the facts with that. Makes a better case.
Carolyn – And you want Jim to be here so you can ask him questions.
Chairman Martin – Yes.
Commissioner Reports:
Commissioner Samson – Tom are you going to the NACO annual conference July 15th through 19th? Because I think two of us are going to be gone. So we have to stop and think about when we are going to have a meeting because there would be a meeting scheduled for the 18th. You (John) have to be there because you are on this national board; but you have to be there earlier than I do so I will come later. But we will still both be missing the 18th so there won't be a quorum for the third meeting in July. Do we not have a third meeting in July or do we; what do we do?
Chairman Martin – Well the 26th, 27th, 28th, 29th has been set aside for BOE hearings. The 25th could….
Carolyn – Do we have land use matters already scheduled?
Chairman Martin – We may and we could continue to Tuesday the 19th; I could be available if necessary instead of just missing the overall meeting on the 18th..
Carolyn – Commissioners shall we call up to building and planning and find out?
Chairman Martin – Please. Usually the third we have very few land use issues.
Commissioner Jankovsky – We have Cattle Creek coming up in July.
Commissioner Samson – One of the major things I want to go to is fueling alternatives and challenges of using domestic…in audible…using natural gas. I think that could be very informative to us. The one work shop I really want to attend is Fueling Alternatives, Benefits and challenges of using domestically produced natural gas.
Commissioner Jankovsky – I'm on the committee here in Garfield County and you thinks it's an easy thing to do but you start putting all the pieces together and it's not.
Commissioner Samson – Really getting that new gas at Swallows there in Rifle…
Commissioner Jankovsky – Yeah it's there and now trying to get the vehicles there to use the gas and the fact that Honda is the only company that makes a natural gas vehicle, makes it so that anybody that wants to use the gas has to convert their vehicle and only certain vehicles can be converted and there's problems. It's not as easy as it should be.
Carolyn – Jackie is trying to get somebody from fourth floor and Carey just ran up to get her calendar.
Chairman Martin – They're gone its after 5:00 p.m. We have a special meeting tomorrow I think we can to head and establish that tomorrow. I don't believe we have any other business today. We will meet again for our special meeting at 1:00 p.m.; we have a work session starting at 8:00 a.m. however.

Commissioner Samson – We got an 8:00 a.m. and a 9:00 a.m. and now a 1:00 p.m.?
Chairman Martin – The 1:00 p.m. is the meeting that we have posted to discuss and take possible action.
Commissioner Samson – I have a meeting at 2:00 p.m. in Rifle and I guess I will have to reschedule.
Carolyn – Yes because you want to make some decisions about the sales tax refund.
Carey – According to schedule, it was updated last Tuesday, you have a matter scheduled for the 18th of July a comprehensive plan text amendment.
Chairman Martin – We can continue that one.
Carey – We are the applicant.
Carolyn – We had to do noticing; we can't even open it.
Commissioner Samson – Can't you put a notice that it's been postponed until when ever.
Carolyn – Or we could open with meeting with one of you on the phone and one of you here.
Chairman Martin – We could do that too and then continue it.
Carolyn – tom are you the only one in town?
Commissioner Jankovsky – Yes.
Chairman Martin – We will continue this discussion tomorrow at 1:00 p.m.
ADJOURNMENT

PROCESSING OF THE BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
JUNE 14, 2011

The Special Meeting was held on Thursday, June 14, 2011 at 1:00 p.m. Chairman Martin, Commissioners Jankovsky and Samson were present. Ed Green, Carolyn Dahlgren, Ed Green and Jean Alberico, Clerk to the Board.

Beginning at 9:00 A.M. a Work Shop was held with the various entities that would be affected by the court's decision regarding sales tax.

DISCUSSION AND POSSIBLE ACTION REGARDING SALES TAX REFUNDS

Chairman Martin - Georgia has been working with the Department of Revenue, she is going to have the first-hand knowledge, and able to tell us what we can and cannot do on information.
Georgia – We met with most everyone last Thursday and we had Roxy Hubert and Lou Piet from the State to answer any questions. Through a lawsuit that Noble Energy brought forth, the ruling was in favor of the Energy Companies in that the sales tax had been over collected on fracing services that had been provided the energy companies.
supplied to some information and Ed on overview,

Georgia – Submitted a detailed handout, a spreadsheet on the recovery since 2001, then I show the 2009 and 2008 and gave back to the same percentages and net result is that the County 3.7 excess funds from the different entities and placed in the County General Fund.
Other issues in the discussion were Human Services Grants for 2012, Library and the Communication Authority.

Discussion - Complete
Georgia – I went back after the morning session and we have a little under $700,000 that the state has given us for the month of June that I will be distributing to all in July. And, say 10% is refunds. So we have $630,000 but actually we should have gotten $70,000 so $70,000 is refunds. Not all of that are oil and gas refunds. There are refunds every month due to correction proper statements. It's going to take some doing to figure how, when the sales tax was paid it was paid by the fracing companies. But after the ruling of the judge the refund goes to the oil and gas companies. Exactly what are refunds according to the specifics of this case is that what we want to refund or do …
Chairman Martin – We up to 50% of the projected loss which we have in front of us, is what we're doing now. If that loss is less, we can make those adjustments. It think the motion would be that we would go ahead and go up to a specific amount of the projected 50% loss, transfer out of general fund not to exceed and then that way we would be able to do that adjustment if necessary. We are supposed to flat line budget based upon their loss of revenue.
Carolyn – Are we talking about 2011 right now?
Ed – That's the challenge is that it slides over from 2011 to 2012 so it starts in July and goes to June, so what might make sense if we do it in equal payments if you don't have a phasing problem.
Chairman Martin – Well, that's the thing, we would go ahead and make up the 50% loss in 2011 budget for loss of revenue and revisit this and make sure that we also in our budget for 2012 for 50%.
Ed – So do you want to do it in two payments?
Chairman Martin – Well you'd have to on budget because you can't carry it over from one year to the other because you can't appropriate out of one year to the next.
Ed – Okay, we'll do ½ of it this year and ½ of it next year.
Chairman Martin – You can make it the end of this year but you're still going to tap into your reserves and next year do the same thing, but it's only half as much.
Ed – This is too complex to do it on a monthly basis.
Carolyn – And the money is coming out of the general fund. It would make sense to do it as a grant then because that's the proper paper trail. I assume we are going to be asking the entities to be use the money as it was envisioned in the sales tax resolution.
Chairman Martin – Then at the end of the year it was a supplemental and then one payment to them to put in their reserves or make it up. They can move ahead with budgeting for the next year knowing that the same amount may be gone next year.
Carolyn – Then we would do a renewal letter like we do the IGA for 2012.
Chairman Martin – Exactly. I think that's the simplest way.

Motion
Commissioner Samson – I would move that we as the County Commissioners grant out of the general funds to alleviate the sales tax deficit to the Library and Communications based on the projected loss of revenue that we cover 50% of that for a not to exceed for the Library $487,500 and 50% for Communication $365,625 to be given in two (2) payments one-half for the 2011 budget year and the second payment to be paid for the 2012 budget year and to paid the second one in January subject to our budget and appropriations.

Marian –I just had a question because this is coming from the general fund then this is not a payback but this is also is what you're going to give to that's taken care of by your motion that you're giving a 2-year contract period.
Carolyn – It can't be a 2-year contract.
Chairman Martin – It is subject to … what we are trying to do is assist you and half the next year.
Marian – I guess I really want it emphasized that the Library and we didn't do anything wrong this is not our mess you're trying to take care of.
Commissioner Samson – And as we understand that, you also understand that it wasn't our doing. We want to make sure the paper understands that.
Commissioner Jankovsky - Second.
Commissioner Samson – Nobody like to have to do something like this but in so many cases it's done and water under the bridge and we have to go forward and this is a solution, is it perhaps the best solution, whether it's the best one we can come up with right now and I think we need to go forward with it, if some terrible thing happened and the projections were way off and you come to us and you go hey, you told us $975,000 well it's $1,975,000 then I think we're definitely going to have to revisit it, it's not set in stone that we can't revisit it and say we know we understand but we're doing the best we can with what we have.
Marilee – We would appreciate the second you hear a whisper of anything else, just trust that we're big kids and we can take it and move forward and especially now because we're getting ready to start Glenwood and we close on Carbondale tonight on the purchase of lands.
Correction – No, next week. Glenwood tomorrow – a walk through on construction and we're in the midst of that with building in New Castle and we're in a position where we can make small decisions but the window is closing, so just think those thoughts at night, call us.
In favor: Jankovsky – Aye Martin – Aye Samson - Aye

Chairman Martin – We've taken a $2 million dollar hit in reference to the other programs, Sheriff's Office, Public Health, Community Human Services, Extension and on through. We need to make that up so that's $2 million dollars plus the million dollars that we're basically giving to you guys, that $3 million and now we have to work on municipalities.
Ed – No, you haven't finished the Human Services Commission, you talked about this year and honoring the grants but you didn't decide on what you are going to do for next year. You have to decide if you want to go with the $469,000 of something less.

Amelia – Garfield County Library District –We have kept the Garfield County Library District intentionally a mini-library district when they changed their names to reflect their new status as a separate governmental entity and our choice to remain a Garfield County Library District has been that we do serve all the citizens of the County and I feel the decision today reflects that on-going partnership, and I think you very much.

Commissioner Samson – You're welcome and thank you for all the work that you do.

Chairman Martin - This is just a thought process in reference to the Glenwood Springs Library and the new location and I understand that it's a two or three way deal, CMC, City of Glenwood Springs and the Library. Garfield County would like to discuss that with you on the existing building, use that for a Senior Center, and work that out. But that is in the stages and not a final discussion between the Board, only it has merit and I would like to be able to sit down with you, CMC and the City and talk about that.
Amelia – We not finalized an IGA on that …
Chairman Martin – I'm aware of that but I wanted to throw that in that so it could be part of your thought process.
Amelia – July 7.

Human Services Grant Process for 2012
Ed – Remember that Lisa and Georgia recommended that we hold with the stay sales tax number, which is the $469,000.
Commissioner Jankovsky – So that means we would have to come up with the $182,800 roughly from the general fund.
Ed - $130,000 or $140,000 something like that. I think what they're saying is that the first two months they would take about $130,000 out of that $469,000.
Motion
Commissioner Jankovsky – So we would be covering some of that this year. I think this is real important because we're in a tough economy, all these groups are doing things for us basically that if they're not doing they are going to fall on our shoulders, the human services and we're in tough times and I think it's an important dollar amount. I would like to see that dollar amount maintained for the grant process for 2012. I make a motion in that way.
Commissioner Samson – I would second that.
Chairman Martin – Knowing that money is going to have to come from either that general fund dollars and reduces the overall budget.
Ed – Yes, it's roughly $130,000.
Commissioner Jankovsky – It's general fund dollars from 2012.
Chairman Martin – Again, we have to look at the overall impact, it's still over $3 million dollars that you're spending from the reserve for 2012 based upon these decisions.
Carolyn – Ed I got lost again between the two years. I thought I just heard you say we would take some money out of general fund for 2011.
Ed – This is 2012 and the reason is because the last installment is going to start in January and February is what we heard from Roxy Hubert.
Chairman Martin – So the actual amount that's being selected will be a loss in 2012.
Carolyn – In terms of general fund dollars, we're now talking the 2012 budget. This decision will go into your budget. Thank you.
Commissioner Jankovsky – We have to make this decision now because we are in July and August we're starting the grant process and how much is going to be granted.
Chairman Martin – You can bring that up and discuss that in your meeting on why we're doing this. So the motion was to go ahead and keep it at the level, take the loss out of the general fund balance in 2012.
In favor: Jankovsky – Aye Martin – Aye Samson - Aye

Municipalities
Chairman Martin – The total amount of the municipalities…
Lisa – I calculated the total as $487,500, they received 12.5%. Georgia according to our 1% distribution it's actually 9.38%. The 12.5% comes from the points and they are confusing. She recalculated. So I show that portion as $365,820. Does that correct Georgia?
Georgia – Yes, approximately on the spreadsheet that we've done it was $365,620. Everything is estimated.
Commissioner Samson – The municipally is the same as the Sheriff's office which is the same as public health to 12.5 mill.
Georgia – It's public health, community/human services.
Chairman Martin – Any position, suggestions or decisions.

Commissioner Jankovsky – Do we just stay with the same formula we set up.
Chairman Martin – If you'd like to or you can make a different motion.
Commissioner Jankovsky – We could just say tough luck. No, I don't think I would say tough luck. I'd say let's go back to the mid-1990's when I worked on this 1% sales tax and the County was starving and I was concerned about just getting the road plowed up to Sunlight because there were not funds, and municipalities at that time were all doing well and we worked really hard to get this 1% sales tax passed. They were partners, we went through the process, and we understood that by then participating they should get some of this money because they are members of the County and to get their constituents to vote in favor of it, which is the majority of the County, we needed a carrot in front of the horse. So we came up with formula, so I would say yeah, we need to do the same as we've done with the library, communication board and we have some of these municipalities that are really having a tough time. This amount although it's not a huge dollar amount will make a difference to them, so.
Chairman Martin – Mr. Jankovsky has been generous in the past and given those each one of those municipalities above and beyond what the sales tax.
Commissioner Samson – We've had the money in our discretionary funds and we have distributed it.
Chairman Martin – Mr. Jankovsky's motion is 50%.
Commissioner Samson – Second.
Ed – Lisa has the numbers.
Lisa – So do you want to split the same between 2011 and 2012?
Chairman Martin –That is what we'd done in the past for the others.
Lisa – That's approximately then for 2011 would be $91,500 and the same for 2012 split and that totals Glenwood and…
Commissioner Jankovsky – 50% of the...
Chairman Martin – And all agreed.
In favor: Jankovsky – Aye Martin – Aye Samson – Aye
Carolyn – And this would be the same paper trail, a grant from the general fund.
Yes.

COPS PAYMENT
Ed – In past meetings, the $6.9 million dollar payoff of COPS, I would recommend that we defer that for a year.
Chairman Martin – We have that option to do that without a loss and Mr. Matlosz was very strict one with that and acceptable with that as well.
Ed – Yes, he had no problem with it.
Chairman Martin – In fact, he prefers that because he would have more interest for that year. That option was open to us and we had two years to make a decision so I agree we should defer that one more year.
Commissioner Jankovsky – I agree.
Carolyn – Commissioners you actually never made a motion you just directed staff to come back with information and it wasn't agended today.
Commissioner Samson – We'll just direct you to call him and tell him of our decision.
Chairman Martin – We are doing budget and that is one of the budget items we would have to discussion on the budget kick-off and whether we're going to do that or not. That would be a $6.9 million dollar payoff.

Pitkin Lot Expansion
Ed said he didn't understand the letter from the City of Glenwood.
Chairman Martin – What it amounts to is to go ahead and do away…
Ed – For 50/50 with them.
Chairman Martin – The one directly across the street and we will go ahead and void that agreement and then we have total control of that, they're not going to enforce any parking on there and we will do the expansion and then we can go ahead and use that for whatever we need without an IGA agreement.
Carolyn – I never found an IGA on parking.
Chairman Martin – This is the letter they referred to.
Carolyn – Are they undoing the earlier the IGA?
Chairman Martin – Based upon mutual agreement, 30-day notice, the agreement goes away, and we are asking it to go away.
Carolyn – Shall we put this on next week's agenda because it's going to require action.
Chairman Martin – That goes along with our building permit and out demolition of those structures.
Ed – That gives us the green light to go ahead.

Adjourn

PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, JUNE 20, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 20, 2011 with Chairman John Martin and Commissioners Mike Samson and Tresi Houpt were present. Also present were Assistant County Manager Dale Hancock, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION
REGULAR WORK SESSION:

6. **CLERK'S UPDATE: JEAN ALBERICO**

A. **PUBLIC HEARING: DISCUSSION/DECISION REGARDING BOUNDARIES OF CURRENT COMMISSIONER DISTRICTS BASED ON 2010 CENSUS.**

The map of the three Commissioner Districts was submitted. Jean sated it was on the website.
District 1 – 18,214 – 32.30% - Jankovsky
District 2 –19,345 – 34.31% - Martin
District 3 – 18,830 – 33.39% - Samson
Jean said the BOCC is tasked if there are any changes necessary and she handed out the same packet as she did on May 2.
Chairman Martin – This is in reference to the Districts for the Commissioners.
Jean – Whether they need to be changed because of the new census numbers.

Commissioner Jankovsky – Jean, right now we are within the percentages we need to be in.
Jean – Well that's the interesting thing Tom, it just says as equal as possible.
Commissioner Jankovsky – The only thing would be to add 600 voters to Precinct I that would be almost dead center on everyone.
Jean – The map I gave you that would add the voters to Commissioner District 1 would actually split Precinct 8.
Commissioner Jankovsky – I would just leave it to way that it is.
Jean - The top page on here, there's not a required notice for this but the Board did request it be noticed. Jean provided the notice to the Board from the Citizens Telegram, the Post Independent and Sopris Sun and stated that she has not received any public comments in writing or phone calls. I did sent this information to both the Democrat and Republican Chairs and Jack Real is here in the audience for the Democrats.
Carolyn – Mr. Chairman, this is actually a public hearing so if there are members of the public who…
Chairman Martin – We need to open the public hearing. We have had the notice identified.
Carolyn – More than adequate notice; we over noticed.
Chairman Martin swore in the speakers. We'll take public comment.
Jack Real – I think the changes as far as I can tell would be minimal.
Commissioner Jankovsky – I would like to say that we should just leave it like the way it is, we're really close right now, to make everything even we'd have to take 2– 600 registered voters out of two and add them to one and the only way to do that is to a precinct. I prefer not to split precincts.
Commissioner Samson – I agree with that, I think people who are in precincts would like to be in one Commissioner District. It's not 18, 830 in District 3; 9,345 in District 2 and 8,214 in District 1 so we're talking 32, 33, or 34%. I don't think anybody's going to be too upset about that. I do have a question about Precincts and what does the law state Jean about Precincts because we have a quite a disparity …
Jean – You're looking a Census numbers, not registered voters.
Commissioner Samson – Do we have anything on that.
Jean – Not presently, I will be bringing that forward to you later in the year. There are probably 3 Precincts that will need to be divided. I don't see the need to create any new Precincts because I think we can easily more some lines to even up the numbers. In Carbondale, Precinct 2 is much larger than 1 and 3 and I think we can move the line and take in some of 3 into; in New Castle Precinct 15 if huge and then Precinct 14 downtown if very small and we could move some lines there. I'd also like to discuss moving a line in the Aspen Glen area because the part of Aspen Glen that's on the west side of the Roaring Fork River is in Precinct 5 which votes in Glenwood and everyone else votes in Carbondale and that creates some issues. I would like to move that line to include all of Aspen Glen to vote in Carbondale.
Chairman Martin – That would be your recommendation on the new map.
Jean – We need to see where the House and Senate Districts are going to fall before we state move Precinct lines because I don't want the Board to go to all the trouble to approve that and then find out that one of their lines is coming down through a Precinct. It's going to be a last minute thing, in September I will provide you with my recommendation on moving Precincts. Then in Rifle, 22 and 23 need to have the line moved because 23 is big.
Commissioner Samson – My next question for the Commissioner Districts, if we say they stay the same here is that basically that it would stay like for 10-years unless there is some big need to change it?
Jean – According to the statute, the BOCC could adjust those lines not more often than every 2-years; you're required to do it after the Census. So if something changes and in 6-years, you see the need to move the lines, that's certainly is something that's allowed by statute.
Motion
Commissioner Samson moved to close the public hearing; Commissioner Jankovsky seconded. Motion carried. Commissioner Samson – I would move that we continue to have the boundary lines for the Commissioner Districts based on population as we see it here of the 2010 Census to remain the same at this time for Districts 1, 2 and 3.
Commissioner Jankovsky – I'll second that. In favor: Jankovsky – aye Martin – aye Samson - aye

6TH SUPPLEMENT TO THE 2011 ADOPTED BUDGET – CATHLEEN VAN ROEKEL

Cathleen Van Rockel, finance department.
Chairman Martin asked Cathleen if she was in charge of notification for this year.
Cathleen – Yes and I accomplished that through the Citizen Telegram.
Carolyn – No questions.
Chairman Martin – Notice is adequate, those who wish to testify were sworn in.
Cathleen submitted Exhibit H in your notebook, the supplement to the 2011 budget and we're requesting increases to the 2011 budget.
Commissioner Samson – All the unemployment compensation that cannot be budgeted in advance, would you explain why.
Cathleen – Basically, we receive a quarterly report for unemployment benefits; we have not in the past budgeted for those because we do not know which department, sub-department etc will be charged. We wait until we get the real data and then we put it in the supplement.
Commissioner Jankovsky – Cathleen do you find like most businesses in Colorado the unemployment change has gone up drastically.
Cathleen – Ours has remained steady and we don't pay a premium up front. Many businesses have to pay unemployment up front, but we do it on a case-by-case basis.
Commissioner Jankovsky – This year compared to last year.
Cathleen – Not as far as charges but as far as activity – way more activity.
Commissioner Jankovsky – I was wondering because some businesses have doubled in their unemployment insurance in the last year.
Motion
Commissioner Samson so moved to close the public hearing. Commissioner Jankovsky – second. Motion carried.
Commissioner Jankovsky – I'll made a motion that we accept the sixth supplement of the 2011 adopted budget as presented.
Commissioner Samson - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

7. **CONSENT AGENDA:**

a. Approve Bills
b. Authorize the Chair to sign a resolution of approval for the Stephens Subdivision Preliminary Plan. Applicant is James and Jean Stephens Revocable Living Trust – Kathy Eastley
c. Authorize the Chair to sign a resolution of approval for a Major Impact Review related to expansion of the Elk Creek Campground. Applicant is Elk Creek Investments, LLC. – Kathy Eastley
d. Authorize the Chair to sign the Plat for the Reid Exemption located east of the City of Rifle at CR 233 and CR 291. Applicant is the Reid Trust – Kathy Eastley
e. Authorize the Chair to sign a plat amendment for the Cedar Spring Ranch Exemption located south of the City of Rifle on the west side of CR 319. Applicants are Randy and Lori Kirkpatrick – Kathy Eastley
f. Authorize the Chair to sign an Amended Final Plat for Rifle Village South, Parcel B and Lots 29, 30, and 31. Applicants are Taani Rust, Steven and Gloria Strouse – Kathy Eastley

g. Authorize Chair to sign the mylar for the Amended Final Plat of Lot D-33, Aspen Glen Filing No. 1. This Application was approved by the Director of Building and Planning through an Administrative Review. Applicant is Kurt Kornreich. – Glenn Hartmann

Commissioner Samson made a motion to approve the consent agenda items a – g except c and authorize the chair to sign.
Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson – aye

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Tim Thulson and Ken Sack – I want to introduce myself so that you identify the face. I own Eagle Springs Organic, which is a 1200-acre farm in Silt, and I also own the Columbine Shopping Center. I'm building a house on the farm so I'd be moving into Garfield County. We presently have an application for one-megawatt solar project that we just have the completed application and I just wanted to say that we've started building the project. My employees indicated that they were advised we could start building the project…

Carolyn – Commissioners, this gentlemen has told you that he has an active application in front of you which I assume you are going to be…

Chairman Martin – It's a completed application.

Ken – Yes. It's with Building and Planning as a major impact review.

Carolyn – So it will be in front of the Commissioners so it is inappropriate for you to be taking testimony.

Ken – Just to say hello and let you know that we do have a stop work order at the present time, so any help I could get I would appreciate to move the project along. David Gitlets and I are looking at doing other projects in the County and any assistance I would appreciate to get this project going. I want to bring solar to the County; we have organic and the last point to make is there's been a lot of talk around the county that Eagle Springs is a big marijuana farm; there is absolutely no marijuana there, I was leasing a small component to someone, however I terminated his lease and as of last month he's gone. I don't need to be involved in the thing with marijuana until the things with marijuana until the federal thing is all clear. We want to stay as an organic farm. There was a lot of rumor around Rifle until I met with them.

Chairman Martin – We will look into this and go from there.

COUNTY ATTORNEY UPDATE: CAROLYN M. DAHLGREN

Carolyn asked if the Board wanted to deal with the Elk Creek Campground Resolution.

Chairman Martin – Well actually, it's going back to staff for clarification and there's concerns on one of the recommendation of approval. They are working that particular issue out on the testimony.

CONSIDERATION/APPROVAL OF AMENDMENT TO MAY 11, 2011 ENGAGEMENT OF SERVICES LETTER – ANDREW GORGEY

Carolyn submitted the letter of engagement referencing a start date of June 27, 2011. Drew needed to start sooner than July 1, 2011 to close on his house June 27 and Chairman Martin signed the papers.

Commissioner Jankovsky made a motion to approve the signature on the County Attorney's contract. Commissioner Samson - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

RATIFICATION OF INCLUSION OF FOREST SERVICE ROAD #4- N197.1 IN TRAVEL MANAGEMENT PLAN APPEAL

Carolyn – The BOCC authorized the direction of the County Attorney's office to file an appeal regarding certain specific roads and certain specific grazing allotments with the US Forest Services. Between that last meeting and the time we had to file it on Monday, the Chairman yet identified another Forest Service Road #4-N197.1 that was mis-categorized in the TMP so we are asking for ratification. If you don't want to include another road then we will have to go back and appeal our PO letter.

Commissioner Jankovsky – Where is this road.

Chairman Martin - Sweetwater Road.

Carolyn – It connects two of our County Road that's one of the important things about it and it's the entrance to the Forest Service campgrounds. We're not arguing title, we can't in this administrative process but we're pointing out the Forest Service, wait a minute guys, you're getting ride of access to your own campground as well as access to some private property.

Motion

Commissioner Samson- I would move that we would ratify the inclusion of Forest Service Road #4-N197.1 in the Travel Management Plan. Commissioner Samson - Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION/APPROVAL OF RESOLUTION APPOINTING INITIAL MEMBERS TO FEDERAL MINERAL LEASING DISTRICT BOARD

Carolyn last week you created your Federal Mineral Lease District and you asked that the County Attorney's office separate the creation of the District from the naming of the district board members. So this is a mock up of a Resolution that allows you to go and appoint one of your own and two other persons. You had decided last week that you didn't want to pin yourself down to a particular group of possible appointees. So today the day for letting the world know whom you are going to allow to run this district.

Chairman Martin – I think Commissioner Samson ought to do that.

Commissioner Jankovsky – I think Commissioner Martin should do that.

Commissioner Samson – I think Mr. Jankovsky should do that.

Carolyn – Who goes to the AGNC meetings?

Chairman Martin – Mr. Samson. That's why I suggested Mr. Samson, because he would have the interworking as well as he is sitting as Vice Chairman. At that point he has a very good idea of the workings on the AGNC as well as the federal mineral leasing district and the intentions and hopefully he will be a strong voice for reason and trying to take care of the area.

Motion

Commissioner Jankovsky – I'm totally fine with that. I'll make a motion to appoint Commissioner Samson to the Federal Mineral Leasing District Board.

Chairman Martin – We'll not appoint the other two just yet but we have not interviewed enough folks to get the full commitment of those yet but we do have Mr. Samson on board and I think we'll be the driving force there. I second the motion.

Commissioner Samson – I will serve as commanded – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

Chairman Martin – And we will set a date in reference to our other two members; we'll need to consider those and get them appointed as soon as possible.

Carolyn – Is there a time certain you'd like to continue this to or just re-agenda it.

Chairman Martin – Sometime in July – I think we need to go out and make contacts, reach out to the business world as well as other folks.

Commissioner Samson – This sets up our own County. Now when is the deadline if we were to try and form a larger Federal Mineral Leasing District with AGNC members.

Carolyn – There is no deadline because that's done under your IGA powers. The deadline is 90 days for a service plan for this individual district. The state statutes do not contemplate the creation of another district or even a "super district" or even cooperation

among the AGNC counties. That's totally and IGA matter. I would like to have some time with Commissioner Samson so we can lay this out.
Commissioner Samson – The next AGNC meeting is scheduled for July 20 in Steamboat. Mr. Martin and I will be going to the National Conference on the 20th, let me see if I can get that changed and perhaps take you with me and perhaps we can talk to those people at that time. I'll coordinate that with you.
Carolyn – Right now, I'm only talking to other county attorneys and there needs to be another layer of conversation. If we get that changed to a different time then I could ask each of the other four Commissioners to bring someone from their legal staff and maybe could have a little powwow and iron it all out.
Chairman Martin – The DOLA, Tony Hernandez wants to meet with attorneys and Commissioners to work out all the details prior to that meeting is possible. We will need to get in touch with Tony from the DOLA setting up a small work session so that we can identify all obstacles if they're any even thought it does not contemplate a "super district" and it doesn't prohibit it by the language. So at that point he wants to know exactly what is going on and also talking to Reese Brown he didn't see any real stumbling block there, just to make sure that is was for the proper purpose and done in the proper way.
Carolyn – There are two ways it could happen, as you know, by IGA you could just cooperate and fund the regional projects or you could create a separate statutory entity, which I keep calling a "super district" which is a combination of all the districts. The AGNC folks, the administration staff need to have a voice.
Commissioner Samson – You just looking at everything right now, do you have a preference to that which would be easiest or you really don't care how we go.
Carolyn – No, that's totally what the Board decides.
Commissioner Samson – So we just need to get some feedback from the others and decide how to go with that. Can we direct that you take the lead and see if we can contact DOLA and set this meeting up and get this rolling?
Carolyn – Yes. Who is the AGNC Executive Director these days?
Commisisoner Samson – We don't have a director, she's the administrative assistant. Lisa Hatch is the chairman from Rangley City Council. I can give you the information and now just give you Jean Whits and she can help you out.
Chairman Martin - The only other answer is from the solicitors from the Department of Interior. I've had numerous requests for them to make sure they review this as government move so it doesn't melt the ice. We have not had an answer from then yet but I don't see any objections.

CONSIDERATION/APPROVAL OF RESOLUTION CONCERNING BOCC PARTICIPATION AS COORDINATING AGENCY WITH BLM REGARDING PEIS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE AND TAR SANDS RESOURCES ON PUBLIC LANDS

Carolyn submitted the letter from the Mitchell Leverette, Chief, Division of Solid Minerals with US–DOI regarding Section 369(d)(1) of the Energy Policy Act of 2005 that requires the Secretary of the Interior "to complete a Programmatic Environmental Impact Statement (PEIS) for a commercial leasing program for oil shale and tar sands resources on public lands, with an emphasis on the most geologically prospective lands in Colorado, Utah and Wyoming." In the Notice of Intent, the BLM will consider whether it is still appropriate for the land identified in 2008 to remain open for oil shale and tar sands leasing and development, in light of the nascent character of the technology for development of these resources. With oil shale development several years away, the new public planning process will allow the BLM to take a fresh look at what public lands are best suited for oil shale and tar sands development. The BLM will consider amending the applicable RMP's to specify whether any areas in Colorado, Utah, and Wyoming currently open for future leasing an development should remain open. BLM would like to invite you to partner with us in a cooperating agency relationship for this PEIC/Plan Amendment. The preparation of the PEIS is a multi-step process of approximately 21 months included the preparation of a DRAFT PIES, FINAL PEIS and a ROD.
Contract information is provided in the letter as well as email addresses – http://www.blm.gov/planning/cadg/.; Sherri_Thompson@blm.gov. and http://blm.gov/st5c.

Discussion

Carolyn – This last item is legal advice to the Commissioners involving the State Constitution, State Statutes and the NEPA and Federal regulations.
Commissioner Jankovsky – We would be a cooperating agent not a coordinating agency.
Carolyn – You had asked me to create a Resolution but my research tells me that I can't do it, so that's what I wanted to take to you about.
Chairman Martin – We still need to move into a cooperating agency.
Carolyn – The letter is here and whom on your staff do you want someone from Building and Planning or are you going to take the lead to have a Commissioner on that because then they can have that direction contact.
Commissioner Jankovsky - I'd be happy to sit with BLM.

Motion

Chairman Martin – I would nominate Mr. Jankovsky. Commissioner Samson – I would second that.
Carolyn – Our experience in the past is that you've needed staff support because it gets intense so you might want to think about who.
Chairman Martin – If there is a request for that Tom will bring it back to the Board and ask for that direction.
In favor: Jankovsky – aye Martin – aye Samson – aye

Collins Litigation

Carolyn – I believe you wanted an update on the Collins litigation later today.
Commissioner Jankovsky – Yes.

8. **COUNTY MANAGER UPDATE: ED GREEN**

BOARD OF HUMAN SERVICES: EBT/EFT DISBURSEMENT

Mary Baydarian, Director and Diane Watkins who is the contract person submitted the following disbursements for the month of May 2011 total $974,083.94. Mary stated there was a slight reduction in food assistance and other self-sufficiency benefits total $684,188.37 a slight reduction not as much as we would have liked to have seen, it's the low income energy association.

Motion

Commissioner Jankovsky – I make a motion that we approve and have the Chair's signature for the EBT/EFT disbursements for May of $947,083.94. Commissioner Samson - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND APPROVAL OF THE SFY12 SINGLE ENTRY POINT CONTRACT WITH THE COLORADO

Mary stated that the original contract and amendment are included in the Board's packet. With the modifications, extending the contract through 6/30/2012 is a not to exceed total of $16,481.35 and approval of the CDHS Contract Amendment is requested. A couple of minor changes, we did a slight increase, the total value is not to exceed %16,481.75 and minor revisions to Exhibit A in the statement of work, primarily they spelled out the counties that we serve and more detail.
Carolyn stated to John that they wanted this to be done quickly and now they want it mailed overnight.

Motion

Chairman Martin – Do we have any questions or a motion to approve?
Commissioner Samson so moved for approval. Commissioner Samson - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND APPROVAL OF THE MEMORANDUM OF UNDERSTANDING FOR THE COLORADO WORKS AND THE CHILD CARE ASSISTANCE PROGRAMS WITH THE COLORADO DEPARTMENT OF HUMAN SERVICES

Mary requested approval of the CDHE Extension Agreement of the Memoranda of Understanding. An extension agreement for the previous fiscal year. This was included in the Board's packet.

Motion

Chairman Martin – Do we have a motion to approve or a question?
Commissioner Samson so moved for approval. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND SIGNATURE APPROVAL OF PURCHASE OF SERVICES AGREEMENT WITH VALLEY VIEW HOSPITAL MEALS PREPARATION AND TRANSPORTATION

Mary requested consideration and approval of the Purchase of Services Agreement with Valley View Hospital for the preparation of the congregate meals to seniors at CMC, Sunnyside, and Carbondale Senior Housing Sites. The purchase of services agreement is effective July 1, 2011 through June 30, 2012 not to exceed amount of $35,000. Increase on western part of the County. The bi-meal rate has increased.

Motion

Commissioner Samson made a motion to approve for signature the purchase of services agreement with Valley View Hospital Association meal preparation, transportation for a not to exceed amount of $35,000. Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

ASSOCIATION MEAL PREPARATION AND TRANSPORTATION WITH THE CITY OF RIFLE, SENIOR CENTER CONGREGATE MEAL/NUTRITION PROGRAM

The Department is requesting consideration and approval of the SFY 12 IGA of the congregate meals to seniors at Rifle Senior Center, Parachute Senior Center, Silt Fire Department and New Castle Senior Housing in the amount not to exceed amount of $75,000.
Commissioner Samson – I think we need to point out that Valley View covers Glenwood and Carbondale whereas the City of Rifle covers Rile, Parachute, Silt, New Castle and Battlement Mesa.

Motion

Commissioner Samson I would move that we approve for signature the IGA with the City of Rifle Senior Center congregate meal/nutrition program for an amount not to exceed $75,000.
Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND SIGNATURE APPROVAL ON LEASE AGREEMENT COMMUNITY HEALTH INITIATIVES

Mary requested consideration and approval on the lease agreement with Community Health Initiatives, effective July 1, 2011 through June 30, 2012 in a not to exceed amount of $1.00 for office space at the Henry Building. The lease was included in the Board's packet. This is the agency that operates out of the Henry Building. They provide substance abuse, assessment and treatment for clients and our two largest programs child welfare and self-sufficiency.

Motion

Commissioner Jankovsky made a motion that we approve a lease agreement with Community Health Initiatives effective July 1, 2011 through June 30, 2012 for office space at the Henry Building. Commissioner Samson - Second. In favor: Jankovsky – aye Martin – aye Samson – aye

CONSIDERATION AND SIGNATURE APPROVAL ON LICENSE TO USE A MATTER OF BALANCE/LAY LEADER MODEL FOR SENIOR SERVICES PROGRAM

Mary requested approval of the license (in the heading), included in the Board's packet. This is the intellectually property of Geriatric Research Network for the Senior Programs.
Carolyn – Commissioners, this will go under your asset list under GASBA because you have intellectually property rights now in this program.

Motion

Commissioner Samson – I would move that we approve for signature license to use a matter of balance/lay leader model for senior services program. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND SIGNATURE APPROVAL OF CONTRACT WITH STATE OF COLORADO FOR THE USE AND BENEFIT OF THE DEPARTMENT OF HUMAN SERVICES COLORADO WORKS DIVISION; PREP GRANT

Mary requested approval of the contract, which has been awarded for a not to exceed amount of $135,000 through FFY12 $108,000 and FY13: $27,000. This is a federal grant applied to and awarded Garfield County. They have extended the grant through 2013 of course we can only approve on an annual basis so we're asking for approval and signature for the amount of $108,000 for the state fiscal year 2012 and then we'll come back and request next year approval for the balance.
Carolyn – The actual contract with the state includes the whole thing so it is $135,000. The State contracts have their language that says they can take away money next year as well give you what they are sort of promising.

Motion

Commissioner Samson made a motion to approve for consideration the signature of the contract with the State of Colorado for use and benefit of the Department of Human Services, Colorado Work Division, PREP grant for an amount not to exceed $135,000.
Commissioner Jankovsky - Second.
Dale – That program is add value as far as economic development initiatives that we've been pursuing and Mary has been good about showing me information as far as people that have gone through that program and how they've gotten successful transition of public benefits into the work force. It is very noteworthy.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION OF DRAFT OF PURCHASE OF SERVICES AGREEMENT WITH THE FAMILY VISITOR PROGRAM; PREP GRANT

This item goes with the one you just approved and we're asking for your consideration of the draft of purchase of services agreement for the Family Visitor Program to implement that PREP Grant, the County Attorney's office, the Procurement and DHS were wanting to make sure all the t's were dotted and the I's dotted, you have the draft of purchase of service agreement in your packet because this is federal money we just want to make sure that we have it exactly as they want it.

Motion

Carolyn – Commissioners, Jim and I did get a chance to communicate by email and a short/brief conference. It seems that the Feds will recognize Family Visitor as a subcontractor or not, a sub-grantee so that reliefs of us certain reporting requirements but we're still looking for the Chair's signature on this in draft form and if anything radically changes we'd bring it back to you. Otherwise, it will be our form of contract purchase agreement.
Chairman Martin – The only correction I had was there were two-page number 11's and no page 12.

Commissioner Samson – so moved. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION OF PURCHASE OF CORE SERVICES AGREEMENT WITH TURNING POINT CENTER FOR YOUTH AND FAMILY DEVELOPMENT, INC.

Mary requested approval of the Purchase of Core Services Agreement with Turning Point Center for Youth and Family Development, Inc. You may recall this as the agency that provides our adolescent day treatment services in Garfield County along with Yampa who provides similar services through the school district. This in an amount not to exceed $75,000.

Motion

Commissioner Jankovsky – I would make a motion that we approve and have the Chair sign a consideration of purchase of core services agreement with Turning Point Center for Youth and Family Development not to exceed $75,000. Commissioner Samson - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND SIGNATURE APPROVAL OF INTERGOVERNMENTAL RENEWAL LETTER WITH EAGLE COUNTY FOR ECDHS PROVISION OF FORENSIC INTERVIEWING SERVICES

Mary requested approval on the IGA Renewal Letter with Eagle County for the Eagle County DHS provision of Forensic Interviewing Services. What they do is they contract and send a person up here to interview children who have been alleged to sexually and occasionally physically assaulted at the Child Help/River Bridge. We're requesting your signature approval and our IGA renewal letter with Eagle County for these services.

Motion

Commissioner Samson so moved. Commissioner Jankovsky – Second. We did that in 6-month increments just as a trail program and it's working all right.

Mary said yes, it's working fine but the numbers are fluctuating and we have a very low numbers of folks referred but we want to keep an eye on this and with some changes at the center and Eagle County.

In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND APPROVAL OF SIGNATURE AUTHORITY TO MARY BAYDARIAN FOR QUARTERLY REPORTS AND REIMBURSEMENTS FOR CSBG 17 GRANT

Mary requested the Board consider and approve of signature authority to Mary Baydarian's for quarterly reports and reimbursements community services block grant on the RFTA CSBG 17 Grant. This allows me to sign the reports that Judy submits rather than bringing them to the Board once a quarter, which brings up the reimbursements.

Motion

Commissioner Samson so moved. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION AND APPROVAL OF CHANGES TO THE CHILD CARE QUALITY AND LICENSING PROGRAM

Mary requested the Board's consider and approval of the changes to the Child Care Quality and Licensing Program. This program is funded out of the TANF reserves this year most all counties had experienced severe reductions in their TANF reserves due to a couple of things. The State right before the economic downturn came in and took back a large number of reserves from the counties for the strategic use funds, which allowed non-profits to apply for the money to service local communities. That happened and shortly after that, there was a TANF audit and there were federal exception in just about every county. We were one of the counties that needed to give money back. Then the economic downturn hit and we no longer had money going into reserves. Last year we had to hit those reserves for our clients. All of that being said, this program is fully funded out of that reserve fund and we zeroed that money out in March. We've been continuing to pay for this program out of our TANF participation rates instead of monies. We have sufficient monies to go to the end of the year. We've had a chance to review the various scenarios we're looking at; I'm more encouraged that I was a couple of months ago. The state is estimated to continue to do the licensing portion to fund that position over $16,000 and this year projection I just went through the projections for last week on our expenditures in the TANF allocation and rather than hitting the reserves this year it looks like we'll have some money going in there, maybe $2,000 so that case load has leveled off and if that continues we will have more money available to us. The four scenarios that first page, the funding balance as of December 31 of this year is what our department would have left in those work disbursement rates. That is what we have to put towards that program. Estimated expenditures for 2012 with the different scenarios the Board can see, keeping the program essentially the same as it is, we would be looking at county cost, which would come out of the Human Services Fund Balance of $176,400 if we kept it as is. **Scenario number 2)** that would be a county cost of $142,800, that manger plus the part-time point 75 FTC with operating cost. This should be switched, it should be $150,000 and $142,000 and then the manager plus one part-time would be $117,000. Given the projections of fund balances and the slight increase in Human Services, we're going to make all of our allocations and not going to need to mitigate at the end of the year and we may have some money available to go into fund balance at the end of the year. It's not as dire as a month ago.

Chairman Martin - Keep as many working without losing the programs is what we're after I think.

Mary – Thank you.

Chairman Martin – This is a valuable resource to us and we have some very dedicated people who work with us very hard and lots of folks depend upon them.

Mary- It's a very important program and I'll continue to work with the early childhood network who provides the service here in Garfield as well as to supplement our services.

Commissioner Jankovsky – On the Scenario number two you have an employee that is leaving 7/1 so that position is open.

Mary – That position is not open.

Commissioner Jankovsky – You're not going to fill that position.

Mary – No. That person has already, of the program, that position fit the perimeters, it was a legitimate position within the childcare quality expansion activities but didn't meet the main requirements that we couldn't just do without so I had a conserversation and a number of conservations with that unit and determined that position we could no longer support. That person has agreed to move her program into a private program but those conservations did take place and her position will be ending effective July 1, 2011.

Commissioner Jankovsky – I think that's the direction we should move, so much of what we do in Human Services is trying pick up the pieces after things have fallen apart but in early childhood education we're doing preventative work and there are studies that show that children who have gone though early childhood education, etc do much better in school and after they graduate. The percentages are staggering in the number of people that stay out of the prison systems and even the US military has shown how important that is because they want people who have an education and do not have criminal records so when they get out of school, they can join the military. They have put a high standard on early childhood education. It's very important that we continue this happy. I'm echoing what

Motion

Chairman Martin said, that is my motion to go with number 2 as above. Commissioner Samson - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

Carolyn asked for clarification are we talking about what happening from July to December or are we talking about state fiscal year from July to sometime else in 2012.

Mary – I would like the Boards' direction, we do have a sufficient amount of work, participation rates to get us through this year, that funding source and that is without changes. That would give time for some succession planning and transitioning in the retching down from that 20/25.
Carolyn – So today the Commissioners approved what's happening the rest of the year and how you're going about budgeting.
Commissioner Jankovsky – Direction for budget, yes.
Chairman Martin – Based on the limitations and if it increases, perhaps we should revisit that issue.

CONSIDERATION AND APPROVAL OF AGREEMENT TO PURCHASE OUT-OF-HOME PLACEMENT SERVICES SS23A FORMS WITH THE STATE DEPARTMENT FOR THE FOLLOWING:

- **ARIEL CLINICAL SERVICES**
- **EXCELSIOR YOUTH CENTERS**
- **GATEWAY YOUTH SERVICES**
- **HAND-UP HOMES**
- **MOUNT SAINT VINCENT'S HOME**
- **RAINBOW MOUNTAIN GROUP HOME**
- **SOUTHERN PEAKS**
- **SYNTHESIS/COMMONWORKS**
- **TURNING POINT**

Mary requested approval to the Purchase of Services agreements as above. These are with the State Department and Diane has included the placements we typical use.
Commissioner Jankovsky – I just didn't see in here a price per hour but no…
Mary explained that it varies on the case and whether we have children in placement and how long so there's not a specified amount.
Commissioner Jankovsky – It's open ended.
Diane - SS23A is just the general contract with the provider and then we have an SS23B fee, which is a child specific contract, and we do and most are under $50,000. At present we are doing those in 6-month increments if one where it's more, we would come back to the Board for approval of over the $50,000.
Chairman Martin – These are services more intense and some things they are out of state because they're the only place in the nation that will accept these kinds of situation, we pay a premium on that as well.
Carolyn – In this case, it's a particular scope of work for a particular kid.

Motion

Chairman Martin – We need a motion to approve that.
Commissioner Samson so moved. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

PROGRAM UPDATES

These were included in the Board's packet of information.
Chairman Martin – There's a lot happening and this was a great report. Judy did a nice job on her report too.

HUMAN SERVICES COMMISSION:

Hospice of the Valley

Markey Butler Director and a registered nurse gave information about their program. Hospice and Home Care of the Valley started as a Hospice when the Roaring Fork Hospice was closed back in June of 2008. At that time, I served on that board and unfortunately, we did not have any hospice at all in this valley. With the help of Valley View Hospital, Aspen Valley Hospital and Aspen Medical Foundation we launched a Hospice and it was funded with about $350,000 to offer end of life services as a non-profit organization throughout the valley. In 2009, we were asked by Vail Valley Medical Center to expand our services over to Eagle County in that hospital was closing its hospice program. One might say why would they close their program in hospice. Well, there's no money to be made in Hospice if you do it correctly. They also had a human health agency they were also going to close and the primary reason for that again is loss of money. Their program was not only the orthopedic surgeries and people recovering but also many children on the Medicaid program. Many of them are indigent children. Our Board of Directors decided at that time that we needed to go ahead and work with Vail Valley Medical Center and to that end ,we because a home health agency. In 2009, we really did expand our services, we picked up the Eagle County service area, we have an office in Edwards but far more important I will come back and talk about the Garfield County and Pitkin County area. Each year we handle about 150 to 200 people who are terminally ill; we have contacts with all the hospitals, all the nursing homes, assisted living and if you will, even in hospice one can take care of a person who lives in a camper or under a bridge. Hospice is a philosophy; it's about end of life. This year our program has seen approximately 6 – 10 % of our clients with no insurance. What we find in this valley when people are laid off from their jobs, COBRA always becomes an option for them but many of the end of life think what can I afford so they chose not to go forward with COBRA and as a result of that we see a great deal of indigent care. In Garfield County this year we'll probably see about $120,000 dollars worth of indigent care in the hospice program, so grants such as that received from this County and other counties becomes extremely important in order that we can continue to care for people. We also learned over the last 6-months that no one in this valley is doing pediatric care. This particular organization with the support and approval of our board has entered into pediatric care, home health and hospice services. Whereas we do not think that children die, and it's not uncommon that we have 2-3 children on our hospice at any point. That is extremely difficult for our staff and for our community. We recently began to work with Mtn Development Services and now are picking up their various homes and there are 8 group homes throughout Garfield County and we're providing them home health and to the extent necessary, hospice services in a collaborative arrangement with our Mtn Development services. Over the last month, Medicaid waiver programs have now become part of our program and now we're seeing children, about 150 kids in this valley that are medically complex technology dependent children. The mission of home care and hospice of the valley is to maintain people in their homes or within our community versus having to move to Denver for care. Those are all challenging issues for us and I won't bore you with the financial issue of trying to run a non-profit when our goal is to take care of our community and then we worry about the dollars. We do that through grant funding a lot grants and donations from our community. Markey shared a story about outreach here in Garfield County of a patient who died of lung cancer. Through this ordeal, the Hospice of the Valley was able to secure a recliner for this person suffering so that his last several weeks on this earth were comfortable. Every dollar, everything you do for us non-profits really allows us to care about our Community and I really want to thank you from the bottom on my heart.

FRIENDS FOR LIFE

Diane Walter, the founder and director of Friends for Life. We help support, nurture and increase cancer families from Aspen to Rifle. Our youngest child came to us at 21 months old with cancer. Not everyone survives cancer unfortunately. When they do, we work alongside Markey Butler and we continue with the continuity of care to support these families. We take meals and occasionally we've been asked to help their patients too that needed extra meals, extra TLC and support. We started in 2007 under the umbrella of 24 hours of Aspen that allowed us to get our own non-profit status; we help over 100 families a year. Currently, I have four families where there's multiple people in the family have kids. Seven of our families have been children and I'm happy to say that two of them have become clear of cancer so they are not in need of our services. When the other hospice closed, we lost 19 people in 17 weeks. It

took a toll on our families too and our volunteers so we went to Carbondale Rotary and received a grant. Presently we have 57 patients and 23 are in Garfield County.
Chairman Martin – That's good and bad but I'm glad they are receiving these services.
Diane – Most of them survive, we do about 100 people a year and of that last year, we lost 32 people. That was the most we've lost.
Commissioner Jankovsky – Do you support all of Garfield County or just the Roaring Fork Valley?
Diane – Aspen to Rifle. We've been requested to go into Parachute but I don't have the volunteers and that kind of service. The majority of our people are working class, people like everyone else; they lost their job and have a couple of paychecks to survive. We also give gift cards for gas and groceries from the grant and we thank you very much.

BOARD OF HEALTH:

CDPHE AIR MONITORING CONTRACT

Mary Meisner submitted the CEDPHE contract amendment for Task Order #2 in the amount of $81,376.50 and this is up from last year's monitoring contract in 2010 that was $79,499.00 so that is an increase of $1,927.00 so that's good news for us this year.
Chairman Martin – We continue to monitor and we need a motion for approval.
Commissioner Jankovsky asked Jim for a quick update on this.
Jim – This is a renewal of the standard contract we get every year and it will cover the same program that we ran this year and will include the mp10 monitoring, the filter based pm10 in Rifle and Parachute and it will cover the pm10.5 real time monitoring in Rifle, it will continue to fund the ozone monitoring in Rifle as well as well as metrological in Parachute, Rifle and the visibility camera. So, it covers the same program we are doing this year. The BOCC fund separately the BOCC monitoring that we do.
Commissioner Jankovsky – I will make a motion that we accept the CDPHE environment air monitoring contract in amount $81,376.50. Commissioner Samson - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

ASPEN TO PARACHUTE DENTAL COALITION PRESENTATION

This coalition gave an update in the form of a power point presentation. (This is on file in the Clerk's office.)

Kelly Keeffe presented. The Mission is to create a comprehensive dental system including access, education, prevention and treatment for the indigent and underinsured population from Aspen to Parachute.

About the Alliance

Garfield County Public Health and Family Visitor start be a smart month program.

Dental task force convened in 2008 by Pitkin County.

A response to the need for improving access to dental care and oral health education, identified repeatedly in community health studies and agency reports over the last few decades.

Includes dental, public health and human services professionals, foundation representatives and other interested individuals from three counties and the State of Colorado.

Two primary programs:

Oral Health Education and Disease Presentation

Be a smart month
Cavity free at three
School dental program
Dental education and referral program
Senior smiles
Great teeth dental clinic – Photos shown

School Dental Program

800 children served in Garfield County during the 2010-11 school year!

This program also goes to Rifle Senior Center – June 23 and E. Dene Moore – June 24 with a Senior Mobile Dental unit.

Accomplishments:

- Betty Jane Schuss Charitable Trust funds Be A Smart Month, January 2008
- Family Visitor Program, Roaring Fork Family Resource Centers, Garfield, and Pitkin County Public Health provide oral health education and materials, screenings, and fluoride varnishes in this program, spring 2008 to present.
- 5 regional Dental Coalition meetings of 50 to 60 stakeholders (February to October 2009)
- Creation of Executive Committee to manage Coalition activities
- Grants received from Pitkin and Garfield Counties and CDPHE to fund Coalition activities, Fall 2009
- Dental Aid hired for clinic feasibility study, December 2009
- Garfield County Public Health continues to provide school-based dental program with funding from Caring for Colorado (via WCAHEC) – offering screenings, cleanings, sealants, fluoride varnishes and oral health education to children for free, along with referrals for further dental treatment. Now 800 children seen each year.
- Kelly Keeffe, RDH hired as a Regional Oral Health Consultant, Spring 2009
- Carolyn Hardin, MPH hired to obtain 501 ©(3), develop website, and secure funding for Great Teeth dental clinic, September 2010
- JVA Consulting hired to finalize business plan, October 2010
- Coalition discusses Great Teeth with Aspen Community Foundation, Aspen Valley Medical Foundation, Caring for Colorado, Colorado Health Foundation, Colorado Trust, El Pomar, Anschutz and Gates Foundation, Fall-Summer 2010-11
- Coalition secures funding from Pitkin and Garfield Counties and CDPHE for 2011 activities, December 2010
- Coalition changes name to Alliance, adopts By-Laws and Articles of Incorporation, and files for incorporation with State, February 2011
- Plans and budgets for clinic renovation and equipment developed in collaboration with equipment providers, Spring 2011
- Website developed by students from Youth Entity launched April 2011
- Pilot senior dental program developed in collaboration with a Senior Mobile Dental of CO Springs and local senior programs, Spring 2011
- Location for clinic chosen in Basalt and Aspen Valley Medical Foundation commits to substantial rent subsidy, May 2011

Opportunities/Challenges

Opportunities:

Collaboration with Mountain Family Health Center as they open new Rifle Clinic
Collaboration with large number of stakeholders facilitating success
Support of local and state funders for the project is high

Challenges:

- Collaboration takes time!
- Local funders want to see what front-range foundations are committing, while front-range funders want to see local commitment first

The Future

- Negotiations completed an lease signed with Aspen Valley Medication Foundation
- Funders respond to submitted applications generously -☺
- 501 ©(3) status obtained
- Clinic space renovated and equipped (4 to 7 months)
- Clinic staff hired
- Great Teeth opens late 2011/early 2012
- Oral Health Education Programs continue in the schools with the addition of Aspen School District, as well as in Senior Centers and human services agencies around the region
- Underinsured and low-income residents in the Aspen to parachute region have a dental home, and access to high-quality, affordable dental care

A website was given: www.mygreatteeth.org;

Commissioner Jankovsky was attended philophanphy days and they are looking for regional support for these types of things before they will give a grant. This truly falls into that, it is Garfield, Pitkin and foundations that are multiple. They are saying that makes them more attractive for them to participate. So good luck with that topic.

Kelly Keefe told a story about a 6-year old girl from RE-2 who was in pain and had significant decay in 14 out 22 teeth included three erupted permanent teeth, one cavity in a front tooth and 2 permanent molars. At the age 6 those teeth are teeth are just in. The hygienist wrote a note to the parents; Angela is in pain and infection that could be life threatened. She needs to get to a dentist as soon as possible. The Wamsley Health Aid, Tiffany Arnold, was significant in drawing the parents into the process of getting this girl to the dentist – they needed an interpreter who spent a lot of time impressing the parents for the urgency. I was able to access some funds from the Aspen Medial Foundation for an emergency exam. Through Catholic Charities the medical foundation and significant generosity of Dr. Matt Berg at All Kids Dental and still seeking funds to complete everything. This is one of our most dramatic stories.

In Basalt and Aspen, we do an annual children's dental fair for all 2nd graders. Every year Basalt buses their kids up to the dental fair. This year the Elks Foundation helped support it, we held it in the high school gym, and we saw 170 kids from Basalt.

Commissioner Jankovsky – It's so important when you talk about young kids, not just the pain etc it is very important for self esteem as they go through school.

Kelly – The same for adults looking for work. Our seniors have significant issues.

COLORADO SCHOOL OF PUBLIC HEALTH REQUEST FOR AMENDMENT IGA SCOPE OF WORK FOR THE BATTLEMENT MESA ENVIRONMENTAL AND HEALTH MONITORING STUDY DESIGN – JIM RADA AND DR. ROXANA WITTER

Jim introduced Dr. Roxana Whitter and Dr. Lisa McKenzie from Colroado School of Public Health. They will speak to you about some clarification and modifications needed to the scope of work for the Environmental Health monitoring study that the Board sanctioned for the Battlement Mesa area. Jim Rada submitted the amendment of IGA scope or work for the Battlement Mesa Environmental and Health monitoring Study (EHMS) Design saying the December 2010 the BOCC approved a one-year extension of the IGA with the school to develop the EHMS Design. The delay of the project was prompted primarily by the extended public process surrounding the BM HIA. In December, the CSPH had conducted and were compensated for a limited amount of work on the EHMS. The IGA extension was for an amount not to exceed $60,974.26.

In evaluating the original Scope of Work for this project after the IGA renewal, it became apparent that some modification and clarification the original scope of work was needed. Jim attached several attachments in the Board's packet and stated that Dr. Roxana Witter will join the BOCC to discuss this matter and answer questions.

Dr. Whitter – Lisa and I put this together and there is not a lot of changes to the scope of work except for one significant change that being that we had in the original scope of work a bullet for a pilot study of looking air emissions at the Watson Pad near Battlement Mesa and as it was outlined in the cover letter in your packet we had done quite a lot of work achieving that bullet point and a week or two away from doing that sampling. Then we received information from Antero that we weren't able to complete that sampling. We did try to find other operators and were unable to locate anyone to do the sampling. As a consequence, I removed that bullet point from the scope of work. The other minor changes were rewording some of the other bullets for clarification and to add some connection to the information gaps outlined in the HIA, which each one of these bullet points was going to address. I wanted to come here and make you award of the change in the scope of work and ask for approval of it.

Commissioner Jankovsky – Questions, first talk to you and the Chairman about the EPA grant that we applied for, how does this tie in with that. Second question is, Colorado School of Public Health, we've lost a lot of footing with the oil and gas industry, they're problematic in working with you not just Antero but all of them and in your last study every time I read something that's anti oil and gas there's a footnote that goes back to the Colorado School of Public Health and usually has your name attached to it. How are you going to work with the oil and gas companies? When I ran for office I really stated in the BM I won by 70% of the vote but I said we are going to work with the oil and gas companies yet be sensitive to the environment and community issues, therefore that is two-fold but it does mean compromise. I want to understand air quality in BM and I understand closed systems and green production so how is this going to help us with that and how are we going to get back the oil and gas industry's some level of understanding or support for what you're doing. How are you going to do this, how are you going to know when they're fracing if they're not working with you? How are you going to get on a well site when you can't send students or interns out there with ski masks on to try to get that type of stuff, so I have concerns about how to make this work and I'm almost to the point where perhaps we should go out and talk to other people that do air monitoring and that type of thing. I've given you about five questions. I'd like to hear back your response.

Dr. Whitter – First, this isn't the EPA study; the EPA study is being led by the Colorado Department of Health and that is separate from what this is here. Some of the work we have done for this was used in the EPA grant, particularly the quips and some of the design so that work has already successful (if we get the grant) turned that will addres some of the air quality issues. The rest of this scope of work is designing other studies that either we or the County could do in the future. In terms of working with the industry I don't know that there was anything that specifically the School of Public Health had crossed paths with the industry, I think there were certain circumstances that put the industry on the alert with the School of Public Health, most of which were out of our hands and I think we can work with them in the future, I don't anticipate that we will shut out entirely. I think there is a possibility for working with them in the future. This scope of work is for designing future studies some of which would require some of the industry cooperation and some of which would not, particularly some of the health monitoring studies are outside of the industry's preview.

Commissioner Jankovsky – You read the article in the Denver Post on Sunday which said you are biased and had a scientific group, you cannot be biased you need to…

Dr. Whitter – I don't believe that we are biased, nor do I believe that our report was biased. I do think that we did what we were asked to do which was to give the Public Health point of view. We're not here to talk about the HIA.

Commissioner Jankovsky- No, we're not; we're moving on.

Jim – I would just add to Dr. Whitter's comments that shortly after you approved the letter of support for the grant that CDPHE submitted, I actually met with representatives from Williams, Barrett and West Slope COGA to discuss not only the outcomes of the HIA but also the grant proposal itself. Following that meeting, I shared the final grant proposal with Williams at their request because in that meeting I indicated to them that we would absolutely need to be working in cooperation with the industry if we were going to

carry out this study successfully if we get the award. They agreed and COGA agreed so they are in the process of reviewing the application trying to get a handle on how the study is designed, what it's designed to do and find out and hopefully that has laid some groundwork for us to work cooperatively should the grant be awarded. It's a very similar study to what we did 2-3 years ago, the EPA grant we had then and we worked with Antero, Barrett, EnCana and Williams on that. Our hope is that we need to mend fences I hope that I can with doing that, if it's not a matter of mending fences just communication and cooperation I hope that I can bridge that as well.
Commissioner Jankovsky – It is communication. I'm concerned about the health, safety and welfare of BM, I just want to make sure as this moves forward that we are doing what it necessary for the health, safety and welfare of those folks in BM.
Jim – As Dr. Whitter suggested, the main part of this study design that would involve industry and environment would be the air sampling elements of it and or environmental sampling elements. I think that we can work very closely and make sure they get the opportunity to review and evaluate the study designs, biases should be built out because of those studies, as there are formal protocols that have to be followed in terms of quality assurance for the project. By having industry involved in the review is that they will be able to ask questions and help us develop a scientific.
Commissioner Jankovsky – So Jim, what do we get when we're done. What is it that we have?
Jim – You're getting a design for future studies that you can consider…
Commissioner Jankovsky – In terms that we are setting up the design and this possibly could be something once the EPA grant comes in and this would be used for that.
Dr. Whitter – The EPA grant or other grants in the future.
Chairman Martin – The last bullet is interesting, the intellectual knowledge that is going to be limited to the BOCC basically, but that is a two-edged sword, if you keep that then it's a secret. You expose it and then you go ahead and say this is what you have to do, because you have to buy in. It's a difficult situation to be in and that bullet gives me a great deal of concern.
Dr. Whitter – It's the same bullet that was there previously.
Chairman Martin – It is and it still gave me concern on that as well because it's actually a mechanism to force the BOCC to have no options because of those, if you're not revealing everything that you have, then at that point your withholding information even though there may not be anything there and we need to develop a strategy to move forward with other monitoring. But if you do perceive that you have to enforce this and hold up every step of what was recommended, understand my situation. It's a no win situation cost wise, politically wise, strategic wise, and study wise because if you say yes, we agreed with everything that means it opens up our check book too for more and more studies. Then we study it all to death. Studies can never end and we're back in the same scenario. Anyway, that's the potential. It is definitely the potential for this Board to consider.
Roxane – In the design for EPA grant, it was just a design that was used for another study.
Commissioner Jankovsky – Antero is going to come in with a plan to drill and they are going to drill and we want to make sure that we have all Best Management Practices there so there is as little, and I've stated, I think we can mitigate everything, we need to understand air quality but I think with the closed loop system and great production they are going to be better on that, so we need to know how to we keep the air pollution. That's what I want, best practices so we have the safety of BM, a healthy community, and as little air pollution as possible. Some of this you look at it and it's only in our control to some extend if the PUD. We have wells ½ mile away from BM that's under the control of the state and COGCC. When we move forward with the BM PUD I want to make sure that we can say this is the BMP and this is what we can do for the least amount of air pollution. I want to have those, it may be coming soon so I don't know, we have all these studies out there, I just need to say when this comes in front of us that we can say this is what's best of the community. So help me with that. That's my question, does this help me with that.
Jim – The work we are doing with the CHMS study design is basically designing a series of studies, not that we're committing you to conduct all the studies. I see this in my opinion you have an academic institution that's developing methods perhaps of identifying ways to fill in information gaps whether it's in BM or Garfield County or somewhere else in the world. Other institutions could grab the public information that we're producing and say this is a good idea or this is a design we could tweak and implement in our part of the world. You're not necessarily committed to conducting the studies but what you'd done is open the door to more intellectual collect work to do be done.
Chairman Martin – Only Jim and that's the limit we have is opening up to intellectual properties to allow it to go public so that you have the best information and make everybody else pay for that information or share it with the world, allow those organization that should have done it in the first place a shortcut in not doing it the correct way. They are responsible, EPA, Air Quality Control and the State of Colorado are all responsible However, Garfield County is taking all the responsibility getting it done and then holding that back, no, you're going to be so pressured to release that information that's it's going to go worldwide with that information based on policies and then it's open to the interpretation of whoever's reading it – that's the dilemma we have, which then leads again the series of studies that you did, mandatory so you can complete the recommendations etc so she can have the best possible, best approach possible. That's what Tom wants. It is a never-ending expenditure for the County to enter into. That's my dilemma. It isn't that the information isn't important but the people that are making the rules, regulations and enforcing those rules and regulations need to be the ones who step forward and say this is necessary to do it. Now, we urged them to do so with the HIA. We showed them there are gaps and we've opened that door so if you're truly interested in taking care of the health and safety of these people and you're in control of the agencies that do so, you better step forward and do it. Otherwise, then we have this potential and that's what it is right now, it's a potential and it's unsubstantiated in one way or the other. They need to come forward. My dilemma is do I need to urge them more or do I say, I've done enough. Is that clear enough? It's not just health, it goes way beyond the health approach, I'm not undermining the health issues, they may be there. They may need to be studied more, but does the Garfield County Commissioners fund that and go forward after we've exposed there's potential and those agencies need to step forward and do that for you, or it is just a project that you have going. That's the call we have to make.
Commissioner Samson – Well, I think you've said it has always had politics involved very much and no matter what we do we'll get land blasted, there will be several letters to the editor and news reports etc and we're going to get hammered no matter what we do. If we don't do it and if we do it and we don't release it etc someone out there is going to nail us. Our job in the end will have to be taking what we have and decide which way we're going to go with it. The thing that frustrates me again as I've said since day one of being on this Commission is the state rules and regulations and I feel like we're just very handicapped in some ways and we encourage as we've done in the past to have them step and do what they need to do and do it in a responsible manner. I guess we continue to do that as County Commissioners knowing that we want our people to be safe and healthy and we want the industry to go forward. There's got to be a balance there, we will do our best to find that balance and continue to go forward. That's where we're at, we'll never get out of that between a rock and a hard place.
Chairman Martin – The question we have in front of us is the revised scope of services, it is acceptable and is the price acceptable and do we go forward with the next phase on this particular issue. That is what we need to answer.
Commissioner Jankovsky – What is the amount of this?
Commissioner Samson – On the last page.
Commissioner Jankovsky - $67,900.
Jim – This has already been committed.
Commissioner Jankovsky – This was originally approved before I was a Commissioner in December 2010.
Jim – The extension was of 2010 for $60,974.

Carolyn – The bottom line is still the same, Tom.
Jim – They have already expended some of those funds last year.
Roxane – And some of those funds have been expended this year although we haven't billed them yet because we're been working on the contract extension.
Chairman Martin – Maybe even one of those scope of service is bridging that information gap and restoring confidence both for the citizens, the health study as well as the industry and the political world as well, making sure that it's done for the right purpose, which is to identify areas we need to have improvement and the agencies that are in charge of those improvements need to step forward and do it. Reading this again, everything that you doing has another agency that's already doing this, one way or the other. What you'd doing is bringing it all together and then pointing that to say that you have to do it to these industries because of the potential that you may find. The State of Colorado is a big factor; the federal government is the one to make the changes necessary because I don't think not overall authority to put into place that may be needed to change. We don't control those agencies and the enforcement thereof. That's the dilemma that we have and we may be able to identify them, but after we identify them what's going to happen, it is going to sit on the shelf, probably for some time.
Commissioner Jankovsky – If we don't get the EPA grant is this kind of for not, does this give us any…
Roxane – There are other grants that can be applied for using study designs, certainly, there are grants, National Institute of Health and Scientist, there are other EPA grants, and there are other agencies that with a design, we can apply to do the work or Garfield County could apply to do the work. These are for the most part some of them are studies to identify some of the gaps which is such as the level of contaminates in the air at certain distances, some what are some of the chemicals that have not yet been measured, some of the questions is how do we model dispersion and then in terms of the health studies what kind of changes in health and hospital outcomes are there, what kind of changes in community, there are all questions that these designs could answer, not necessarily being done by Garfield County but there are agencies is these designs are put in place that we, Garfield County or other counties could apply to answer some of those questions and I do think that the County and the State could move forward in a more knowledgeable way with those studies happening and with that kind of information in the future. Without that kind of information then at this point yes, we are aware and we don't go further but to go any further with any of that kind of knowledge these are the kinds of studies that need to be designed first and then implemented by different entities in the future.
Commissioner Jankovsky – So, let's say Antero's coming in front of us in 2011 and it goes into 2012 they get their approvals, etc and they start drilling and maybe 2013, how does this tie in with what's going on in BM. How does it tie with, how do we use the EPA grant to have something that's compatible and with what's going on in BM. What does this give us?
Roxana – It depends upon the timing. If we had the EPA grant before the Antero is ready to drill in BM then we would be able to inform some of the things that Antero might be doing. We might be able to inform about where the emissions are coming off and what kinds of mitigations might be most successful to them. These are the kinds of things that we talked about in the HIA and we could substantial more fully. If it were happening during the time, if Antero were to start drilling coinciding with the time with the grant then we would be able to help implement with some of these designs some of the monitoring that might go onto Antero and others whether their mitigations were indeed working. Without any following whether the mitigations are working, no one really knows what the levels are when the activities are happening.
Chairman Martin – What it amounts to when we started the HIA the State of Colorado and COGCC said no matter what the outcome it does not affect their permitting process. We have a policy issue in reference if we go forward with this particular one. Do we hold up any land use approvals until the entire studies are completed, which leads to the other studies and recommendations and then the changes in the laws, etc or do we allow it to go like the State of Colorado and go forward without the policy of holding up the land use application or not. That is one of the …
Roxana – One of the reasons to do the HIA was to allow you to proceed with your decisions with the information at the time, so the idea was not so you would have to hold up the permitting decisions for these studies to occur.
Chairman Martin – That's true but we compound the issue if we go forward with the next study, which happens to be the implementation and monitoring. Do we allow that to go forward while it's in process or not. Again, that's one of those issues that we have to decide on the policy. It's not that the HIA is there but this study now has started and we hold everything up again if we should do it or not, it's like rules and regulations but the changes are we're not going to take your application until we make the changes in the rules and regulations in place now and then try to make them retroactive, which there may be a legal challenge to that regardless of or just go forward and when the changes are done, have the next development under different rules and regulations. These are the policies we have to live with and how are we going to go forward if we should get an application in between now and the end of year before the study is completed. Do we allow that land use application to be in compliance with our rules and regulations or put a stay on it until we complete the study.
Roxana – These studies are designed and they wouldn't answer any other questions before the end of the year. I understand what you're saying but I don't these studies would not give you any kind of information before the year of the end in terms of what you would do with your land use.
Chairman Martin – To take that point then I was against the industry in one way or the other, I could say well you can't approve it because you don't have the standards that your study is trying to work on so that you can mitigate even more and be more safe than you are presently. Then on the other side, the industry says, these are the rules and regulations of takings right now, if you don't go forward with my application which is under the rules and regulations, we're still in the political battlefield here, you're not, we are and that's what we have to determine again outside of the health issue; that's reality and happens to be real life because we have to make those decisions and we take our licks from both sides we'll get them but we have to try and stay neutral and come up with the right decision. You help us, but you don't help us.
Roxane – It takes time to help you.
Chairman Martin – Sometimes we don't have time and other times we have all the time in the world, it depends upon the situation. We still have a decision to make to go forward or not.
Commissioner Jankovsky – Is there any public comment.
Commissioner Samson – They're all quiet.
Commissioner Jankovsky – Jim I would ask that you go back and continue your discussions with industry and try to work with the industry and make this as neutral as possible so we can move forward without any of our studies do we…saying we can't work with industry. We need to work with industry and be sensitive to environment and community issues that is my model as communication talking back and forth.
Motion
Commissioner Jankovsky – I'll make a motion that we go ahead and accept the School of Public Health request for an amendment to the IGA scope of work for Battlement Mesa. Commissioner Samson - Second.
Commissioner Samson – Darn if we do and darn if we don't, this is I think all things considered the best move that we can make at this time and we'll go forward with this and cross the other bridges when we get to them.
Commisioner Jankovsky – And you've heard our concerns, mine especially and just hope you work within those perimeters.
Jim – I'd like to, if the opportunity exists to communicate more with you on that subject as time goes on I would appreciate that opportunity.
In favor: Jankovsky – aye Martin – aye Samson - aye

Carolyn – Mr. Chairman, this is a form of amendment and you've seen the scope or work, so can we assume you are authorized to sign the regular amendment or do you want this back on your consent agenda.
Commissioner Samson – I think that we have just approved it to be signed.

PUBLIC MEETINGS:

I. CORE ECONOMIC DEVELOPMENT REPORT – JASON HABER

Nathan Rutledge, Executive Director and Jason Haber submitted a packet of material for review of the BOCC.
Jason Haber Garfield County is one of the areas in Colorado participating in the DOE's Better Buildings Program.
Conclusion: Colorado experienced an 18% growth in clean tech jobs from 1998 to 2007 even as the industry was just gaining a foothold nationally. As the clean tech sector grows, which it inevitably will as technologies improve, alterative energy process fall and carbon mandates are implement, it is imperative Colorado remain a leading state I the industry. By continually developing progressive policies, Colorado will encourage greater industry investments and ensure Colorado's inclusion in the clean tech market.
The state must not abandon its support of the Governor's Energy Office and the agency's mission to advocate for energy efficiency and renewable energy. The GEO has played an integral role in elevating Colorado to its leadership position and will continue to provide critical support. By promoting the adoption of progressive energy legislation, the GEO helped attract $30 million in Better Buildings funding from the DOE. CORE and its regional partners urge Governor Hickenlooper to provide dedicated, long term funding to ensure this agency remains fully staffed.
Furthermore, we ask Governor Hickenlooper to consider the implications of climate change when developing Colorado's future economic strategy. According to a recently published American Security Project report, Colorado will incur increased economic stresses due to the climate change. These effects should not and cannot be ignored as we plan for the future of our state. Just as Colorado has thus far benefited from being a lender in the clean tech sector, it will reap rewards from leading on innovative carbon reduction policies as well. Moreover, implementing additional clean energy and efficiency strategies will protect natural habitats, secure clean air and clean water, and benefit public health.
Most importantly, we encourage Governor Hickenlooper to look at our energy and environmental situation through an host ad realistic lens, with a sense of opportunity to protect our cherished heritage and natural assets; an opportunity to spur technological innovation, an opportunity to improve the lives of residents throughout the state, and opportunity to grow Colorado's economy through the support of new, sustainable industry sectors.

Jason – We are here requesting an endorsement of a report that CORE staff in partnership with a couple of other agencies drafted as part of the Governor's Economic Development initiative and CORE has participated over the last several months in some county level meeting and others involved in that process and recognize an opportunity to prepare this report, which really emphasizes the importance and opportunity around clean energy and energy efficiency in the State's Economic Development strategy. As part of that, we have attempted to highlight a broad range of policy examples and programmatic opportunities that are great examples in the state around the county and internationally that have broad economic growth and new jobs to areas around clean tech development and new industry. We want to emphasis this is not an "us versus them" report, this is not anti oil and gas, this recognizes at that will be an important part and component of the state's energy profile. We simply want to emphasis opportunities that exist, success stories around clean energy and energy efficiency. We hope we have accomplished this with this report, we don't want to take too much of your time getting into the details of this, we recognize the importance in terms of Garfield County's economy and the role that have played traditionally in terms of that economy. We want to take this forward as a recommendation to the state to consider and prioritize these new opportunities and a track record and success that we found statewide in the new industries. We also want to point out the centuries that exist in some of the larger sections of the economy statewide, they're supported in terms of tourism, higher education and manufacturing that could be enhanced through support of clean energy or anti-policies. We've seen that this is consistent with some of the things that have already been supported here in the County through the GNEIC process through the example of the new CCA array at the Garfield County airport and hopefully you Commissioners can lend your support to this document. We have already submitted this to the governor and to the office of economic development. Our intent is to take this document forward and discuss it with state legislatures, we would love to have Garfield County listed as an endorser, we will take a list of supporters along with this document when we discuss this with the state legislatures and try and emphasis the opportunities that exist for them on a policy level.
Commissioner Samson – I'm at a disadvantaged I seemed to have misplaced that report.
Chairman Martin – One of the biggest hurdles that I find in your enhancement of building energy codes drives the cost increase in all the codes, the international fire codes, installation, plumbing, electrical codes and on through. It drives the price up like you would not believe. You are here asking to enhance those even further, that's one of the things, the other one is on clean energy technology, can you name anything in the clean energy technology that doesn't come from a mining institution. Crystals that you grow to raw earth minerals to the glass and everything else under the sun that if fired in by other energy sources to get to the clean energy and the cost of putting those in as well. So, it's all together and we need to stop separating it and say this is just an energy source that we need to include as our portfolio instead of saying one against the other. Fossil fuels versus clean energy because none of them are clean.
Nathan – That is a solid point and I think that's what we're trying to show is we're not really trying to make a distinction between we only do one or the other, we all recognize this is an important component. Our goal is in this report is to say there's significant economic development here and this industry is growing internationally. Colorado has done a good job of asserting itself in the forefront of that industry. In order to capitalize on the great amount of jobs we should build on that momentum. We recognize that natural gas particularly will play a large role in our on-going energy future a huge role, but in terms of job growth, a new industry might produce a lot of potential.
Chairman Martin – What I'm looking at is the actual economic gain for China. China and all of the raw earth minerals that they have bought and are going to control and going limit no more for the world. You are depending upon those minerals to put together all of your energy savings and your green energy products.
Nathan – To an extent, I think some of the resources like your geothermal and your wind is less so, when you're talking about solar it's a different conservation. China interestingly has become the world's leader in clean tech production/manufacturing because they see an economic growth potential. While there are some common denominators as far which resources you're calling on to make those products that's a concern but by and large jobs will be created in the clean tech center and if we have a chance I think Colorado should capture as many as possible. That's what we're trying to say, we did try to get too far into the climate of our environment conservation but really stuck to jobs as far as how can we come up with innovate ways to create jobs.
Janson –As far as your comment about the building codes, we do advocate high performance building codes and essentially you have an international or national level body that determines what those should be and we're simply recommended that counties and municipalities should stay current with whatever that latest body of recommended regulations is, so when you talk …
Chairman Martin – You need to look at the fees that go along with each recommendation as it goes up and the fee cost is what really drives it and that gets to the subcontractors and contractors and what they are charging per unit to put in, inspection fees and all the other requirements that drives that cost of building or retrofitting. Folks are saying, we just cannot afford to continue to do so but if it becomes mandatory, a good example is the fire suppression that has to be in all structures in 2013. How are you going to be able to do that and what the overall cost of the entire system is either hallo, water, or some other thing, whatever it's going to be.
Nathan – The nicest thing about some energy codes is that it is obviously cheapest to incorporate efficiency upgrades during the design building of the project but in addition they do save a home or a business center a relative amount of savings on their energy

bills, so I can appreciate your concern in making it more complex pricy regulatory process but in the long run of the lifespan of the building or home, there is energy and cost savings to be had.
Chairman Martin – We look at the cost of the leak in the housing and all the other benefits we see on a monthly basis, $600 to a million dollars a month for Garfield County employees, they really don't mind having us pay the bill. Again, those who are truly interested, those that do building and those that are really energy conscious will do what you're saying. The majority will not and that's growing and picking up more and more of the costs even though we have cost savings.
Nathan – I can appreciate your concern and I think one thing that we've been trying to get across is that we realize in a document this many topics inherit there will be something that someone disagrees with, we understand that and we're not trying to say that by endorsing this Garfield County is100% supportive of all of the recommendations. We're just trying to illustrate other opportunities that have worked and so we're trying to get a board support that say, hey we get it, there's jobs to be had in the clean energy industry and if there's some potential we should try and capture those. That's the ultimate goal for Colorado is to create more jobs, that's our role here.
Commissioner Jankovsky – I sit on Garfield County Clean Energy Board and that's composed of all the communities of Garfield County and we work with CLEER and as you've heard me before, when I ran for office I ran on a pro-jobs platform and economic development is part of that and definitely the clean energy is part of that and natural gas is also part of clean energy economy. What we do as far as efficiency that provides jobs, solar etc it all ties together and I see that needs to come from the private sector. A lot of what I see in here is almost socialist/democratic policies that you're are putting in a lot as John talked about a lot of ideas that we need to have more laws, and more to help this industry out. I have a concern with that and I have a concern and get back to your transportation side that you talk about, electric power, you don't talk anything about C&G vehicles being used in buses or bigger vehicles. Garfield Clean Energy has a group that's working on C&G vehicles trying to get that going on. We're probably one of the only groups in the state. The governor of the state, that's big on his list and we met with him, he talked about C&G vehicles and I believe he's, I'm getting this second hand, but I believe he is going to be going with the national governors and trying to promote that use. When you have electric vehicles, it all sounds good on the electric side but you're still getting electricity from coal powered plants whether it be in
Brush, Craig or Farmington and when it comes down to it, there's more CO2 in the air from electric vehicles than there is from even gasoline vehicles.
Chairman Martin – You also open Pandora's box in reference to the transmission lines, the increasing of the grid, the consumption as well as land use problems from the basement of windmills to the transmission lines etc. It's all together, we're not talking about how the overall picture looks like. You open up, I don't mean to jump on you here but you're just giving me…
Commissioner Jankovsky – I grew up in Sterling, Colorado and I go back and visit my parents and I go upon the plateau and I've seen what a thousand windmills look like and it's over a thousand acres of land and there is an environmental issue there. There is an environmental issue as John talked about with solar and we may not see it until 20-30 years from now when we go to dispose of all of these solar panels, hopefully we do not have to send them all the China and India as we do with computer parts presently. The biggest problem I have with your report is the whole thing on fracing in here and what you say about there are documented 1000 cases of water contamination in US Shell sites and you quote back to item number 34 which was an article somewhere, an environmental article and I just have immense problems with that and I also don't… I was at luncheon with the governor talking about fracing, the governor basically said what's the big deal with fracing and I did I miss that Commissioner Samson.
Commissioner Samson – No, Governor Hickenlooper made it very clear saying, "I'm a geologist, I've studied it and there's not a problem with fracing."
Commissioner Jankovsky – This is from the EPA administrator Alicia Jackson telling the house committee there's no evidence hydraulic fracing has affected water supplies. This isn't totally news, Jackson has said similar things before. David Neslin, who's the head of COGCC, has said publically that there's been no water contamination in Colorado from fracing. Now I don't totally agree with that but I do know there are 9,000 wells in Garfield County and I know of one water well that has been contaminated from fracing and that because of a bad cement job. To send this to the governor and to ask us to support this, you're just on a different wave link than where I'm coming from, so I think we need to clean energy, solar all of this, it's all encompassing and it's part of the whole energy package and it does include natural gas, oil production, nuclear, solar, wind and all those things together and there has to be some common ground and I'm can't imagine, I think if the governor reads this last page he's going to go "what are you guys doing."
Chairman Martin – There's a couple other things that are in the financial report in reference to the ¾ state's oil and gas wells don't pay severance tax, that's a far reach. The other one happens to be in the tax deduction which you have that at the state says it's a tax break, if you really analyze that, that money comes to local governments to run local governments etc. If you took that away we would lose over 60% of Garfield County's tax revenue, 67% actually and it goes to the state. We have to make up that money some other way. When you look at doing away with again they say tax right off that comes to local taxes, you need to follow up on how that affects our government and not just the state's government. That's the overall global effect of that particular issue. That's schools, fire districts, cities and all those other folks within out boundaries that would all go to the State of Colorado so that they could use it. The other one is that the state becomes a bank and they start loaning money in reference to these projects and I've been against that particular issue. That's what financial institutions are for, not the state, not the government, including the federal government. I understand they go over and beyond but even our rules and regulations, as a County do not allow us to become a bank to loan money for repayment even to a municipality or even ourselves. We can't do that, some of those things are in this document as well. As you go on, you can see how we analyze.
Nathan – I understand many concerns and if I could just respond to a couple of them. Back to the list of some ones, CMG is great, one of the things we put into our letter of introduction in order to email it to people, this wasn't a comprehensive report, there's a lot of other good ideas out there, natural gas retention field is one of them, it's not inclusive because it would had 100 page document, so there are some things. It's a good opportunity for Garfield County. In addition, to illustrate some of the stands we're trying to take and to not to differ too much with clean energy versus you more traditional fields it that the thing we focused on primarily is efficiency. To save people across the board on energy bills. That's the primary that we are focused on here and I know there's a lot of work that GNECI has been doing too and that's the paramount concern is greater efficiency. As far as fracing goes, we didn't too strong of a language in there that was something that would prohibit you from going on with natural gas development. All we said, there is concern across the county and internationally with fracing and that should be analyzed to make certain there's isn't contained public health problems but it wasn't kind of stop fracing all together kind of thing. I was just let's continue to look at this just to make sure. Then the last point on taxes, you're right, again we left the language soft and we do realize is does have a large economic affect particular on things like Garfield County but simply that we may want to reevaluate some of those in light of the fact in what other states have done in our area. Again, it's not something that's coming down overly hard, there are just a few points that we though warranted further consideration.
Chairman Martin – When you compare Wyoming to Colorado, remember there's no state income tax in Wyoming as there is in Colorado. Based upon also the energy development on the assessed valuations, 87 ½% of the actual value of the production of natural gas, remember that, that's a big number, and you're not adding that in there Yes in 2005 there was a small amount of gas that was collected on severance tax because the production was down, 2008 turned those numbers around and you'll see that Colorado gloried Wyoming based upon that same question.

Nathan –Again, we were not trying to point out this was an inherently flawed process but something that we should consider is all we're saying. To get back to the point, we're not actually saying that has to be done, we're just trying to show there's many options out there.
Commissioner Jankovsky – I just want to say you're right in your report that alternative energy, clean energy does create jobs, there's no doubt about that and it's very important for our economy. I would just say that through CLEER and Garfield Clean Energy, we are doing something to approach that in this County, and we're working not with the natural industry as well as well as working with the solar energy and we're trying to bring all that together.
We feel very strongly that theirs is a lot to be done creating jobs that way and we will continue to work through Garfield Clean Energy to do that and I do think Garfield County can be an epic center for energy. So I can't encores your report because of the language in the back and it's just not something that I can endorse, but I want to tell you that I do understand where you're coming from, there's some philosophic differences with that but clean energy does create jobs.
Nathan – We understand you have reservations but we wanted to make sure and discuss it with you just so you're aware of the job potential that is out there.
Commissioner Samson – I think we'd be sending mixed signals to the state government especially the governor if we were to endorse this.
Commissioner Jankovsky – Yes, I agree. But that you for this report, I read the entire document, marked it up, and gave you my comments and this is a different political environment than Pitkin County. That's where you guys work and there's no doubt about it.
Chairman Martin – Anybody in the audience have any comment.
Nathan – We appreciate your time and your consideration moving forward I hope you work with both industries and create more jobs.
Commissioner Jankovsky – We are doing that and I think that with Garfield Clean Energy, we have a very good foundation and it's looked at around the state.
Arjuna Ibarra – I'm working on this issue and mostly in art and there is bit of a vision here in terms of how badly being a place of healing that goes back towards the business people and this relationship with the landscape with the natural environment etc and being able to get back into a more conscious and aware… I think this relationship with the land is here and our vision, I work with a very small group of people, but it is a valley of healing and peaks and we're perhaps one day the mayors from Aspen to Rifle can be branded as a value of a vision for peace and healing and green color jobs are so fundamental. You're paying taxes in the future and a lot them are still coming from the gas industry. Our concern is the water quality mostly. I think maybe we will lose an opportunity because we're all moving in that direction as well everywhere. My two cents and thank you for your work.
Chairman Martin – That's alright since 1974 the water quality in this county has dramatically increased to better quality than it was in earlier in the 70's and before. We have better water now than we did before, better air quality that we have now because we work together. As far as the other one, we have to do less self pleasure, less self indulgence and return to a civil life to accomplish what you're after. Unfortunately, society doesn't allow us to do that and we continue to try and live faster and live better at the expense of our future. Good luck with your group and you may have the core values that we all need to have more.
Commissioner Jankovsky – And Arjuna I just want to tell you that a lot of what you are talking about, the welfare of our County especially at this time depends on people getting jobs. We just had a presentation from Human Services before you and there's 10% of our population right now that is without jobs so that is very important in becoming a healthy community and I understand what you're saying and appreciate that. We also had someone here earlier talking about organic farming which is important to our community as well. There are many pieces that have to come together but this is a beautiful community and valley, not just the Roaring Fork Valley all the way to the Utah borders, a beautiful place and we need to maintain that beauty as we have all these different industries and things going on, so thanks for coming up and talking to us.
Chairman Martin – We need to take a position with these folks either in a vote to support or not to support the document going forward because they would like to know. That would be the ultimate request.
Motion
Commissioner Jankovsky – I cannot support this document as it reads I do support some of the things that are in here but as it reads totally I can't support this document. I'd make a motion not to support this document at this time unless it's rewritten and brought back to us. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
APPROVAL AND AWARD OF CONTRACT TO AIR RESOURCE SPECIALISTS- JIM HACKETT & JIM RADA
Jim Hackett and Jim Rada presented the contract and requested the Board approve the award to Air Resource Specialist to provide air monitoring within Garfield County in the amount not to exceed $30,485.50. This is in conjunction with the money received from the state. A sub note, the project is total is $60,971.00 but because the state splits our fiscal year we will award the second half starting January 1, 2012 with a simple letter agreement to extend the contract at that point. Staff recommends approval.
Commissioner Samson asked Jim for the viewing audience would you please explain because I want them to understand that we, Garfield County are paying for this air monitoring and we put the results on our website. I want you to explain so people that are listening, we've done this before but I get a lot of comments and believe the other two Commissioners as well. How valuable this is if they're really concerned about what we're doing for air quality that they can actually see the results.
Jim Rada – Over the last several years we've received a state contract, the state has provided financial support to the air monitoring program. I mentioned earlier in the meeting the things that this money goes for in terms of the monitoring. The results of some of that monitoring are presented on the County Website. The amount of this contract with ARS covers technical support elements of the monitoring program. We don't have the capacity in our public health department to do all of the technical work associated with a complex air quality program like this, so we hire on or contract with ARS to do those technical elements. We do go out in the field and collect samples particularly the filter based PR10 and we do some trouble shooting in the field, etc and the state provides funding in their contract for us. You'll notice the difference the $81,000 this Board approved earlier with the state and this $60,000 contract, the remainder of that money comes to Garfield County and supports our monitoring program and offsets some of the costs of us doing the monitoring program.
Commissioner Samson – I'd just like to encourage anyone in Garfield County that wants to know more about what is exactly being done, go to that website and check it out. GarfieldCountyAQ.net.
Motion
Commissioner Samson with that being said I would approve the award of the contract to Air Resource Specialists (ARS) in the amount not to exceed $30,485.50 to provide air monitoring within Garfield County.
Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson - aye
AWARD OF A CONTRACT TO WESTERN COLORADO CONSERVATION CORPS- JIM HACKETT AND TAMRA ALLEN
Jim Hackett and Tamra Allen submitted the contract with WCCC for Youth Services Corps to Western Colorado Conservation Corps in an amount not to exceed $80,000. Last week the Board approved the budget amounts; this is just approval of a contract. This will provide jobs to youth in Garfield County and authorize the Chair to sign. It is also to approve the sole source procurement in accordance with Garfield County's Procurement Code based on the fact that this is the only company within the region that offers the turnkey solution.

Commissioner Samson – This is a good deal, $40,000 per team/crew, 8 on a crew and I'm all for this, I think we all are. How soon can we get going?
Tamra – The WCC has indicated that they are already working with Workforce Center both in Rifle and Glenwood to hire the 14 youth to be involved in the Core. We've also published an ad in the paper. They're hoping to be up and running on first of July with the two active crews pending they have applications to fill those spots.
Commissioner Jankovsky- Tamra, they will be working in Garfield County.
Tamra – They will be doing one project in coordination with Steve Anthony in the Department of Weed Management and one trail related project on the White River here in Garfield County.
Motion
Commissioner Samson – I would move that we approve the award of a contract to Western Colorado Conservation Core in the amount not to exceed $80,000 to provide youth services core and it is a sole source provider. Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

II. APPROVAL OF AMENDMENT TO EECBG SUBRECIPIENT AGREEMENT WITH BOULDER COUNTY- JIM HACKETT

Jim Hackett submitted the amendment to the EECBG-C Grant Better Building Program. Both Boulder and the Department of Energy have approved the plan under this program. This contract amendment is in the amount of $609,565.89 and of that amount $9,563.89 available for training programs. This amount will be done through the attached amendment, brings the amount of our sub-recipient agreement with Boulder County to $1,254,565.89, and breaks out the $545,000 for the program and $600,000 for financing and $9,565.89 for pull resource training funding. Staff supports this request and request the Commissioners approve the signature of the contract.
Commissioner Jankovsky – Alice, I missed the last GECI meeting but you go through this again, the financing and how this $600,000 is going to be used so we have an understand.
Alice – And I can follow-up with a written summary, it is exactly the same when we came to you before with the 3-prong approach; one element is the loan loss reserve money with the deposit with Colorado Housing Finance Authority, it's a statewide finance institution so all banks in Garfield County could use that loan loss fund to encourage loans for energy efficiency and renewable energy. The second component is a revolving loan fund that would be done with housing partners which is a financing institution that works for affordable housing and the local match that's we raised previously. The third element is a leasing program. We hope this 3-prog approach maximizes opportunity from existing financial intuitions and creates finance mechanisms that work best in the commercial sector.
Commissioner Jankovsky – How much in the loan loss program, what kind of reserves have we put into that?
Alice – About $250,000 and the transfer of the money from Boulder to Garfield County simply frees up that money and Boulder Department of Energy held it until we came up with this concept and then we'll be finalizing the contract with CHAFA working with Jim and Carolyn to fine tune those agreements.
Commissioner Jankovsky – That loan fund if for, why do we have that.
Alice – The revolving loan fund is for smaller loans at a lower interest rate.
Commissioner Jankovsky – And that's because the banks would not have an interest in those and so that's for commercial and residential or just residential.
Alice – It could be for both commercial and residential; we are assuming that the DOE residential finance program that has evolved since this started would cover the majority of residential loans. After the program started the DOE and the Federal Housing Authority wants the program called Home Energy Savers and so that will take up the residential component so we're looking at the commercial component. I should stress that this agreement today does not go into the details of these three programs, it simply the contract amendment between Boulder and Garfield County and if you would like, I can come back with the additional details with CHAFA and the revolving loan fund.
Commissioner Jankovsky – Who's going to decide who makes those revolving loans, would that be somebody out of CLEER, someone out of GCE or how that is handled.
Alice – Who approves the loans, it would be a loan committee made up of the funding partners, GCC reps, the other program would be managed by CHAFA. But I'm thinking what I should do, I wasn't prepared to go into all of the fine details of all three of these programs. This agreement today is simple mending the Boulder County agreement.
Commissioner Jankovsky – The leasing program is …
Alice – The leasing program is working with a leasing company, the advantage to leasing is that, well as a business owner, you can imagine how that might be more attractive to more businesses. They're not going into debt, they just say we could use this equipment, we're going to lease it, so we're looking at that as another option. We know the reality is that some businesses do not want to go into debt, they don't want to purchase the equipment but they want the benefits. The 3-prong approach helps address all those issues. I would love to come back with more details. This agreement is simply Boulder County and the department saying that we like this concept, we think it's very innovative, we think it's going to work, we like how you're leveraging other partners and saying we're ready to say Garfield County can get access to this financing money.
Carolyn – Have they said whether or not it's going to be money that comes through Garfield County's Finance Department of is DOE going to let the money go directly to CHAHF.
Alice – Yes they have, the money can go directly to CHAFA, so we want to set it up for what works best for Garfield County given your desired, if you want it here, it can be here, otherwise it can be managed and the intent is that it be managed by CHAFA and funding partners.
Dale – Commissioners, I've sat enough on loan committees and I would advise you that the offer that Alice made as far a having more details on the revolving loan fund is much to your advantage because the devil is in the details with revolving loan funds.
Commissioner Samson –So if we have it go through us before it goes directly to CHAFA can we take a 5% administrative fee.
Carolyn – Not that I'm aware of.
Commissioner Samson – Just checking. So your recommendation is have her come back before us with a few more details.
Dale – Particularly as it applies to the revolving loan fund.
Carolyn – But, all this is an amendment to the grant agreement.
Dale – I understand that.
Commissioner Jankovsky – In order to get this money away from Boulder County…
Alice – This is one small step of many steps we have taken and yet need to take to make this program work and it's simply amending that initial agreement. We realize we have more work to do and details are absolutely essential.
Motion
Commissioner Jankovsky – I make a motion that we approve the EECBG-C grant to the sub-recipient agreement to Boulder County in the amount of $609,565.89 and those allow those funds to be transferred to CHAFA.
Jim Hackett - $600,000 will be transferred to CHAFA, the remaining $9,565.89 will to go to you for the training.
Commissioner Jankovsky – The $600,000 be transferred to CHAFA and the $9,565.89 then would go to training programs.
Commissioner Samson - Second.

Alice – Just to raise a small point, I apologize that the exact pathway between DOE, Boulder, Garfield County, CHAFA, I'm not quite sure but CHAFA would be the loan loss reserve fund. Funding partners is the revolving loan fund. I just want to give advance warning perhaps that all the money might not need to held by CHAFA. So this amendment was to approve the transfer of funding from Boulder to Garfield County. I just want to make sure there is enough flexibility dealing the different partners we have and be worded that way and then we come back to you with more additional details on the revolving loan fund component.
Jim – The federal government will have to make the award to Boulder, they won't be able to give it direct to CHAFA for their system. Whether we decide Boulder, we could then direct Boulder to give a piece to CHAFA and a piece down to us, if that's how you want it. What I don't want to see happening for the finance department is all $600,000 come here and then we have to transfer it back to CHAFA. It's just another hour or two of somebody's time when you can just from Boulder direct, it cuts out that additional transaction in the process.
Commissioner Jankovsky – How do I state that motion?
Carolyn – How about approving the sub grantee amendment as written and then directing staff to come back with the detail on how all this money is going to flow because the sub grantee agreement doesn't lay all of this out.
Commissioner Jankovsky - So moved. Commissioner Samson - Second
In favor: Jankovsky – aye Samson – aye Opposed: Martin – aye I know where the money comes from and it's my personal opinion, the Board's opinion is to go forth.
Commissioner Jankovsky – On Thursday there was some interesting discussion with Summit County Commissioner on just what we were talking about.
Alice – Thank you very much for your approval; we will come back with more detail as the program details progress. I also wanted to take this opportunity to very briefly comment on the presentation you heard earlier and I just want to say that Garfield County has become a leader in economic development and clean energy and efficiency through your participation in Garfield Clean Energy. The concepts they talked about you are making a reality here in Garfield County through all the program that Garfield Clean Energy and wanted to thank you for your participation and let you know you're basically ahead of the curve on that topic compared to many counties across the country.
Commissioner Samson – We're the leader in Colorado.
Alice – On a countywide program, with the level of participation of homes, businesses, local governments and all the economic benefits that are deriving from it.

AUTHORIZATION FOR THE CHAIRMAN TO SIGN THE CONTRACT RENEWAL LETTER EXTENDING THE SCHOOL RESOURCE OFFICER AGREEMENT BETWEEN THE BOCC, THE GARFIELD COUNTY SHERIFF, AND GARFIELD COUNTY SCHOOL DISTRICT RE-2—GENE DURAN

Gene Duran and Susan Birdsey, Superintended of School District RE-2 submitted the IGA for one year beginning January 1, 2011 through December 31, 2011. Gene submitted the contract renewal letter extending the School Resource Office Agreement between the BOCC, the Garfield County Sheriff and Garfield School District RE-2. He added that signatures on the contract have previously been signed by Lou Vallario and Susan Birdsey.
It is normally an extension but it was overlooked and is a revenue contract, which is an amount paid to Garfield County from the school district to provide the School Resource Officer. They've been paying that on a regular basis essentially substantiates the practice that exists between the two entities. It provides for 75% of the cost of the salary and benefits for the Sheriff Deputy and 100% of the overtime incurred as a result of the duties.
Chairman Martin – The Sheriff has been pleased with the activities and we have the reports back from RE-2.
Commissioner Jankovsky – This is for Coal Ridge.
Gene – Yes, that is primarily where the officer serves.
Chairman Martin – Also, St. Johns and others.
Commissioner Samson – I would move that we authorize the chair to sign the contract renewal letter extending school resources office SOR agreement between us and the Sheriff and Garfield School District RE-2. Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson – aye

III. TRANSPORTATION IMPROVEMENT NEEDS ASSESSMENT (TINA) PRIORITIZATION OF INTERSECTION PROJECTS – DIRECTION TO STAFF – BETSY SUERTH

UPDATE:
TRANSPORTATION IMPROVEMENT NEEDS ASSESSMENT
BOCC PRESENTATION, JUNE 20, 2011
BACKGROUND/OBJECTIVES

Lee Barger, Dan Roussin, Jeff Winston and Betsy Suerth presented.
Betsy – We are here to present the results of the Transportation Improvement Needs Assessment. Last fall we put out an RFP for the study and SGM and Winston and Associates were awarded that contract.
Garfield County is facing the need to improve many intersections throughout the county. Over the next 20 years it is approximately $19.5 million. Many of the improvements will contribute to varying degrees to economic development—such as new industrial development at the airport, or residential development in various locations. By prioritizing County intersections, budgeting for design and having shovel-ready plans, the County will better position itself for State funding.

Today we are looking for the BOCC agreement on the eight prioritized intersections that we'll talk to you about and secondly we are asking for BOCC action on which one or two intersections you'd like to move forward with and then staff would do several things to move forward with those intersections including budgeting for 2012.

ANALYSIS

SGM and Winston reviewed 28 County Road / State Highway intersections throughout the County.
The intersections were then grouped into 3 categories that represent the primary need justifying the improvement:

9. - County Primary – existing traffic levels and safety conditions warrant the improvement; therefore, the County would be the primary source of funding.
10. Developer Primary – future growth may warrant the improvement, and therefore developers would be expected to cover a significant portion of the costs. The term "Developer" could also include oil & gas development.
11. UGA— future growth within the Urban Growth Area where the improvements may be justified by municipal expansion. In this case, a significant portion of the funding might come from the local jurisdiction, which could include landowners or other private interests that would benefit.
12. The term Primary refers to the intention that wherever possible funding would be via partnership, but that one category of partners (County, Developer, UGA) may be expected to carry a larger portion of the cost. The categories also serve to indicate the potential partnering sources that could assist the County in funding these improvements.
13. Example intersections were further analyzed, looking at existing and future (2030) operational conditions:
14. A growth rate of 2.6% was applied to the study intersections
15. Operational analyses of the intersections were conducted including evaluating turn lane queuing

16. Accident analysis using FHWA's Federal Hazard Elimination Program criteria was performed as per CDOT recommendation
17. For 5 of the example intersections, a conceptual design was considered and gross costs were estimated
18. The appropriate gross costs were then applied to all 28 intersections
19. **Prioritization**
20. The Board directed SGM to review the 28 intersections and provide a prioritization for the top 8 intersections based upon technical opinion. The list of the top 8 and technical reasoning for each priority are provided below:
21. **1. CR 114/154 (CMC)** – Accident records and hazard indices show that the frequency/severity of accidents are highest of any County intersection. High speeds, high traffic volumes, sight distance and lack of adequate turning lanes and turning lane length contribute to this problem.
22. **2. CR 110/113 (Cattle Creek)** – Although accident records do not indicate an accident pattern; high speeds, high traffic volumes and lack of a traffic signal provide a situation for future severe traffic accidents. The eastern approach layout adds to the safety hazard with lack of lane and vehicle priority definition.
23. **3. CR 100 (Catherine's Store)** – Accident records and hazard indices show that the frequency/severity of accidents are the next highest of any County intersection. High speeds, high traffic volumes and lack of adequate turning lanes and turning lane length contribute to this problem.
24. **4. CR 115 (Red Canyon)** – Accident records and hazard indices show that the frequency/severity of accidents are the third highest of any County intersection.
25. High speeds, high traffic volumes, sight distance and lack of adequate turning lanes and turning lane length contribute to this problem.
26. **5. CR 315 (Mamm Creek)** – Lack of accident records did not allow that analysis. However, lack of sight distance coupled with significant industrial traffic, a commuter park-and-ride and County water hauling station, all at a poorly defined and large intersection, result in a safety hazard.
27. **6. CR 227 (Miller Lane)** – Although accident records do not show a problem yet, this designated truck route mixes residential, commercial and industry traffic along a relatively high speed highway that lacks turning lanes and has narrow shoulders with steep, unprotected side slopes adjacent to the highway.
28. **7. CR 235 (Davis Point)** – Lack of accident records did not allow that analysis. Nevertheless, there are several potential safety hazards: poor horizontal and vertical sight distance to the west, rockfall potential, a skewed intersection and lack of turn lanes along a relatively high-speed roadway adjacent to Coal Ridge High School.
29. **8. CR 229 (Ukele Lane)** – Although accident records do not show a significant problem, a potential safety hazard exists with residential uses along a relatively high-speed highway that lacks turning lanes.
30. The intersections of CR 214 (Peach Valley), CR 223 (Peterson Lane) and CR 311(River Frontage Road, Silt) would be the next three clear priorities, but were not fully analyzed due to lack of data. This prioritization reflects current conditions. In the future, these priorities may be adjusted as development proposals are submitted or other factors arise that demonstrate a need for improvements at a specific location.
31. **Funding**
32. Approximately $14M in funding is needed over the next 10 years to address the eight highest priority intersections. The Board provided direction that they prefer a funding solution comprised of county funding, combined with partnering with developers and landowners when justified and possible. This strategy would be implemented without a formal policy due to the dynamics and complexity of possible partnerships over a range of several intersections.
33. Potential funding assistance from CDOT for an intersection improvement will most likely be generated from Safety Enhancement Grants, TPR funding or the recent CDOT Intersection Analysis and Prioritization Study. When the County is able to provide shovel-ready plans for intersections that have identified deficiencies and safety hazards based upon CDOT methodology, it will be more likely to receive funding in our experience. In addition, identification of priority intersections will give County staff time to begin possible negotiations with potential partners for a specific intersection improvement, allowing interaction with the partners during the design process.
34. **Next Steps**
35. Potential next steps in the process are identified below:
36. • County to adopt (or modify) proposed current intersection priority(ies) and select intersection(s) to proceed to design phase
37. • Selection of the design consultant through RFQ process (~2 months)
38. • Topographic and Boundary survey and identification of any Right-of-Way
39. issues (~1 month)
40. • ROW acquisitions and environmental permitting (~1-2 years)
41. • Access Permit process through CDOT (~6 months)
42. • Construction Bid and Award process (~2 months)

TINA - Gross Conceptual Intersection Cost Estimate

43. April 11, 2011 *Includes 15% Engineering and CM*
44. **County Primary Developer Primary UGA**
45. CR 246/US 6 (Landfill) $0 * CR 300/US 6 (Una) $500,000 CR 244/SH 13 Bypass (Fravert Res) $0
46. * CR 262/US 6 (Mid Valley) $500,000 * CR 323/US 6 (Rulison) $500,000 CR 242/SH 13 (JQS) $0
47. CR 263/US 6 (Weare Ln) $0 *+ **CR 315/I-70 (Mamm Crk) $2,500,000** CR 210/US 6 (Mile Pond) $0
48. CR 214/US 6 (Peach Valley) $500,000 * CR 227/US 6 (Miller Ln) $1,500,000 CR 223/US 6 (Peterson Ln) $1,500,000
49. CR 137/US 6 (Canyon Crk) $0 CR 229/US 6 (Ukele Ln) $500,000 CR 313/River Frontage Rd (Silt) $1,500,000
50. CR 154/SH 82 (Hardwick Bridge) $500,000 **CR 154&114/SH 82 (CMC) $1,500,000 CR 235/US 6 (Davis Pt) $1,000,000**
51. + **CR 110&113/SH 82 (Cattle Crk) $4,000,000** CR 240/US 6 (Bruce Rd) $500,000
52. CR 103/SH 82 (Crystal Spgs) $0 CR 134/I-70 (So Canyon) $0
53. **CR 100/SH 82 (Catherine's) $500,000** CR 154/SH 82 (Buffalo Valley) $500,000
54. CR 115/SH 82 (Red Canyon) $1,000,000
55. CR 107/SH 82 (Red Hill) $500,000
56. **$6,000,000 $7,000,000 $6,500,000**
57. TOTAL **$19,500,000**
58. Partnering Percentages Partnering Percentages Partnering Percentages
59. 100% County (CDOT) **$6,000,000** 60% County (CDOT) **$4,200,000** 30% County (CDOT) **$1,950,000**
60. 40% Developer **$2,800,000** 30% Municipality **$1,950,000**
61. 40% Developer **$2,600,000**

62. + Roundabout
* Intersections used by Industry County (CDOT) **$12,150,000**

Discussion:
Jeff Winston from Winston Associates
Jeff – Commissioners we have looked closely with your direction that myriad intersections throughout the County and we know we going to need improvement over the next 20 years, the total comes to just under $20,000,000. Then we looked at with you help, focused in and tried to identify the highest priority intersections. We have a short list of eight based on accidents, traffic volume, safety and at a variety of other conditions that are in that matrix and we've identified the top eight. Those are complicated problems; it amounts to about $14,000,000 out of the $20m. We've looked at that in doing that analysis and done some schematic design and various configurations of those intersections with a variety of ways to try and be as realistic as we can at this level so what Dan's is going to describe for you know is walk you through the priority list of the eight and out of that comes the next steps and recommendation on how we move forward and make sure this is just something that is in a nutshell. ****

Dan – Actually, I'm going to have Lee talk about the background and analysis that we've done to come up with the priority list. Lee submitted the priority list included in the Board's packet and explained their analysis of each intersection and how they compare to similar type intersections throughout the state. It compares the accident rates versus the statewide averaged for rural interstates or rural arterials as far what we're looking at for classification of roadway.
CMC, Cattle Creek and Catherine's Store are three of the top rated intersections and most of that is what we see as accident experience, the amount of traffic and the potential for nearby development to continue to affect that operational performance in the future.
Dan – Generally, the top four are on Hwy 82 corridor and it's due to accident rates and traffic volumes and generally lack of turn lanes lengths. They have problems currently, the top four have existing issues and the next four are all on the Western side of the County and other than Miller Lane, which I think has some issue now, the other three are future problems with increased traffic. Mamm Creek has some site distance issues, industrial traffic issues and that could be solved.
Chairman Martin – In response to Commissioner Jankovsky's inquiry of where is the Miller Lane intersection stated that was hinged on two different land uses approvals and if those approvals are held they have to do the improvement on that particular issue for the westbound and the turn lane for the other.
Dan with CDOT – Correct, they actually, Miller Lane there's a current access permit and they currently are required to put a left turn, deceleration lane into Miller Lane from Hwy 6 and just to give you an update, they have received their notice to proceed and I believe they have done their pre-construction. I expect that they will start the work by the next two to three weeks.
Chairman Martin – And they need to do an utility relocation or at least protection with the turn lane in that bar ditch and that's a real issue for them as far as expenses. Ukele Lane is just down from there and it's very small and if you make your 90 degree turn and you're going to have to do some property acquisition to make that a thoroughfare so everyone goes to Miller Lane instead of coming down Ukele Lane and that's one of those issues. Unless you're going westbound, you take Ukele to get there so you don't have to go Miller and circle back. I would say Ukele Lane is a property acquisition in the future but it's not that intersection, it's at the County Road where there's a 90 degree turn and two different barnyards that you have to deal with and a whole bunch of big trees. Then you have another 90 degree after that one which is the section line you have to take the irrigation system and it becomes very expensive. Davis Point is also being looked at as a development around the corner as that property is annexed into the City that responsibility falls on the developers with the cooperations. Mamm Creek, that is a big issue with economic development and we talked about that with the bio-mass and could be tied with the development of that as well and the industry. Red Canyon is not a primary access it's only for emergency and it's the policy before and that is what it seems to be staying right now. It's a dangerous intersection.
Commissioner Jankovsky – Potentially that could be tied into the South Bridge Project if that ever happens.
Chairman Martin – That could be realignment. Catherine Store is a huge amount of people turning coming down valley, making a left-hand turn and a controlled intersection making the right hand and crowding everybody over is a real problem because of stacking and I still see that the top two are our real priorities, CMC road is a dangerous situation the misalignment of old Hwy 82, the bike path is there, the commercial operations that are going on there and then the frontage road. Dan from CDOT you have to take care of that. It's a real issue on that frontage road both at Cattle Creek and at the other end. So those are tied together.
Commissioner Jankovsky – We potentially have an application in front of us something this year at Cattle Creek.
Chairman Martin – That's 110 that you have to deal. 110 Road which comes into Cattle Creek and then also the frontage road comes it about 15 to 20 feet down the road so all three are coming together, then you have to cross over Hwy 82 which is a real dangerous situation. That's going to be very costly fix.
Commissioner Jankovsky – And another light on Hwy 82. That's probably the fix, another signal.
Chairman Martin – That or else we open up the frontage road all the way to Carbondale. My priorities would be 1 and 2 and then start working on those two issues, that's the biggest potential we have.
Commissioner Jankovsky – Are any of these in the 5-year plan you showed us?
Betsy – Yes, we do have Cattle Creek and CMC we don't have on the 5-year plan but we just plugged in names knowing that you be finalizing which intersection those are in the 5-year plan so we have both funding and timing for right of way acquisition, utility relocations and construction for whatever intersection you want in the 5-year plan.
Chairman Martin – And one of my curses of institutional knowledge on Cattle Creek and at the CMC turnoff it was a land use approval process that was a recommendation they had to approve it 120 wide intersection with the design of CDOT etc if that went forward. That was on the west side of Hwy 82 and the relocation of that intersection etc all tied together on that land use approval process. However, I believe that organization has declared bankruptcy at the moment and a new investor or it has been sold. So until a new application comes in and that's redone that CMC plan is still in place that is if they want to do the development.
Commissioner Jankovsky – That's on the west side.
Chairman Martin – It's on the west side but it deals both with the north and south entrances the historical entrance, which was the farm interest to the south close to Carbondale where the big cottonwoods are, and then they would also have to deal with Witters old place and that particular piece of property and the two exists or entrances to that property across 154. All that is tied together with one land use issue.
Commissioner Jankovsky – We were going to have somebody at Cattle Creek back in front of us it is in planning.
Chairman Martin – Is it an application in front of us.
Commissioner Jankovsky – It isn't yet but it will be.
Betsy – Not in front of you yet but it's been submitted to the planning department and I want to say July perhaps on the P&Z.
Chairman Martin – Going back to our priorities, I think we need to at least give these guys an idea on where our priorities are as individuals and then as a Board.
Commissioner Samson – I'd like to see more being done in the west end to be honest with you. I think Mamm Creek is a potential powder keg if we don't pay attention to it and do something with it.

Chairman Martin – The lower road was chipped and sealed, improved etc and I think it's the pinch point where you have a property acquisition there, Mr. Snyder's small house on that intersection as well as the water pickup area, which is a real dangerous situation as well as the frontage road, a county road that goes east off that intersection. There is a hill, on a curve and it's a haul route.
Betsy – Several safety issues.
Commissioner Jankovsky – I'd like to see what's going happen with Cattle Creek as we move forward but CMC and Catherine Store are both important. You were talking about seeing something from the developer at CMC but they has signals there, it helps getting across those intersections. I'm glad I don't have to go across that Cattle Creek Intersection every day to go south, it's a tough intersection to get across.
Chairman Martin – You have H Lazy F, the industrial center, Hwy 82 all on that side as well as a private driveway and parking area for RFTA all in that one section then across the street you have RFTA pick-up place, a lot of commercial, body shop, gas station/convenience store, private entrance to other places and it's a busy place.
Dale Hancock – Was that intersection tied to Spring Valley Ranch.
Chairman Martin – Yes and that was on the east side and Cottonwood Landing is on the west side. On those land use approvals, they were going to take care of those intersections.
Dan Roussin – What we did was to give them a concept approval. That process matter of fact I believe those applications have expired.
Chairman Martin – I think Spring Valley has to buy property and realign the entire CMC hill according to the design. Mr. Gamba had done that one as well, which lined everything up.
Jeff – These represent the top 8 out of the 28 intersections, so if you're concerns are with Mamm Creek, Davis Point, and Ukele Lane in the top 80. Do you want to move Mamm Creek higher from number 5, is that correct?
Commissioner Samson – That would be my wish, but I travel it all the time just like you travel yours.
Commissioner Jankovsky- That's right, I travel CMC all the time.
Chairman Martin – I bet I use Davis Point more than both of you combined. We build that entire road with guard rail etc, drainage improvements, worked with the irrigations folks putting in new culverts, Town of Silt has their transfer/pump station there for the water system and it gets narrow. We cut some willows there that were hanging over the road, only took 1 ½ years to get that one tree taken care of.
Jeff – Would Mamm Creek be a higher priority than Red Canyon.
Chairman Martin – Oh, yes.
Commissioner Jankovsky – I think if I were to prioritize this without looking at developers I'd say Cattle Creek is the number one in my mind. Red Canyon is tough but with that light there it's helped that out some and there not as much traffic there as there is at Cattle Creek. I do feel that CMC; and Catherine's Store they may hither accidents there, I feel that the signal helps those intersections. Unfortunately, Cattle Creek is most expensive of those.
Chairman Martin – I think Cattle Creek and CMC.
Commissioner Jankovsky – I'd say Cattle Creek is my number one priority. Mamm Creek has a variety of priorities for us including safety and it's also the intersection for the Airport from the east side. That entire commercial area has the potential for commercial development.
Chairman Martin – And a designated haul route paid for by Energy Impact Grant Funds twice. That's a higher priority, I'd say number 3.
Commissioner Samson – So you would be Cattle Creek as number 1, CMC 2 and Mamm Creek 3 is that where we're at.
Chairman Martin – I could live with that.
Commissioner Jankovsky – I am good with that too.
Commissioner Samson – Okay.
Chairman Martin – Does that help?
Betsy – Do you want us to talk about next steps and how CDOT plays into this.
Commissioner Jankovsky – On the five-year plan, you have some funds for intersections.
Betsy – Just plug those names in now.
Carolyn – Mr. Chairman Martin, would you like to formalize this discussion into a motion so that your consultants and your public facilities director will know what direction you want to go with your five-year plan?
Motion
Commisioner Samson – I would move that we put as our priorities number 1 - Cattle Creek CR110 CR 113, number 2 CR 114 CR 154 CMC after the recommendation that you two live up here and number 3 Mamm Creek CR 315 intersection. Commissioner Jankovsky – Second
Chairman Martin – Also to help out in reference Mamm Creek, the west end has been re-designed etc that goes over the hill, that helps out on that side and it is possible to get that same type of design on the east end. It will be expensive and we may end up buying some property.
In favor: Jankovsky – aye Martin – aye Samson - aye
Chairman Martin – Who's going to do the design review with the cooperation of Garfield County.
Betsy asked Dan to briefly talk about the access control etc and site mitigation.
Dan – Region 3 Permit Manager for the region and my primary duties is access along the State Highway System. I've been working with Garfield County for the last10 years, working towards the cooperation that we have now on looking at intersection that we just talked about. There's a lot of them, they said 27 that are all state highway/county road intersections so there's plenty of job security for me. One of the things is it is very challenging and as organization CDOT wants to work with local governments and try to come up with ways of solving problems. It's not just me looking at that, it's the higher ups at CDOT that are looking for that. One of the things obviously this Board is aware that CDOT will be talking, letting the County know because we are looking something very similar to the traffic improvement and needs assessment that you just did but region wide. That will be coming out probably by July. That will also be funding with FASTER money. That's another way to do funding. Another way more specific is I'm working with other local communities to try and find out where the access point are going to be on the state highway system. I call it an access control plan. What that does and this is something CDOT if committed to doing is actually provide some funding for it, is to look at where all access points are onto the highway system. What's really unique about this and great about it, typically CDOT is not able to look at the land use planning, we just look at the transportation and that's it. Land use planning is for local governments and how they do it. Well we recognize that land use planning and transportion, they have to be in sinc with each others, if not we have issues. A good example is that we should have been more planning on the CMC intersection. That is now water under the bridge. What we're looking to do is working with the City of Glenwood to do an access plan from Hwy 82 all the way to their portion of the city limits. My recommendation to my boss is actually to go to just pass Holy Cross/ Red Canyon intersection because we know there is development activities and we know there might be South Bridge mentioned, so there's stuff like that. I've asked Betsy as well as Fred to consider possibly help funding more and go all the way to the County Line on 82. What's great about is we'd be an equal partner, the cost because we have another entity in there, the costs are distributed equally or very similar, that Garfield County would get a great bang for the buck. Typically a plan by itself, the startup cost is the major cost. We've got the city who said they are doing it, so to add a few more miles cost less. What I've asked the city to do to see if the budget's available, to see if this Board is interested in doing an access

plan for entire 82 corridor. If we do that we are close to having the entire 82 corridor planed for what kind of accesses are going to be. We done this in Eagle and we're in the process in Pitkin County to finish that, so other communities along this Hwy 82 corridor have begun or finished the access plan.
Chairman Martin – Dan, on that wouldn't RFTA have to be a partner as well because they have the crossing of that…
Dan – Absolutely, RFTA is a partner in fact of what they are doing, they have their own study that they are working on now. We're talking about access to the highway so it would be county roads or private. There's definitely a pedestrian.
Chairman Martin – Their license to cross because the control licenses from west to east on Hwy 82 from Aspen to Glenwood Springs so they definitely have to be at the table because of their access.
Dan – Absolutly, I'm not saying they're not, they will definitely be an important role in the development of the plan but in terms of partner funding we weren't thinking them as being a funding partner.
Chairman Martin – If you're going west to east to Hwy 82 that Cattle Creek, CMC, 154 on through, who gives licenses to cross just to get to the highway in refrence to the land mass, it's going to be RFTA, the same thing if you down the other way which is 154 CMC on that side, their crossing goes across 154. Those are some of the issues that we need to deal with.
Dan – The crossing that you're referring to are historical crossings, now if there's any new crossings obviously they will need to be involved. The transportation lanning because you want to have the good infrasturue in place. You don't want to have all your eggs in one basket o the Hwy 82 corridor. You want to give folks other opportunities to get from point A to point B. That's where the planning comes and that's where we can look at and see if there needs to be more opportunities for people. You are correct in getting RFTA involved in that.
Chairman Martin – That's on the east side, the old access road is gravel and why RFTA needs to take an important role because it can be in the collector to those signalized areas. We need to maximis intead of haiving multiple accesses from the east to the west.
Dan – We also look is where the frontage road connects to the main highway. Those are the critical points. That's where we have have issues and it's not just in Garfield County I can show you places all over my region where we have issues because they're so closely spaced interseciont that we can't get a lot of traffic through these. Those are the challenges and things we have to look at and make good decision on our intersections.
Chairman Martin – That's what we call Vail, Eagle, Edwards, all the way with reference to the coordination with the highway department and the land use issues. Access issue is something we need to explore. Fred needs to find the money.
Betsy – I didn't want to talk too much time on considerating an access control plan at this time because that will be part of your consideration in 2012 if Mr. Jarman, Ed Green and I decide to present that to you as a budget item. What we wanted to point out today was that is an integral piece of these intersection improvements that you want to pursue in 2012 and beyond because it engages CDOT in the detailed analysis of those particular intersection CMC and Cattle Creek. The hazard mitigation funding, it positions us well.
Dan – The more information you have the better decisions you can make and that's for any kind of intersection. These are great foundation blocks and that's how we get things done.
Chairman Martin – Like the ones with the City of Rifle and the Town of Silt in reference to access plans etc that we participated in and helped pay for. Same situation for the City of Glenwood Springs, so it's nothing new to the County.
Dale Hancock – Commissioners, it may behoove you to review the 5-year plan so that you can put that in what you really want and your capital allocation funds.
Jeff – The other important part of this is the thing you brought up originally which is the notion of partnership , partnering whenever possible so the County ends up being the partner representing the existing users and then the developers, entities and other representing the new users. That would be something that we – communities users and continue to review.
Chairman Martin– We do this on a daily basis and we're used to it. We want to stop studying and get things done.

I. INTERGOVERNMENTAL AGREEMENT FOR 8TH AND PITKIN PARKING LOT – BETSY SUERTH

Chairman Martin – We have a request from the City of Glenwood to do away with the agreement because of our development that deals with the parking lot across the street to the West 8th and Pitkin.
Betsy – As you know, we have a pending construction of two new parking lots and that has created an opportunity to clarify these parking lot uses. The IGA that you had with the City of Glenwood Springs was to address the use and maintenance of the existing parking lot at 8th and Pitkin. Now the County has been in possession of these other lots adjacent to the existing lot at 8th and Pitkin and then another at 7th and Colorado which is adjacent to another shared city/county lot. We are moving forward to create additional parking in the downtown area with those lots. Because of that the City has asked the County to dedicate that new parking to all day parking for County employees and to allow the general public to use that parking on evenings and weekends. We can also include the existing lot at 8th and Pitkin if you'd like. Today, staff is asking the BOCC for direction on the use of both the existing lot at 8th and Pitkin and then 2B lot at that same location and also the use of the new lot at 7th and Colorado so only the new lot at 7th and Colorado, not really considering the use of that existing lot which is city/county property.
Commissioner Jankovsky – The lot on 7th and Colorado that will be strickly for County employees and then would allow for public parking after 5 p.m.
Betsy – 5 p.m. or 6 p.m. or whatever we figure out is appropriate for the hours of the employees.
Commissioner Jankovsky – Primary for the employees working in the Courthouse.
Betsy – I think that naturally that is the way that it's used.
Commissioner Jankovsky – Over here on 8th and Pitkin we would have additional County parking but we would continue to have some public parking with 2 hour.
Betsy – That is up to this Board. We can consider all it.
Chairman Martin – That agreement of enforcement is going away. My suggestions is that it be all day parking otherwise we would have to enforce the parking requirements.
Commissioner Jankovsky – For employees and the public.
Chairman Martin – That was what the original agreement at 8th and Pitkin that the city would enforce 2 hour parking and to tow those away in violation but …
Commissioner Jankovsky - That 2-hour parking is well used right now.
Chairman Martin – Enforcement is going to be your issue and then that falls on Richard, which is a contract that he has with unpermitted parking over on the north side of the courthouse.
Dale – Actually any of our lots where we discover the violators that run that risk.
Betsy – Understand too that right now the County lacks appropriate space for employees for all day parking. What that causes is the function of those 2-hour lots is used by employees, that's the way it functions out there today. So, with the inclusion of additional parking spots specifically for employees that have their sticker and it would be enforced by the County. That ought to relieve some of those 2-hour spots that exist on the street.
Commissioner Jankovsky - What is called the 2-hour tango. The lots to the west are full and they fill up above on the school ground.
Betsy – Once those fill up then those employees are left with the 2-hour shuffle.
Chairman Martin – I don't have a problem with the all day parking.
Carolyn – For employees because it seems like what the city is saying and in doing so we hope the county will making parking lot available for public use evenings and weekends.

Chairman Martin – I'm talking about two different subjects too, in the two different parking lots, I have a difference of opinion on 7th and we'll get to that, but let's concentrate on 8th and Pitkin and open that up and do that and make it a full day employees. Now on the other lot 7th and Colorado is a nightmare because half and half with the City/County you've got this next one and the alignment of those parking spaces, the use, exits and entrances etc I think is a disaster waiting to happen and it needs to be thought our more and opened up more and actually realignment it so it's more functional. At present it is a dangerous parking facility. If we need to rework it, let's work with the City of Glenwood and come up with a plan on the 7th and Colorado for a better parking facility.
Dale – What you have is 5500 sq feet more parking space on that lot. It would the opportunity to realign the entire joint facility and make it where you not creating all the dings that happen in those lots now.
Commissioner Jankovsky – Betsy, do you have a bid currently to…
Betsy – The contact has already awarded.
Chairman Martin – We address that with a change order but then if it's a major change order then you have to go back to bid, etc but what the design is to take down the fence, level it out and pave it.
Betsy – For the most part and actually the county, Commissioner Jankovsky has facilitated a partnership between the DDA and the County to take one spot out of that original design of the 7th and Colorado Lot which would make it from 12 to11 spots to dedicate to a small plaza, gathering area, a pocket park. That's designed and that is be part of that contract as well with a change order and of course that fell within the guidelines of change orders because the price is minor.
Chairman Martin – I think the city needs to look at that entire thing and possibly have a brainstoring on that entire area from the alley to the street and the other street.
Betsy – What we could do is stop the construction of the actual lot now and start with the process with the city or we could actually go ahead with the improvements of that lot, and take a look at curbing and boundary structure, implement the paving and some stripping to make it function while then you negotiate partnership with the city and realigning the entire area.
Chairman Martin – If you look at the surface you will see that it definitely needs to be redone.
Betsy – Yes, there's not question and the urgency to finish this was because the city has eliminating 50 something spots of 100 spot lots at the water waste facility. That was recent and created an urge on the county's part to at least construct these additional lots and allow for replacement parking.
Chairman Martin – It's too late now because that lot has been totally closed for construction. Let's do it right and not make two mistakes.
Commissioner Jankovsky – I agree with what you're saying, I think to combine two lots it would be more efficient and it truly is difficult to park in that lot on 7th and Colorado.
Betsy – It's substandard and you'll probably lose some total spaces but it will much safer.
Commissioner Samson – Are you saying the 7th parking lot we're only going to gain11 spots. That seems small. How big is it?
Commissioner Jankovsky – 5500 square feet.
Chairman Martin – You had to go ahead so you can prepare for the future if you're going to expand to the south, a structure facility or a working with the city to create more parking. The City owns another parking structure which is south of there with the retaining walls next to the alley with the trees, etc and then it goes up to the glass shop. The City is enforcing that on. What we need to do is sit down and see what is the overall design of that entire area so we have a smaller section we own jointly with the City and then City owns one. So if we made that into an entire process, what would that partking facility be there.
Commissioner Jankovsky – It's very likely, Todd Leahy called me and wanted to talk about that becoming the parking facility, parking garage so... as long as I've been in Glenwood Springs we've talked about that. We need to get going on this one at 8th and Pitkin and give you direction on that issue and that becomes a Garfield County lot and …
Betsy – That is the suggestion from the City and is before you today.
Carolyn – Would the Board be willing to do this piece by piece to make that one motion and then do then do the second one for 7th and Colorado.
Motion – 8th and Pitkin
Commissioner Jankovsky – I will make the motion that we move forward with 8th and Pitkin which we are doing and have that available for parking for county employees with county stickers. Commissioner Samson – Second.
Betsy – Clarification, are you including the existing lot along with the new lots.
Chairman Martin – Yes.
Commissioner Jankovsky – If we do want to enforce that, I do many people using that and we can possibly mark that front. Many people come in and out of this facility that park in that lot.
Dale – Think about it. You have 22 lots in that first lot and about 50/50 and half of that for County people that are coming in for County meetings, etc. Do you want to retain those…
Commissioner Samson – Yes, I want to retain those because Human Services, the Garfield County vehicles …
Commissioner Jankovsky – It would be 2-hour parking for the public on the north end of that lot.
Dale – But keeping the 11 slots for motor pool cars coming into the building for meetings could be all day long.
Commissioner Jankovsky – And the additional new spaces would be the same, for County employees for all day parking.
Commissioner Samson – Their private car but they are a County employee.
Dale – These first 11 are for motor pool cars.
Commissioner Samson – We understand that, that will stay the same.
Betsy – But are you saying…there needs to be a distinction here because right now you have 2-hour parking.
Chairman Martin – That is going away because there is no enforcement. We can sign it and say that but we're not going to enforce it. Let's get real and say it's going to be for County employees and sticker vehicles there and we need to make adjustments for that front parking lot for circulation, let's make it public parking 2-hours and no enforcement. We're making it too complex. It's a parking lot …
Betsy – If I could make a recommendation here I understand what Commissioner Jankovsky's concern is regarding the 2-hour parking that people are accustomed to that and it's well utilized. But what I want to point out is that it's utilized many times by County employees, that's the reality of it and so I think once you dedicate the whole lot to County employees keeping intact those spots for the motor pool vehicles with the Garfield County designation on the side of the vehicles, then you are going to solve a lot of those issues of the general public because most of the 2-hour spots are going to be freed up because Garfield County Employees will now have a place to park all day. The public is still going to have ample parking in the general vicinity for the 2-hours with the elimination of the 2-hour parking in the existing lot. That's my opinion.
Chairman Martin – Pitkin Avenue is not going to be filled up with County Employees cars with stickers on them, they will be able to get off the street and leave that open for the general public.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
7th and Colorado
Chairman Martin – We wish to have some kind of work meeting with the City of Glenwood and DDA to make sure that we happen to address all those issues and do it right.
Carolyn – My memory is that you've already let a contract to Gould construction for 7th and Colorado as well.
Chairman Martin- Does that mean we have to stop thinking about it?
Carolyn – No, but I'm concerned that we might be getting into delay damages or something like that on the Gould contract.

Betsy – Yes, we could, so my suggestions is that we move forward with the construction, we have our county engineer look at the details of that asphalt basically the paving and make any adjustments to that paving to allow for future modifications easily. Therefore you would have new pavement, your new plaza and stripping now or within 2-months and then you move in the meantime concurrening you're negoations with the city for a new arrangement for the entire area as the Chair as suggested.
Chairman Martin – All you would have to do it fox seal over the stripping and put new stripping down to make it.
Betsy – Your paving remains intact and you may have to do a few saw cuts just to match up your pavement well. The county engineer would make sure of those details.
Chairman Martin – I think originally that is what we had planned with the City is that would be one project, redesign everything without the overall.
Betsy – With your permission I'll draft a letter to the mayor of the City of Glenwood for the Chair's signature suggesting that future negotiation/collobartion process for parking lot that the city/county owns jointly.
Chairman Martin – Colorado Parking Lot workshop. Mr. Hecksel needs that together on his end, get a date and we'll sit down and do that because we need to work with the city and we haven't done a joint meeting for two years.
Commissioner Jankovsky – Councilor Leahy is going start talking about that parking structure because he's already bent my ear about that.

Parking of Vehicles in the remaining Pitkin right of way behind the County Jail

Carolyn – Would that be part of your workshop?
Chairman Martin – Yes. The city doesn't want double parking to single parking in reference to the Sheriff's office.
Carolyn – So, we should include that in our letter.
Chairman Martin – That's a gate, through the gate and around the corner there behind the Jail and City Hall. There's a big drainage dip there.
Carolyn – You can do all these things you've done today by motion alone but do you think it would help the public record to have the 8th and Pitkin lot in Resolution form?
Chairman Martin – That contract is already awarded etc and I think we can move forward.
Carolyn – We'll tell Renelle so she can put it upon the website.
Dale – We need to demolish the houses first. They will start this any day now.
Matt Steckler would like to discuss the remaining portion of the Pitkin right of way behind the County Jail.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

None

WORK SESSIONS – JUNE 29 AND 30, 2011

Tamra Allen – Reminder of the Work Session with the state in regards to the for Colorado Roadless Rulemaking the draft EIS and has been scheduled for next Thursday, June 30, 2011 at 10:00 a.m. and it will be here in the BOCC meeting room. Also wanted to open to you quickly to see if there was anything that we should ask the state or do a quick presentation during that time.
Commissioner Jankovsky – I would like to at least go back with you and go through the different tiers if you can bring me up to speed and give me information on that sometime.
Chairman Martin – The layers of tiers, Tier 1, Tier 2, Tier 3. Tier 1 looks a whole lot like wildlands in reference to the Department of Interior and they can do it administratively wildnerness wtihouty a public hearing and Act of Congress. That's why you need to make your voice heard. If everyone is hapy with the administrative creation of wilderness then Tier 1 is here.
Tamra – The state was looking for direction on what some direction on what their presentation should contain if there were specific elements, alternatives or tiers that you had questions on so you have some time but I did want to put this out to you between now and the 30th.
Commissioner Samson – Also, on Wednesday, June 29, 2011, 9:00 a.m. to 10:30 ULUR and it is confirmed.
We have an 11:00 a.m. meeting that day. Is there any way you can start yours sooner than 9:00 a.m.
Tamra will check and possibly start at 8:30 a.m. and go to 10:00 a.m.

LOCAL PREFERENCE

Mark Gould – Thank you for allowing me to speak. First, I want to say thank you for the leadership in their Local Preference Clause for Garfield County. I saw in the newspaper that you are considering including Rio Blanco and Mesa County and I would like to encourage that. I also would like to suggest you should add a little bit of a task force of a couple of contractors when you're having these discussions because many of us contractors work in all three counties. For example, Mesa County has a local preference that works against Garfield County, Garfield County has one that works against Mesa County etc. Why would I be up here as a Glenwood contractor talking about perhaps including Rio Blanco and Mesa and I would tell you I wouldn't be here today if it were not for Mesa County. I have 7 jobs in Garfield County, 1 of which is contracted with Garfield County, 5 jobs in Mesa County and 1 in Fruita, 1 in Clifton and 3 with Mesa County, 3 in Pitkin County and 1 in Eagle County. The bottom line is that what you has helped us contractors. Out battle is with the east slope versus west slope. They work their equipment 11 months a year and we work ours 9 months a year. They come over here with a different cost structure than we do and occasionally they come over and kick our butt. The real issue is with east slope versus west slope not west slope so I would encourage you to do what was in the paper this morning, which is to talk to these other Commissioners, but I would do it with the Commissioners. One more example of when it doesn't work, Glenwood Springs last year included Rifle in their local preference, and then Rifle passed a local preference against Glenwood contractors. So it takes you getting together as the politicians to work this out and do so with a global look because when you look at it by yourselves it has some ramifications that you don't realize are there. We are presently exploring starting a company in Mesa County if they get real nasty and there can be no cooperation between the counties, then we may have to create a company there, which of course takes money out of this economy. I'm glad you are looking at it and encourage you to look at it.
Commissioner Samson – I thought we were putting together a workshop on that so I just wanted you to know that.
Chairman Martin – It's been advertised and invite everyone.

EMERGENCY SERVICE CONSERVATION INTERNATIONAL – MIKE MORGAN

Mike Morgan Fire Chief of Rifle Fire Protection District, Gary Pilison, Chief of Glenwood Springs Fire Department, Martin Goughner Emergency Services Consulting International, Steve Truenck with the same company and Brit McLin the Chief of Burning Mountains Fire Protection District were present for this discussion.
Mike – An overview of this and the handout of the press release we sent out last week but it has not been in the newspaper that would give you more of an idea of what we're talking about and what we're doing. To summarize it, we've been having some conservations as all public entities are having right now except of the fire departments on how to do work together better, smarter, more efficient to reduce duplication of efforts and services. Those conservations started several months ago between the three organizations. We would like to do more things together in the entire county for efficiencies and the summary of that is we hit the point where we really needed a 3rd party too take a look at that for us so it was not a fire chief's opinion on things. ESCI – Specializes in this type of work, they were hired in May and the final product will be completed around the 1st part of October. What the final product is no one really knows yet. It will include a lot of conservations and what we're looking at is how many training towers for fire do we need in Garfield County, Colorado. Can we work closer together through purchasing, for example if all of us buy 10 sets of bunker gear annually and it cost $2500 a set what if we all got together and purchased 30 sets and picked them up for $2,000 a set. Those are the kinds of things we are

looking at. Commissioner Samson expressed an interest in hearing more about the project. We have ESCI in town and available to answer questions. We will someone at the Glenwood, New Castle and our main station in Rifle doing what they referred to as stakeholder interviews.
Martin - We get excited when we work on a project not because it's work but because we feel an investment in the communities we go to and when a community looks at doing something in a way that is positive involving the community, which they have done makes the work more exciting for us and we know that the results will be positive. We don't have pre-conceived notions as annexed participators the people on your project in your county have all been through the process of collaborative efforts between organizations. My personal experience in Oregon as a fire chief there were 13 different organizations that worked together. Our company is 36 years old now probably does about 80% of this work and does master planning, communications, emergency medical services in transport working from Florida, Hawaii and Japan and around the world. But what we do is we assign people that have specific experience that works well with your organizations here. We have a team of 5 that are here. When we gather our background information and our stakeholder interviews, it's done in a way that allowed us to look at the organizations and the communities all the way around from top, bottom and inside. We don't rely just on information that fed to us or take reports and go back and turn something out; we want to hear from the elected officials, the community, the hospitals and community leaders so we make ourselves available from morning until night when we are here. Beyond that when we come back with our ideas we're holding a number of community forums. There is one scheduled tentatively for each of the communities in August. We allow the community to determine what are the services, service levels that the community wants. It's not give us the money and then we'll tell you what we're going to give you. It's like going out and buying something, this is what I'd like but maybe I can't afford that, what can the community afford but also what does the community want. There is a number of different ways to deliver fire and emergency services. One size does not fit all and we know that. That's what we're looking for and then we come back, get community input, we go away but during that time and then once more there is involvement with the organizations. Our work is posted on Share Points and the departments that are involved with it see what's going on and it's not created in a vacuum. When we come back with a draft report it's review and then at the final there will public presentation of that as well. Included in that is steps for implementation of any of the items that we feel would be appropriate for the communities. It's includes cost avoidance, efficiencies that we may find that could be done and as the chief mentioned one of them is having training centers. Collobaratively if you have a fire department that has one fire pumper you need to have a second one to have a reserve. Well if you have two pumps, you have to have a reserve. Is there some economies of scale where with the organizations perhaps they can share reserves of equipment, purchasing the same as he mentioned, getting 30 set of bunker gear well you probably need a couple extras because everyone needs extras in case something happens. There are a lot of economies that way, beyond the way that the agencies participate in the field and operation if they are using the same guidelines and policies when training and working together there is going to be efficiencies on the fire gound and emergency medical scene because they are suing the same playbook. As the chief mentioned we are making ourselves available is any of the Commissioners would like to meet with of over the next few days, we'll make one of our people available as well if not during that time Steve is relatively local, he's one of those Front Rangers and we can set up a time for a conference call or when we're on another site visit.
Steve – With that I would also just recognize that due somewhat to the economy this is occurring in many places across the United States but is really the appropriate thing to do is an efficiency way to look how you are using your resources. Here in Colorado, we've been involved from just agencies that work together better, have automatic …and working as an authority and somewhere along that spectrum is the appropriate thing to do. I have a lot of experience in here in the fire service in Colorado and was on the Governor's EMS counsel for 12 years and a Sheriff for 2 and over here for grants etc. I was a Colorado Fire Chief for 21 years and I've had the opportunity to work in Colorado. I congratulate these three fire districts for trying to look somewhere on that spectrum what is the best service we can provide for the community they serve.
Chairman Martin – Congratulations, I know that it has been wild and still this is the first time I've been able to see you and congratulations on your new position. You've been there a long time. Brit is probably the instigator that Mike got stirred up to get you involved.
Brit – The real key point if that there are no directed outcomes from us, it's more of a matter of let's evaluate our strengths and weaknesses, what can we do to provide better service in a more cost efficient way. They may come back with a report that will have ideas.
Chairman Martin – We get to sign the affidavit saying that the ambulances are in service and we meet the standard requirements after inspections.
Mike – Gary did bring a map if you want to look at it. One of the things we're already doing, we have always had what we refer to as mutual aid agreements in Garfield County and that is normal across the country. We have now ramped this up more into what we would call an automatic aid agreement arrangement. A map was shown to the Commissioners. What's shown on these lines are the existing fire districts boundaries. The other stuff shown here are these dotted lines so by going into an automatic aid approach versus a mutual approach, we forget those political lines and we send the closest available resource instead of who's fire protection district is in. We have identified in one location already and there will be others that we've been able to reduce those insurance premiums because we're sending the closest resource. That is an example of some of the things that this is all laid out. The other part and a big thing when it comes to fire protection with all emergency services is that you have what is called preparedness costs and that's is what give produced expenses. If we act as if we are in a silo with jurisdictions and we're doing everything alone and with our own preparedness costs etc then that drives the cost up for each community so for that example, if we do it individually we staff enough people for what we likely occurred with that acceptable risk factor. If we can do that collectively now maybe we don't have as many, we can move resources around automatically and share those preparedness costs. That is a synopsis of what got us here.
Gary – The only other thing to point out is as you look at this map, not in today's conservation but one on one to entertain the Commissioners in the future is just see all these hash mark areas that appear on the map. These are folks that are not in a fire district and not paying taxes into any of these funds. So when we see a development happen in one of these areas obviously we'd love to see the BOCC say, we know we would love to entetain that development but you need to annex into one of the fire protection districts in order to do this. We have one, which is under contract in Carbondale. If there's a whole of lot back here still that is and when the imes comes that development should take place, we need to get them into a taxing district.
Chairman Martin – Originally, Gary that was under contract with the Glenwood Springs but it has changed now.
Brit – The long and short of it is grandma's house catch on fire, she is going to bad mouth everyone else. Who are they supposed to send. This whole segment of I-70 is in no jurisdiction.
Chairman Martin – That is a commercial district there.
Gary – This is just west of Canyon Creek.
Brit – Do we ever get wrecks there, sure and are they entitled to service, probably. Who are they going to send. What are the impact if my ambulance is out of my district servicing no district and grandma slips and falls and expect me to come. It's not a problem or a crisis it's what we're addressing.
Chairman Martin – It's the same issue you have in Clear Creek County in reference to the tunnel etc people coming in and out, it's the same issue. This is one way to approach it, it's not unlike what we did with the South Canyon Fire and did away with all jurisdictional boundaries putting resources together staying within budget but still working side-by-side. You have the largest are in Garfield County not in a fire district and that goes all the way to Utah and we need to figure out how to do that one.
Mike – When someone calls 911 budget is an issue but someone in a fire district is being sent out.

Chairman Martin – We do the same thing with the Sweetwater fire station and they are in training and by the end of year they should be certified. Do you have an agreement with Gypsum fire?
Mike – Yes, actually they're watching what we're doing very closely and as you can imagine there's a lot of moving part on this presently but Gypsum fire is interested in signing onto the automatic aid part of things. For some reason I think they close that canyon to 2 lanes on a regular basis and for those types of things Carbondale, Chief Leach and Chief Tilson have been having some discussions about having some relationships to do in this County and we're all working together and looking at it smarter. We've already implemented some training programs so one of the most recent ones is a specific training for folks who are going to be promoted to these supervisors on the fire ground. When you have 1 or 2 people who want to take a class, it is hard to justify putting on a class to that extend with one or two people so now we've all got together, established the standards and criteria and I hope we will have 6 to 8 people and do it collectively. It's just good operations.
Chairman Martin – How about the largest established fire district which is out of DeBeque, have you talked at all to them. They are well staffed, well financed and however the training is somewhat lacking.
Brit – We have made overtures and offers.
Commissioner Samson – I don't have any questions, but I have a few comments and first I want to say thank you because so many times you see everybody with their little kingdom and they jealously guard their power. I commend you three and well as possibly others that are willing to work together because this Board supports you and we do all we can to help you because we as a Board believe this is for the betterment of all of our constituents, it is going to make thing better. So go for it.
Commissioner Jankovsky – One question, I'm sure all three districts have different taxing mill levies, somehow that has to be melted together, does this have to go back to public for a vote potentially if there's change in taxing. Is that a possibility.
Martin – If I understand the question correctly, the departments and districts do something together and they have different mill levies what would they need to do. What we'll be looking at is things they can do operationally, functionally and cooperatively and then we will investigate legal issues if that presented itself. Financially, that is one of the things that we'll be looking at it finances of the organization, how they're funded, what the cost is per capita, what it is for to do a transport, what is the historical revenue and expenditure picture look like, the agreements they have with the employees, volunteer and part-time not excluding any one of those groups. That's one of the areas that I personally work in a lot but this time I have a lot going on so I will bring in another individual, Don Stewart who specializes in finance, knows municipal finance, and has a strong business background and he will look at that and say what the potential is there, so is that a possibility; yes but, that is at the end of this spectrum as Steve was mentioning. Right now it's looking at where their finances are.
Commissioner Jankovsky – I am assuming there are differences in personnel, what people are paid and what benefits are as well.
Martin – It gets fairly complex and the analysis of that is we break it down into the smallest components and look at each position, even restructuring the budgets so they are the same. Municipality budgeting is different from district's budgeting and all of the cost are paid for or by the district in determine their resources, personnel services, payroll and then municipal governments we have to create a budget that replicates that so that we are comparing equal within the city to provide human services, payroll and to make sure that's all captured so we're on a level playing field. That is one of the first parts of the process is seeing what they're cost are.
Commissioner Jankovsky- I applaud you guys as well.
Chairman Martin – The biggest challenge is keeping the systems and you guys staying together and getting this accomplished. You have some bumps in the road.
Steve – Thank you again for the opportunity to meet with you. If you do have some time you can call and ask questions, then we are more than happy to do that.

PUBLIC MEETINGS:

A. CONSIDER A REQUEST FOR A TWO-YEAR EXTENSION OF THE PRELIMINARY PLAN FOR OAK MEADOWS, FILING 4, PHASE III SET TO EXPIRE ON JULY 21, 2011. APPLICANTS ARE JOHN RICHERT, ETHAN JACOBSON AND EMERALD ISLE LENDING COMPANY – KATHY EASTLEY

Steve Gallagher owner of 1/3 of the partnership that's requesting this and president of Emerald Isle Lending. We have the proerpty currently on the market obviously not a great deal of interst in this economy and we sent a letter to Kathy Eastley in 2008 the preliminary plan for Oak Meadows Phase III was approved. That plan was valid for a period of 1-year and the Board has subsequently extended that place. This is set to expire on July 21 of this year and the applicant has requested a 2-year extension.
Kathy Eastley submitted the following exhibits: Exhibit A – Garfield County Land Use Resolution of 2008 as amended; Exhibit B – Garfield County Comprehensive Plan 2030; Exhibit C – Letter of Request from Owner; Exhibit D – Resolution 2008 – 95 Preliminary Plan Approval; Exhibit E – Resolution 2009 – 59 – One year extension to Preliminary Plan; Exhibit F - Resolution 2008 – 47 – Second One Year Extension to the Preliminary Plan and Exhibit G – Staff Memorandum.
Chairman Martin entered Exhibits A – G into the record.
Steve - Even though we acquired the Public Trustees's deed to the property in 2010, our rights as owners were subject to various claims in an ongoing lawsuit that could affect the property and pertained to dealings involving the prior owner and third parties. That lawsuit was resolved between all involved parties by stipulations in the fall of 2010. As owners, we have paid substantial funds to clear title, have acquired 25 water taps that are necessary for development, and have paid current all monthly fees in connection therewith. Additional time is needed due to the status of the economy, which makes it difficult to proceed with development or to sell the property to someone who is able to proceed with development. The Preliminary Plan that we are requesting to be extended was well thought out and designed and is appropriate for the property. The disruption and stress in the economy was not anticipated and will still take some time to resolve, but the granting of the requested extension should allow time necessary towards reaching pending issues and the completion of a Final Plat that will result in a "shovel ready" project, once the economy improves. This, in turn, improves the possibility of local employment sooner than later.
Motion
Commissioner Jankovsky – I would make a motion that we the Board of County Commissioners grant t 2-year extension to the preliminary plat for the Oak Meadows Filing 4, Phase 3 and this is something w4 have been doing for a while due to the economy and I think 2-years is appropriate. Commissioner Samson - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

B. CONSIDER A REQUEST FOR A SECOND AMENDMENT TO THE SUBDIVISION IMPROVEMENTS AGREEMENT FOR SUN MEADOWS ESTATES AND A REQUEST A PARTIAL REDUCTION IN THE LETTER OF CREDIT FOR IMPROVEMENTS DO DATE. THE APPLICANT IS SUN MEADOWS ESTATES, LLC. - FRED JARMAN

Fred Jarman, Fred Cooke and Carey Cagnon were present.
Fred Jarman presented the Memorandum to the Board regarding the request for Sun Meadows Estates LLC to ask the Board (BOCC) for a Second Amendment to the Subdivision Improvement Agreement. This amendment extends the time for completion until September 15, 2011 and increases the Letter of Credit provided by Alpine Bank to $475,598.47, it would live for 5 months rather than 6 months and the third action if drawdown, which is the first drawdown from against that letter of credit (LOC) and the action has already taken place which was the relocation of three power poles and installation of two power poles out there. A copy of the revised

Engineer's Estimate of Probable Cost by High County Engineering, signed and stamped that it was done properly and a revised engineering cost. A draft Reduction Certificate for a partial release of the LOC in the amount of $49,400, which represents the payment to Xcel Energy for moving the power poles in the amount of $48,600 and to High County Engineering for engineering fees in the amount of $2,600.
Carey – I would like to underscore that the SIA that you entered into requires that LOC credit lives beyond 6 months the completion dates and in this case we are contemplated a slightly shorter time period that is not provided for in the SIA.
Fred Cooke with Sun Meadow Estates, the manager of company and just to comment to the Board just a timing error after talking to all of the subcontractors associated with the job, we hope to complete it by Labor Day but if it isn't they have asked for an 2-weeks in case we run into some weather issues. The work is underway currently, the bank had approved it for a different time period which basically shorted us 2-weeks and it would be quite a project for them to have to go back to their loan committee and be another 2-weeks on it. It would take a couple more weeks to get that approval and we wanted to be able to deliver to the Board the updated LOC, which is for approximately $20,000 reflecting the actual final cost of the project that is under contract.
Chairman Martin – How long have we been working on this Fred?
Fred - 7 years.
Motion
Commissioner Samson made a motion that we as a Board approve the SIA amendment and accept the revised LOC. I would amend my motion and add approve the partial release of security based on High County Engineering representation. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

PUBLIC HEARINGS:

A. CONSIDER A REQUEST FOR A COMMUNICATION FACILITY THAT PROPOSES INSTALLATION OF A 69' HIGH COMMUNICATION TOWER ON THE NOBLE ENERGY 8D WELL PAD. THIS SITE IS LOCATED ON A 316-ACRE PARCEL APPROXIMATELY 6 MILES EAST OF THE TOWN OF PARACHUTE ON CR 301. APPLICANT IS JOAN SAVAGE AS OWNER AND NOBLE ENERGY INC. AS OPERATOR – KATHY EASTLEY

Grant Griffin/Lorne Prescott Olsson Associates for Noble Energy, Kathy Eastley and Carey Cagnon were present.
Carey reviewed the applicants notice, posting and mail receipts. Grant provided all the documentation and Carey found them to be in order. She advised the Board they were entitled to continue.
Chairman Martin swore in the speakers.
Kathy submitted the following exhibits: Exhibit A – Mail Receipts; Exhibit B – Proof of Publication; Exhibit C - Garfield County Land Use Resolution of 2008 as amended; Exhibit D – Garfield County Comprehensive Plan 2030; Exhibit E – Application; Exhibit F – Staff Report; Exhibit G - Staff Presentation; Exhibit H – Email dated from Judy Jordan, Oil and Gas Liaison and Exhibit I – Letter dated June 15 from Grant Griffin regarding the conditions of approval that staff has recommended.
Chairman Martin entered Exhibits A – I into the record.
Kathy gave the staff report saying Noble Energy operates a COGCC-approved well pad (Noble 8D) on a 316-acre parcel located five (5) miles east of the Town of Parachute on CR 301. The proposal is to locate a 64 square foot pad (8' x 8') concrete pad with a ±69 foot tall communication tower on the disturbed area of the well pad. A six foot tall chain link fence will surround the base of the tower.
This facility is proposed to improve communication among Noble activities in the area for Supervisory Control and Data Acquisition (SCADA). This tower will utilize "Line-of-Sight (LOS)" technology in the transmission of radio signals and will enhance coverage in the area. Potential co-location, with other operators utilizing this tower for their communication needs will be considered.
Timeframe for this proposal is estimated at thirty (30 years or more, dependent upon activity in the area. Once the tower is no longer necessary the facility will be removed and the site reclaimed, including revegetation with recommended seed mix for the area. This site is located on a COGCC-approved well pad thus a reclamation bond is currently held by the COGCC.

This site is located one mile from the intersection of County Roads 301 and 309 south of Rulison, approximately six (6) miles east of the Town of Parachute. The area has considerable Oil & Gas activity including pipelines and well pads as well as agricultural / residential uses.

STAFF RECOMMENDATION
Staff recommends the Board of County Commissioners **approve** the request for a Land Use Change Permit for a Communication Facility (Noble 8D) to be operated by Noble Energy on a property owned by Joan L. Savage. located in Section 5, Township 7 South, Range 94 West of the 6th P.M. in Garfield County with the following conditions:

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
2. The operation of this facility shall be done in accordance with all applicable Federal, State and Local regulations governing the operation of this type of facility;
3. The support wires for the tower must be flagged or marked to prevent avian collision.
4. This facility shall be included in a weed management program that includes annual monitoring and treatment of Garfield County listed noxious weeds.
5. The facility shall be required to comply with the following standards:
    a. The facility shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
    b. Site operations shall not emit heat, glare, radiation, dust or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard.
    c. All equipment and structures associated with this permit shall be painted with non-reflective paint in neutral colors to reduce glare and mitigate any visual impacts.
    d. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
    e. All lighting associated with the property shall be directed inward and downward towards the interior of the property.

Applicant
Grant Griffin – Kathy was complimented on the good staff report and she was very helpful. A couple points to reiterate, number one is this is located on a CCDC pad site and no further disturbance of natural land will be required. This will improve the Noble's communication and responses between operators and pad sites in the area, they will be no impacts to the wildlife or vegetation and tower will be marked to avoid alien conflicts and then the due to the vicinity of the proposed tower there will limited noise and visibility to the surrounding property owners. We have not received any complaints.
Motions
Commissioner Jankovsky made a motion to close the public hearing. Commissioner Samson - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

Commissioner Jankovsky made a motion to approve the request for a land use change permit for Noble Energy for a renewal energy communication facility on property owned by Joan L. Savage located in Section 5, Township 7, S Range N of the 6th PM in Garfield County with the following conditions 1-5 as presented to us.
Commissioner Samson - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

B. CONSIDER THE REQUEST FOR A LAND USE CHANGE PERMIT, LIMITED IMPACT REVIEW FOR A COMMUNICATION FACILITY, APPROXIMATELY 30 MILES NORTH OF LOMA AND 4 MILES SOUTH OF THE RIO BLANCO COUNTY LINE AT DOUGLAS PASS, LOCATED OFF OF STATE HIGHWAY 139 AND COUNTY ROAD 256 (FILE NO. LIPA 6750). THE APPLICANT IS #11 ENTERPRISES LTD IN CONJUNCTION WITH UNION TELEPHONE COMPANY. – GLENN HARTMANN

Glenn Hartmann, Representatives from Union Telephone Company David Olsen – P.C., RexW. Headd Right of Way Supervisor, Scott Stewart, D Wilson and Carey Cagnon were present.
Carey reviewed the applicants notice, posting and mail receipts and found them to be in order. She advised the Board they were entitled to continue. Originals are in the procession of the Union Telephone.
Chairman Martin swore in the speakers.
Glenn submitted the following exhibits: Exhibit A – Proof of Publication; Exhibit B – Return Receipts from mailing notice; Exhibit C – Photo evidence of public notice posting; Exhibit D- Garfield County Land Use Resolution of 2008 as amended; Exhibit E – Garfield County Comprehensive Plan 2030; Exhibit F – Application; Exhibit G – Staff Report; Exhibit H - Staff Presentation; and Exhibit I – Supplementation from Applicant (dated June 8, 2011) regarding FAA and FCC requirements; Exhibit J – Supplemental information from the applicant (dated May 20, 2011) regarding future tower expansion and amendment request; Exhibit K – Correspondence from Rio Blanco County Sheriff; Exhibit L – Referral comments from Colorado Department of Transportation; Exhibit M – Email from Bureau of Land management; Exhibit N – Referral comments from Garfield County Consulting Engineer; Exhibit O – Referral Comments from Garfield County Vegetation Manager; Exhibit P – Referral comments from the Garfield County Sheriff's Department and Exhibit Q – Referral comments from Garfield County Road and Bridge Department.
Chairman Martin entered Exhbits A – Q into the record.
Glenn gave his staff report.

I. DESCRIPTION OF THE PROPOSAL

#11 Enterprises LTD has a lease agreement with Union Telephone Company for a Communication Facility at the Douglas Pass Site. The proposal includes a communications tower, support buildings, related infrastructure for electric power, and a propane tank for generator operation in the event of a power outage. The site will be served by an existing private access road on #11 Enterprises LTD property off County Rd. 256. The location is on the east side of the summit of Douglas Pass in the very western part of Garfield County.

The proposed tower is approximately 45 ft. in height with antenna extensions up to a height of 53 ft. per the Applicant's plans. The tower will support antennas for cellular phone and related communication needs in the Douglas Pass area. The facility will be fenced for security purposes and communication equipment and emergency generators will be housed in the support buildings. The facility will be unmanned with maintenance on a monthly or more often as needed.

The tower and foundation will be designed by structural engineers and will be free standing and not anticipated to require any wire supports. Construction of the tower is projected to take approximately 3 weeks. The support structures will require building permits and the applicant has represented that detailed soils analyses and engineered foundations will be completed for all structures.

Future Amendment

The Applicant has advised the County and submitted documentation reflecting their plans to work with Rio Blanco County and the Rio Blanco Sheriff's Office to facilitate co-location of county communication equipment on the proposed tower. The co-location will require an increase the height of the Tower to 120 ft. and an additional support building with a propane backup tank. The additional height and facilities will improve Sheriff's Office communication and public safety throughout western Garfield County, Mesa and Rio Blanco Counties. It is the Applicant's intent upon receipt of a Land Use Change Permit for the current application to submit a future request for a non-substantial amendment to allow the additional tower height needed by Rio Blanco County. Information on the future amendment request was included in the application materials sent out to the referral agencies.

II. SITE DESCRIPTION – ADJACENT USES

The proposed site is a fairly level location surrounded by steeper slopes associated with its Douglas Pass location. It has excellent exposure for communication connections with other facilities north and south of the proposed facility. The site and neighboring terrain has native vegetation typical of its rural and remote ranching location.

The proposed tower is located adjacent to two other active communication towers and evidence of several other abandoned facilities are also found in the general vicinity. The two existing towers are 80 ft. and approximately 30 ft. in height. Each tower also has small existing support structures and power. The proposed tower will be located just north and west of the primary existing tower. In the site photograph below, the proposed tower location is to the left of the picture near the existing evergreen vegetation.

VII. RECOMMENDED CONDITIONS OF APPROVAL

In support of a motion to approve the Land Use Change Permit request for a Limited Impact Review for #11 Enterprises LTD in conjunction with Union Telephone Company, the following recommended conditions of approval are provided for the Board of County Commissioner's consideration.

1. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
2. The operation of this facility and any future amendments shall be done in accordance with all applicable Federal, State and Local regulations governing the operation of this type of facility including but not limited to the FAA notification if applicable and FCC requirements regarding mitigating and eliminating interference to others.
3. The Applicant shall maintain compliance with the provisions of Section 7-823 of the Unified Land Use Resolution of 2008 as amended including but not limited to monthly maintenance as proposed and a two year review to by the Director of the Building and Planning Department.
4. The Applicant shall comply with the recommendation of the County Vegetation Manager and shall conduct annually a site visit by a commercial applicator to monitor and treat the site for county and state listed noxious weeds if necessary.
5. Reclamation of the site shall include re-grading to original or natural contours and reseeding with an appropriate seed mix approved by the County Vegetation Manager. Reseeding will include any areas disturbed for utility extensions and access road improvements. Reclamation shall be completed during the next growing season after completion of construction.

6. During the construction phase the Applicant shall provide portable toilets, storm-water/soil erosion management as needed for any access road improvements and site disturbance, and shall provide for secure storage and/or daily removal of any trash or refuse from the site.
7. All construction vehicles including overweight or oversized vehicles shall be properly licensed and permitted.
8. Final engineering plans for the tower shall be provided to the Garfield County Building and Planning Department prior to initiating construction. Construction and installation of support buildings for communication equipment shall be subject to County Building Permit regulations and requirements.
9. Expansion of the site for the Communication Facility up to a 100 ft. by 100 ft. area and related changes to foundation size and building locations shall be permitted subject to proper lease agreements and reclamation of the larger area of disturbance.
10. This approval shall authorize the construction of the 45 – 53 ft. tall communication tower, support buildings, and as needed a building for the Rio Blanco County Sheriff's Department communication operations, and all related infrastructure improvements including propane storage and electric transformers. Further, the Applicant may request additional tower height up to a total height of 120 ft. through the amendment process set forth in Section 4-107 of the Unified Land Use Resolution of 2008 as amended for the purpose of accommodating co-location on the tower of Rio Blanco County Sheriff's Department communication equipment.

Glenn – Condition No 3 is one that we suggest a minor amendment to based on additional information, the Sheriff's Department speak for certain size of structures to support their car operations. Section 7-823 limits that area to generally 400 sq. ft. and by our calculation it will exceed the very slightly and added to the condition would grant a waiver to that to allow up to 464 sq. ft. and future expansion would be required. A quick wrap-up a series of review of the site the applicants did coordinate for us a site visit attended by the property owner and representatives from the Sheriff Office. This is a review that was passed, existing towers on the right hand side of the screen you can see how that will be located and viewed from this part of the state highway. He showed slides of a view of the top of the pass, CDOT facility there and sits on the top, that is an existing 84 ft tower the County roads that access the site, generally the access road that where the tower is existing etc.
Applicant:
Rex thanked Glenn for a good an excellent job and steering us in the right direction and getting all information that this Board needs. I have to admit that Garfield County is one of the tougher counties that to go through the but there are several others that are complicated as well. But we appreciate having this opportunity to talk to the Board about this. Like I said, we're in the process of working with the Rio Blanco Sheriff's Department to co-exist on a couple of towers, this one on Douglas Pass and the other two are over in Rio Blanco County trying the support their 911 system. We're trying to get a microwave up and cellular communications down into Grand Junction as our next area of expansion, our committee team has directed to do so. I appreciate the time spent here and you have a lovely town and a good place to stay.
Chairman Martin – As the property owners have all your conditions been met?
Rex – All conditions have been met.
Scott said when we met on Douglas Pass I became a grandfather and that because a priority. I wanted to say thanks to Scott because he's the person who made this happen and very quickly.
Commissioner Jankovsky – This takes care of your dead spot sign.
Scott - We're not sure of that but I bet we are going to light of stuff. Even your side in Garfield County is going to use it.
Motions
Commissioner Samson made a motion to close the public hearing. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Carey – This is a point of clarification so I understood from what Glenn was explaining that if in the event they came in to ask for additional height that is would be treated as a non substantial modification. If that's correct, I would recommend that Condition of Approval No. 10 be modified to make that clear because the reference to Section 4-107 does not make it clear, it could come in either way. If you're already approving that it come in as a non-substantial then I would request that clarification be made.
Chairman Martin – Yes, I agree. It is open to interpretation.
Commissioner Samson – I would move that we approve the Land Use Change Permit request for a Limited Impact Review for #11 Enterprises LTD in conjunction with Union Telephone Company with following recommendated conditions 1- 10, No. 3 is amended and No. 10 is amended. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

C. CONSIDER A REQUEST TO MODIFY CONDITION 18 OF RESOLUTION NO. 2009-41 FOR A SPECIAL USE AMENDMENT TO ALLOW FOR ONE (1) TIME EXTENSION FOR A TEMPORARY PRODUCE WATER MANAGEMENT FACILITY LOCATED ON PARCEL NUMBERS 2137-321-00-008 AND 2139-163-00-014. THE APPLICANT IS CHEVRON USA INC. - MOLLY ORKILD-LARSON

Julie Justas of Chevron, Carey Cagnon and Molly Orkild-Larson were present.
Carey reviewed the applicants notice, posting and mail receipts and found them to be in order. She advised the Board they were entitled to continue.
Chairman Martin swore in the speakers.
Molly submitted the following exhibits: Exhibit A – Proof of Publication and mailings; Exhibit B – Garfield County Land Use Resolution of 2008 as amended; Exhibit C – Garfield County Comprehensive Plan 2030; Exhibit D – Application; Exhibit E – Staff Memorandum; Exhibit F – Staff Powerpoint; Exhibit G – Resolution No. 2009-41 and Special Use Permit, Reception no. 770880; Exhibit H – Land Use Change Permit and Site Plan, Exhibit A) Reception No. 785634, dated 4/30/11; Exhibit I – Letter from Chris Hale, Mountain Cross Engineering Ince, dated 5-26-2011; Exhibit J – Email from Jim Rada, Garfield County Public Health, dated 5-13-2011; Exhibit K – Email from Dan Roussin, Colorado Department of Transportation, dated 5/26/2011; and Exhibit L – Letter from JT Romatzke, Colorado Division of Wildlife, dated 5-23-2011.
Chairman Martin entered Exhibits A – L into the record.
Molly gave her staff report.

I. REQUEST / DESCRIPTION OF PROPOSAL

Chevron is seeking approval to amend Condition 18 of Resolution 2009-41 to allow the existing Temporary Produced Water Management Facility to operate for one (1) year from the date of permit expiration on July 7, 2011. Within this year, the existing temporary facility will be upgraded to ensure continuous and uninterrupted produced water handling in the Piceance Basin Natural Gas Development area. The condition to be amended reads as follows: "The Special Use Permit for the Temporary Produced Water Management System shall expire 12 months from the issuance of permit, subject to a review at that time to consider for extension of another 12 months."

Under the present Unified Land Use Resolution 2008, as amended, the request to change a specific condition of approval constitutes a substantial change and requires the Board of County Commissioner's review and approval through a public hearing.
Background History

In 2009, the Applicant received Board of County Commission (BOCC) approval to install and operate a Temporary Produced Water Management Facility on a portion of well pad 598-35-BV and is documented in Resolution 2009-41 and Special Use Permit (Exhibit G).

The Applicant applied for a time extension and additional frac tanks in 2010 and received Garfield County approval (administratively) to extend the permit term for a period of 12 months with a revised expiration date of July 7, 2011 and permitting of 14 additional frac tanks to be stored on-site. See the Land Use Change Permit and site plan attached as Exhibit H. At the time of this request, Chevron was planning for the installation of a permanent Produced Water Management Facility to replace the Temporary Water Management Facility.

In 2010 a Limited Impact Review application was submitted for a permanent Produced Water Management Facility and approved by the BOCC in February 2011. However, due to unfavorable economy for the near-term natural gas market, the project funding for the permanent facility is not available at this time. Consequently, the Temporary Produced Water Management Facility will need to be in use longer than expected and the reason for this application.

In order to for the temporary facility to operate more efficiently, Chevron has submitted an application to Garfield County to upgrade the facility. This application was deemed as a non-substantial change and the Director's Determination is under review of the Applicant, BOCC, and adjacent property owners within 200 feet of the subject parcels. The review period or the "appeal period" ends June 20, 2011. If no objections are filed within this time period the Director's Determination shall become final.

II. DISCUSSION

Chevron USA Inc. is requesting Garfield County to amend Condition No. 18 of Resolution 2009-41 for a one (1) year time extension, commencing July 7, 2011, to continue to operate the existing facility until the approved permanent produced water management facility is operating. Staff suggests that a two (2) year time extension be given in order to allow time for the permanent facility to be built and eliminate another public hearing before the BOCC requesting another time extension.

III. STAFF RECOMMENDATION

Staff recommends the BOCC approve the request for a Land Use Change Permit through the Special Use Permit Amendment process to amend Condition 18 of Resolution No. 2009-41 to allow a two (2) year time extension for the temporary produced water management facility to operate with an amended expiration date of July 7, 2013.

MOTIONS

Commissioner Jankovsky made a motion to close the public hearing. Commissioner Samson - Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
Commissioner Jankovsky made a motion to approve a Land Use Change Permit through the Special Use Permit Amendment process to amend Condition No. 18 of Resolution No. 2009-41 to allow a two (2) year time extension for the Temporary Produced Water Facility to operate on Parcel Numbers 2137-321-00-008 and 2139-163-00-014 for Chevron USA Inc with an amended expiration date of July 7, 2013. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

COMMISSIONER ISSUES: COMMISSIONER REPORTS; COMMISSIONER CALENDARS; APPROVAL OF MINUTES; COMMISSIONER AGENDA ITEMS

Commissioner Samson – I'll be on vacation and back by the 28th.
Strawberry Days was a success.
Chairman Martin – You did a very fine job of flipping pancakes and dipping ice cream.
Jean said we ran out of strawberries.
Chairman Martin – Battlement Mesa at 7 a.m. for a golf tournament on Friday.
Commissioner Samson – I am going to an interview with Cason at 9:00 a.m. that morning.
Commissioner Jankovsky – I will going to the training the Board of Equalization, Carrie and I attended. It was good for me. I did meet with the Buescher Foundation and the Gates Foundation at Rural Philanthropy Days and it was a good meeting particularly because Summit, Lake, Eagle and Pitkin Counties and then two directors of those two organizations. Had a nice dinner and talked to the other Commissioners and did a round table and it was a chance to meet with those foundations. We had our own private room, I went Thursday evening.
Commissioner Samson – I had confirmed the three of us going, we played phone tag and the last message from her after we had been confirmed a month ago she said well, we only have one spot at a table and you won't be talking about any issues specifically, it's just what we call the "just for fun" table. I told him I'm not all the way up there to talk about just for fun. That's why we didn't show. Something got crossed.
Commissioner Jankovsky – It was a worthwhile meeting and Rachel Richards was there from Pitkin County and they are looking for having a meeting with us sometime in July. They are concerned now about water diversions and those that are going to be coming out of the Frying Pan so I think they will want to talk about that and it's something we need to discuss and trying to coordinating status; I don't know if the Roaring Fork Conservative Plan for the Roaring Fork Basin would quality for that but something we can talk about. I did have an interesting comment from the Commissioner Tom Davidson and he said as John, you've always said, there's as the federal government starts to clean up their mess, more and more of these issues are going to be pushed down to the state and the state has no money and they are going to be pushed to the local level and we better get used to it. The gravy train is not going to last forever.
Chairman Martin – One of the questions I said to the Treasurer as well as the legal staff in reference to the release of an improvements agreement or bond, did that make it to your office. Carey will check. Cassie Coleman had a codes enforcement issues on that subject. Could you check on that to see that person had received their bond back it seems to be a domestic issue.

Calendar

Commissioner Samson – Mr. Tom's on vacation.
Commissioner Jankovsky – I'll be back on the 28th and I'll be here for the Clarion meeting on the 29th and the Roadless meeting on the 30th.
Commissioner Samson – Hopefully, we will the Clarion workshop moved to 8:30 a.m. and done at 10:00 and be able to go to the meeting up at Spruce Tree Campground at 11:00 a.m. on the 29th. Just by way of those that may be listening our next official will be Tuesday, July 5 here and on the 6th according to what we have in agenda we have a workshop on procurement at 8:00 a.m. Wednesday the 6th and then our next meeting will be Monday, July 11th in Silt at the Fire Station.
Chairman Martin and Commissioner Samson will be gone on the 18th of July. That meeting will not be held.

Commissioner Samson would like to combine everything in July to the two meetings, July 5 and July 11 because the following Monday I have my mayor's meeting scheduled. Then on the 26th through the 29th we have the Board of Equalization. To let you know, I'll be out of the state on the 28th and 29th to my daughter's wedding in Utah.
Chairman Martin – I'll be with you at all of those meeting.

Executive Session – Collins Litigation Update
Commissioner Jankovsky moved to go into an Executive Session to discuss litigation. Commissioner Samson – Second. Motion carried.
Commissioner Jankovsky moved to come out of Executive Session. Commissioner Samson – Second. Motion carried.
Carolyn Dahlgren said we were unable to get information and postponed the action.
Carey said she would email the Board as soon as there is any information.

ADJOURNMENT

JULY 5, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, July 5, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
Roll Call
Pledge of Allegiance
Invocation
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Lee Letson is here today to ask for the boards support for a vending cart on the courthouse lawn. He noticed that no one is out there.
Chairman Martin thinks the health department has something to do with that they are trying to get through the permitting process.
Lee thinks the one fellow is set up in Silt now and doesn't intend to come here now.
Commissioner Samson has no problem with that; he thinks it is great. He knows there are still two in Rifle and they are busy most of the time.
Commissioner Jankovsky thinks the process is that he has to start with the City.
Lee spoke with Fred Jarman and he said the first thing he needed to do was get county support.
Chairman Martin – The board has no objections.
Commissioner Jankovsky – You will have to go through the city.
Lee is speaking with the state health department already.
Ed – There is only one day when they would have an objection to that and that is when they have the county picnic.
Chairman Martin – Go ahead and start your process we have no problem.
CONSENT AGENDA
oo. Approve Bills
pp. Wire Transfers
qq. Inter-Fund Transfers
rr. Changes to Prior Warrant List
ss. Authorize the Chair to Sign a Resolution Approving a Two-Year Extension of the Preliminary Plan for Oak Meadows Ranch PUD, Filing 4, Phase III to July 21, 2013 – Kathy Eastley
tt. Authorize the Chair to Sign a Resolution of Approval and a Land Use Change Permit for the Noble 8D Communication Facility Located on County Road 301 Approximately 6 Miles East of the Town of Parachute – Kathy Eastley
uu. Authorize the Chair to Sign the Acknowledgment of Satisfaction of the Subdivision Improvements Agreement and Release the Letter of Credit – Applicant; Una Development, LLC – Fred Jarman
vv. Authorize Chair to Sign a Resolution Approving a Land Use Change Permit for a Limited Impact Review for a Communication Facility at Douglas Pass off of State Highway 139 and County Road 256, and Authorize the chair to Sign the Land Use Change Permit – Applicant; #11 Enterprises LTD in Conjunction with Union Telephone Company – Glenn Hartmann
A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to approve the Consent Agenda Items a - h; carried.
COUNTY ATTORNEY UPDATE – Andrew Gorgey
a. Approval of Payment of Relocation Costs
Drew – Because this concerns him personally, he has asked Ms. Dahlgren to present the item to the board.
Carolyn – Apparently the material that was sent out advertising the positions, did say the county would cover relocation costs. Although Drew doesn't exactly meet the policy that promise was made and it was negotiated. We are asking that by motion the board approve certain expenditures on a county credit card and certain closing costs. The expenses on the credit card were moving expenses and hotel expenses.
Commissioner Jankovsky – Do you have a dollar amount on those.
Carolyn – No, she did not bring that. If you want to table this, she can go and retrieve it.
Chairman Martin – The policy was $10,000.00 or under and it is under that amount.
Carolyn – Significantly under that.
Commissioner Samson – If it was promised and it we were under the agreement and he doesn't see a problem with that. I would move that we approve the payment of relocation costs for our now county attorney.
Commissioner Jankovsky – Second.
Chairman Martin – Tom, if you need the detail we have that detail and it's broken down.
Drew – It's under $6,000.00
In favor: Samson – aye Martin – aye Jankovsky - aye
b. Federal Mineral Leasing (FML) District – Appointment of Board Members
A resolution has been submitted for the board's approval.
Chairman Martin – Mr. Griffin has not confirmed that he will serve.
Drew – The establishment of the district called for the appointment or the naming of the district; the word in the statute is immediately. This board did immediately appoint Commissioner Samson as one of the board members and we are trying to identify the other two. That would be in this board's discretion; he would simply note that you did appoint 1/3 of the board immediately and

the board should keep this on their agenda until the other two are named. His office is in the process of drafting the district service plan. They have 90 days from the formation of the district to get that done.
Commissioner Samson – To Carolyn; have we heard any more from the powers that be about this on a state level as to are they going to work with us, the solicitor general had some problems.
Carolyn – No Sir. Carolyn asked Chairman Martin for the name of the person at the state level and she will try to track him down. Their office continues to talk with the various counties including Delta and Montrose. She has not spoken with the City of Rifle. She asked Commissioner Samson if he was able to talk with them.
Commissioner Samson asked Ed if he talked to the City of Rifle.
Ed – Dale talked to them.
Carolyn – Do you know the outcome?
Ed – No outcome.
Carolyn has spoken to the City attorney's and it's just not on their radar screen.
Commissioner Samson – They get their own money and they are not worried about it; which is fine, that's okay. The invitation was there.
Carolyn – Drew is going with you to the AGNC meeting in Steamboat. She and MaryLynn have both spoken with Jane Whit; it is all organized. Drew will be talking with other county attorneys before that meeting and there will be a decision made on who is going to make the presentation.
Commissioner Samson – that meeting is at 10:00 a.m.; are the other county attorneys set up like at 9:00 a.m. do we know.
Carolyn – The county attorney is supposed to show up at 10:30 a.m. You all need a half hour. She doesn't know if they are all planning on coming. Drew will make the presentation. John Merrel is still ambivalent about whether or not this county is interested in …at least from what she hears from the county attorneys. Do you want us to do any more follow up with the City of Rifle or just let it be?
Commissioner Samson thinks they have been given due notice.
Chairman Martin – Did you have another nomination in reference to the board.
Commissioner Jankovsky spoke with Eric Schmela and he agreed to serve on the board.
Chairman Martin – We need to have a motion then to go ahead and appoint him if you could.
MOTION:
Commissioner Jankovsky – I'll make a motion to appoint Eric Schmela to the board.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – We are down to one; we need conformation before he can make….
Carolyn – Which Mr. Rippy?
Chairman Martin – Greg.
Carolyn – Do you want us to track him down?
Chairman Martin sees him about every day.
Carolyn – what do you think about going ahead and appointing him by motion?
Chairman Martin – No, he will not commit anyone to something like that.

Medical Marijuana:
Drew – The next item is discussion/direction to staff regarding a response to states request for local verification on companies applying for state licenses for medical marijuana.
Carolyn – May we table this and she will run upstairs for Carey.
Commissioner Samson – We will table for now and come back to it.
Drew wanted to conclude his report by saying that it was a successful first week. He completed meetings with all of the commissioners, the county administrator, with all elected officials, they had multiple meetings in his office and he has more meetings planned with Mr. Greens department heads in the coming weeks. He appreciates everyone's help.
Executive Session:
Carolyn – We have two items to discuss later in executive session. These both involve ongoing litigations so they come within the allowed matters for executive session under Title 24. One is whether you wish to authorize the chair to sign a stipulation regarding the Collins matter and that stipulation will presented to you in executive session. The other is the Grand Valley Citizens Alliance; Carolyn has been leaning on them to get comments back and a few weeks ago they gave the commissioners hard copies of that document and she knows they were talking about it but they haven't gotten any comments back from the commissioners and Kathy wants to make sure that the three of you are okay with that brief. It is essentially the same as the one they did on the lower fork but she would like to discuss that with them as well. Do you want to do this at the end of the day?
Chairman Martin – Well actually, we will have a short morning. Let's do it before lunch.
County Manager Update – Ed Green

a. Public Meetings:

ww. Highway 6 Drainage – Ken Kriz
Ken – Board of Directors of the Don Kriz Youth Farm that is located at 255 County Road 210. They have foster parents who live there, Paul and Stephanie Straw. On the morning of June 23rd they called and was concerned about rising flood waters and thought that the culvert under Hwy 6 was the culprit and Ken called Commissioner Samson and Commissioner Samson graciously helped out and contacted the people at the State Highway Department and they showed up and reduced the crisis temporarily. Ken went out early on the morning of the 24th and met with Stuart Gardner out of Grand Junction; he's a hydrologists. Ken didn't know what his purpose was but he was well informed on what was going on and said the culvert was put in there in 1933; it was a 36 inch. He didn't feel it was big enough to handle the water. It was on the agenda or on the list to be replaced and it's been there for four years. He had no idea when and if they would ever do it. Two years ago they had a similar problem and they brought out a big pump from Rain for Rent and a gentleman told him it cost about $12,000.00 to pump that down so they were not real anxious to rent anymore pumps. His purpose is there are so many layers in government in that highway department and if the board knows people to see if they could push this along to try to get it replaced.
Chairman Martin – We need to go right to the chair; Doug Aden of the Transportation Commission out of Grand Junction, he is also a local banker.
Ken – The farm is used right now; they have a full chapter of 4H kids there. They have about 12 pens there as they all raise projects for the fair; they have pigs, goats, horses, steers and it was to the point where they thought they would have to evacuate them to the county fairgrounds. The water, that mile pond has been there, the lower part of that has been dedicated to the core of engineers. It was dangerously close to the barns. He finally got to Don Pool, he lives in Rifle and he was very familiar, has a re-bar, gets inside the culvert, and pulls trash out. That took care of the problem; but it's a 36 inch culvert, Gardner said they want to put in a 72 inch and they couldn't do that because there is a water line evidentially that does to the City of Rifle. He thought they could probably get a 48 inch in there that would be sufficient enough to handle it. Any help the board can give with the state highway department he would appreciate.

Commissioner Jankovsky- Could we direct staff to follow up on that.
Ed will get this to Betsy.

iii. 2011 Air Show Hold Harmless Agreement – Atlantic Aviator (Hanger) – Carolyn Dahlgren

This agreement will be effective July 6, 2011 to July 11, 2011.
Carolyn - Brian purchased an event insurance policy because our regular insurance provider did not cover such extravagant things as air shows. We have that insurance, Gene and she have been through the policy, and Gene, as your risk manager has had a number of conversation with the carrier. As usual with policies, there are a number of exclusions and there were what appeared to be inconsistent paragraphs. What they were able to find out for sure is that the two indemnity contracts in front of you will be covered by the insurance and the entities will be a not excluded as contractual liability. One of indemnity agreements is with your FBO because we use their hangar primarily for the kids jumping castles. The other one is the parking area, which Bob Howard allows us to use which is his unimproved property just south of the airport. Both of those entities are covered as additional insured on our policy. You have a number of non-form vendor contracts which have not been reviewed either by risk management or by the county attorney's office but your airport manager believes he has negotiated the deals for you and for sure has required each of those vendors to have insurance. That runs the gamete from the provider of the jumping castles to the food, to the people who explode outhouses, to the airplanes, to the wall of fire. She believes they are as protected as they can be as an entity. But of course there is no guarantee that someone wouldn't sue the county if someone gets hurt or their property gets damaged. There is no waiver of governmental immunity for airports; however, she doubts, it's very possible that if the damage were bad enough and you go into a lawsuit that the court would say this is not normal airport operations. This is a dangerous condition of a facility. They have done their best both by contract and by insurance and by making sure the vendors have insurance to protect the county and its assets.
Commissioner Samson – For those in the viewing audience, Brian tell us when things begin this Friday and Saturday and a little bit of a run down.
Brian – They are getting the final hiccups ironed out and the items ready for this weekend. Friday it starts at noon. There are a couple of afternoon shows for the kids and then the big Friday night show starts at 8:30 p.m. Come early for food and the activities for the kids, which are free. Saturday open at 10:00 a.m. with a morning show then lunch followed by the Aaron Tippin concert at 2:30 p.m. He will be calling in to do a bunch of interviews today. He will show up on Thursday and will be around on Friday for the activities and then do his concert on Saturday. It is open seating except for the sponsors; make sure you bring your own chair and sunscreen.
Commissioner Samson – Two years they had over 17,000 so this year they will top that.
Brian – Probably yes. Road and bridge will bring out their vehicle counter.
Commissioner Jankovsky – I'll make a motion that we approve the 2011 air show hold harmless agreements for Airport Land Partners and Atlantic Aviation.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

iv. 2011 – Air Show Hold Harmless Agreement – Airport Land Partners (Parking Area) – Carolyn Dahlgren

See above.

ii. Mt. Sopris Historical Society – Linda Criswell

Linda Criswell presented a letter to the board informing them that they have expanded their displays, created an impressive research library, assisted all kind of people looking for help and information, created many youth programs, held events, and played an important part in the ongoing Thompson House Museum deliberations, which will result in an incredible cultural tourism attraction. She explained that they have used the "seed money" from Garfield County judiciously and now as they stand on the threshold of bigger responsibilities, they wish to request $7,000.00 to assist with their operating expenses. Once the Thompson House matter is settled, they have donors eager to step-up and help with the project. But in this interim time, they will need to keep their doors open. Linda is the Executive Director of the Mt. Sopris Historical Society. She is here to ask the board for financial assistance for their organization. The last time she here was in 2006 and at that time a group of volunteers were preparing to open a museum of local history in Carbondale and with the boards help that was done. The board gave them $5,000.00 start-up money. She is here today to talk to the board about some of things that have happened in the five years since then. In 2006, they opened Carbondale's museum and already they are a community institution. Schools bring students there; the town formed a historic preservation commission once they realized how important local history was to the population. Their organization has become the go to place for travel writers, genealogists, tourists, locals, education and the press. It has been much busier than they ever thought it was going to be. They thought they were just going to open the doors and people were going to walk around and look at some old stuff and leave. Now, as many of you know, they stand to operate the magnificent historic Thompson House. Things are really snowballing for them. Here is a typical week. In the last week alone they assisted RFTA surveyors in searching records that went back to the 1870's which they have in their archives trying to clear up some titles. They helped a middle school teacher do a lesson plan for next fall using some old newspapers they had as research material. They examine some Ute pottery that was brought in by a hiker. They hosted visitors, they had phone calls and as usual many times, they were asked, "What did the Ute's call Mt. Sopris". Now their scope is bigger than they ever though it would be. It's not just the log cabin museum; but it's the main streets, it's the mining communities, the cemeteries, the people who share stories they are all local history. Now more than ever people are seeing how history draws visitors to a place and increases the local economy. This phenomenon is called heritage tourism. Heritage tourism is tourism that focuses on history. Here in this area for many years of course we have had great success of attracting active tourists. Bikers, hikers, rafters, skiers etc. and they also draw tourists to our festivals. But there is another kind of tourist and they seek out historic places and they want to learn something about the history of the place that they visit. Statistically heritage tourists stay in an area one more day, one extra day than other tourists. They eat in the restaurants, stay in hotels, go to plays and concerts and fairs and on the average they spend $50.00 per person per day more than outdoor tourists. Now an important part of their mission is to showcase the cultural identity of Garfield County to attract these heritage tourists and in turn our residents benefit too. They become familiar with the town they call home, the businesses benefit because they have more business. So what are we doing now? We have three focuses; one is our museum of course. You may know that we have some old stuff from Garfield County in the museum; but what you may not know is that in addition we have a rare collection of 100 handwritten ledgers that detail the transactions of people who lived in Carbondale since 1870. It is really a treasured collection. They also have a library with archives that has books and photos and newspapers. The second thing they do is outreach; mostly youth outreach. This is they started a program called the junior ???? which was tremendously successful. 13 kids from local high schools came for 8 weeks to the museum and learned about guiding people around the museum, handling artifacts, do research, they learned the history of Carbondale, they learned how to do museum interpretations; which means taking history to a place where visitors can relate to it. They learned to do walking tours of Main Street, which they have done and the program will continue next year. They also have museum week where between 300 and 400 kids visit the museum and learn about local history. The third is the Thompson House. What is the Thompson House? It's a 100 year old built in 1880 and it was continuously owned by some of earliest homesteaders in this area. The family, who lived there, the Thompsons, preserved it. No one has lived there since 1960 and it's a museum already. It's been meticulously cared for and the Thompson donated all the contents of the museum to the Mt. Sopris Historical Society several years ago. It's a real treasure and the Mt. Sopris Historical Society is ready and able to run it. They have many people that want to get on board and support this project but in the meantime they need funds to continue to run their museum and their programs so their youth, the next generation can take this love of local history into the future. They are requesting $7,000 to keep their services going as they operate an amenity that represents the Garfield County

community and shows visitors and residents alike what means to be part of history. Linda showed a slide show, which is on file in the clerk and recorder's office.
Chairman Martin – Thanked her for the photographs now in the courthouse.
Linda – Thanked the board because it let them send booklets this year to the members.
Commissioner Samson – The Thompson family still lives…
Linda – They live on the property but no one has lived in the house since 1960. Do you know what's going on with it now; a developer has bought it from the Thompson family and she is seeking permission to develop the surrounding property basically in exchange for that she will donate the house. Either to the historical society or to the Town of Carbondale, if the town takes it the historical society will still run it as a museum. It's better than the Molly Brown house in Denver because all the contents are original. When that happens she will be here talking to the board again. In 1996, the historical society and the Lion's Club got together and they took position of the log cabin museum you saw in the slide show. They arranged to move it to its present site. It was a huge operation; but after they moved in there in '96, nobody knew what to do with it so it basically stood unused except it was used as the chamber of commerce for 10 years until 2006 when a bunch of them got together and thought it was time to have a museum.
Chairman Martin – Gentlemen in front of us we have a request for $7,000.00 to assist the historical society.
Ed – You have $229,150.00 left.
Commissioner Jankovsky has looked at their balance sheets and he sees for the budget in 11; you are about $6,000.00 short. Then he goes on to their P&L and sees you are carrying about $37,000.00 in cash right now. You have plenty of cash in the bank right now and when he looks at their profit and loss statement for 2010 it looks like you made about $8,700.00 in net income.
Linda – they got some big grants in 2010 but they are especially earmarked for program. One was for the junior program $3,800.00 and one was for the Thompson house museum grade inventory, which they are doing right now and that was $12,000.00.
Commissioner Jankovsky – So about $15,000.00 is earmarked out of that $28,000.00. He knows it's not a big budget.
Linda – the rest they are holding because the Thompson house, they are 95% sure is going to happen and at that moment they will be expected to start running it which means they will need staff, more insurance, more supplies. That's why they haven't spend down their assets to zero because they fully expect they will need to spend it all those first few months at the Thompson house.
MOTION:
Commissioner Jankovsky – I'll make a motion but I want to hold it at $5,000.00 limit where you were at for last year and make a motion we approve $5,000.00 for the Carbondale Historical Society for 2011 to come out of the discretionary funds.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – Are you comfortable doing this on a purchase order with a scope of services that Jim Hackett will work out with the representatives of the society? Is this fine with the Commissioners?
Carolyn asked Linda to send a copy of their power point to Jean for the records.

vi. Statewide Internet Portal Authority Contract with Garfield County – Jim Hackett and Abe Dress

Individual task orders will be used when necessary to define the scope of services to be performed and dollar values for associated services. The services will be used between the State Internet Portal Authority for use of services provided by SIPA such as Google Apps for Government and other cloud based government services. Staff is recommending the board approve the award in an amount not-to-exceed $0.00.
Jim – This is basically just a master of services agreement; task orders will be issued on an individual basis.
Carolyn – It's like everyone is turning into engineering contracts. There's a base contract and then a series of task orders that lay out the actual work to be done, the actual dollar amount, the actual time in which things should be done and you can't tell from this document exactly what you are buying. This is a very general contract. When Mr. Rippy was executive director of this, it's a statutory authority, 5 years ago or so the then sitting commissioners and the elected officials actually looked at this authority as a way to get into using credit card payments over the web. That's not what we are looking at now.
Abe – They offer many services that we can, once we've signed this contract, then start looking at individual services and determine which one they may want to look at in the future. Then any of those services would be an additional contract and there would be a cost associated with those services.
Carolyn – But at the present time the other elected officials aren't interested in joining this game, right. They are going to stick with the contractors they have.
Abe – As far as the payment services, they haven't really investigated that further. This is primarily to get the county into Google apps immediately and then work from there.
Drew – Statewide Internet Portal Authority is a legislatively created clearinghouse and what it does is it operates by economy of scale so that at the state level they can negotiate with various software vendors. Whether that's access to the internet, payment systems, other IT functions so that rather than a special district, or a county, or a city, or whomever negotiating these thousands of contracts one on one; the state will negotiate a master contract. The intent of the legislation is to have the county be a statutory beneficiary but you have to opt in. So what you are basically doing by this vote is opting into the SIPA contracts and that's why it's a zero dollar amount. You are voting to join basically. Then you would rely on staff, in this case IT staff, to advice the whether the Google Apps or whatever particular contract or service you are getting into is better than what they could get on the market. So it is a positive business decision to do this and to the extent other elected officials want to compare what they have now to this in the future; they are free to do so.
Jean – Because the county clerk act is an agent for the Department of Revenue, her office has been using the SIPA services for their online payments for almost two years. That's what allows the citizens to do online renewals and pay with credit cards or electronic checks for transactions done in her office. It is a Department of Revenue contract with SIPA, not a county contract.
MOTION:
Commissioner Samson – I would move that we approve the award of a contract to the State Internet Portal Authority in the amount of not-to-exceed zero dollars for the use of services provided by SIPA.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

v. Discussion of House Bill 1115 and Affect to How County Will Withhold Retainage on Construction Contracts – Jim Hackett

The bill deals with how the County will withhold retainage on contracts exceeding $150,000.00 for the construction, alteration, or repair of any highway, public building, public work, or public improvement, structure. The new bill makes the withhold 5% throughout the life of the contract instead of 10% on the first fifty percent of work. It also details that settlement must be made within 60 days after the contract is complete satisfactorily and finally accepted by the public entity.
Jim explained as above. Typically, we stop withholding at the 50% marker and in essence, the board was withholding 5% of the contract. This just now says you can only withhold up to 5% so you can release 95% of the payment. It also puts a marker in there that says 60 days upon contract completion as long as the contract is completed satisfactorily and final acceptance is made by the public entity, you must make final payment at that point. He has some questions over what is completed satisfactorily per the law because it doesn't make for allowance of if there is a claim between a sub and the prime they are using. Whether that is completed to their satisfaction and can continue to withhold until the claim is complete. You won't know until you get some case law against it; but

it's just an update and he going to take a look at the AIA formats it would have and the additions to those to see if they need to make any changes to their standard contract formats. He does not believe they will need to; he thinks it is a fill in the blank percentage amount but it's a withhold of 5%.
Carolyn – We will add this to one of their agendas and fully discuss it; but from her understanding they basically have a fill in the blank form now so we don't have to make any big changes to their form.

vii. Award of Garfield County Master Lease for 13 Copiers – Jim Hackett

b. Public Hearings:

Staff is asking for board approval of an award of a lease between Jamie's Office Equipment and Supplies for 13 copiers. Staff is recommending the board approve the award in an amount no-to-exceed $148,748.52.
Jim put in a plus 5% for overages on the amount of copies made; those overages are up to 156,185.95 for lease of the copiers with Jamie's Office Equipment and Supplies. This is a three year lease and while TABOR will apply should a budget not include the cost of the copiers, it would be required to pay the buy out on the lease which is a prorated amount of the lease price for the machines. That's why he included the total amount of the 13 machines over the three years. Why he put the 5% is that unlike the copier lease on these 13 in the past, we paid based on a locked in amount of copies and if we went over, we paid the overage amount. This time we pay by the copy made; in essence, before they had copy machines that we were paying for 10,000 copies every month whether they were used or not. If you were only using 6,000 or 7,000 we were losing money on the deal. Note this recommendation for award is not to the low overall response to the request for quote. It is $965.48 higher than the low, which is Capitol Business Systems; when going out to all the users, and interviewing them, Capitol Business Systems customer was less than satisfactory. For $965.48 over three years and also to use someone who is right here five blocks basically up the street from where we are at. He believes that customer service will be a lot better. Capitol Business Systems is out of Cheyenne, Wyoming.
Commissioner Jankovsky – There wasn't a local preference in this.
Jim – There was no local preference in this because he did a request for quote. If you look at the overall amount for this, it is less than $50,000 per year.
Commissioner Jankovsky – But if we had the local preference it would have gone to Jamie's anyway. He just wanted to point that out.
Carolyn – Is this the kind of a contract that allows renewal at the end of the year on a year-by-year basis without having to renegotiate a contract?
Jim – No, you are signing a three-year lease. If you choose to end it early, you then have that buy out option.
Carolyn – Does that mean you are funding the entire three-year amount or will you come back budget wise?
Jim – No, you will come back budget wise and if you don't budget it then you will have to figure out what the buyout amount is to pay off the lease terms.
Carolyn – So this is primarily a budget issue that we need to pay attention to; not a document issue?
Jim – Yes.
Commissioner Jankovsky – This budget amount would be each of these departments' budgets.
Jim – It would currently be in each of these department's budgets.
Commissioner Jankovsky – The 5% additional would that come out of lease B as well.
Jim – Yes, the way he has it setup now is that he figured for each budget the maximum amount of copies that were on last times lease. Many of them were not hitting those maxes so you shouldn't see the 5% so to speak. But just in case you did then yes they would have to account for it with a budget supplement or; but you're talking pennies on the dollar. For a black and white copy it is $.005 so for $1,000 copies extra over your talking $5.00.
Commissioner Jankovsky – On this $146,000.00 it is a three-year lease?
Jim – That's the three year.
Carolyn – But commissioners we always have to remember we can only contract from year to year. We need a renewal letter; we can't contract in a multiyear manner. We are a local government and we can neither contract nor budget other than year by year.
Jim – When you sign the lease payment you are not actually signing for the $148,000.00 there will be an amount in there plus the amount of copies and me being able to negotiate with a Wells Fargo or US Bank.
Man from Jamie's – There is language in there that if you don't approve the budget after the first year its automatic after the first year the lease goes away.

MOTION:

Commissioner Jankovsky – I'll make a motion that we approve the award to Jamie's Office Supply in the amount of $148,748.52 over three years noting that it is year to year payment and 5% for additional copies for overage.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Ed – Wanted to say the board has copies of their financial report and Cathleen wanted to emphasis to them that the fund balance has gone down about $9 million in the last month. We haven't lost $9 million dollars the difference is encumbrance. They decided they would take the $9 million in encumbrance, which is PO's out of that fund balance.

Executive Session:

Chairman Martin – We have two more items an executive session request and also the medical marijuana issue.

c. Discussion/Direction to Staff Regarding Response to State's Request for Local Verification on Companies Applying for State Licenses for Medical Marijuana

A letter from Dan Hartman, Division Director of the Department of Revenue Medical Marijuana Enforcement Division was submitted to the board. In this letter, they are informing the county they will be receiving forms requesting approval or denial of Medical Marijuana Businesses within this jurisdiction. The form indicates they are in their final stages of approval prior to them granting a state medical marijuana business license. Every applicant for which the board will receive their request for approval met their suitability test and is eligible to receive a state medical marijuana business license. They have also met the following statutory requirements:

- Two years residency in Colorado or in business prior to December 15, 2009
- No out-of-state ownership
- No felony drug convictions
- No other felony convictions that have not been fully discharged for five years prior to application
- All owners and key persons are twenty-one years of age
- No delinquent government financial obligations

The Department of Revenue cannot approve license applicant unless they have the county's approval to operate within the county's jurisdiction and they have met the statutory requirement mandating application to local authority by July 1, 2010. Once the county's response is received, the Department of Revenue will finalize the application. Locally approved license applicants will receive a site visit by our investigations/compliance staff and if they are deemed eligible, they will be asked to remit their state licensing fee to our offices. Once the license is issued, it is the Department of Revenues intent to send the license through the county office so that the county may forward it to the licensee with any applicable local documents. Denials will be advised that they have been denied and

told to cease operations immediately. The Department of Revenue will work with the county's law enforcement agencies to assist in the acceptance or confiscation of any marijuana in their possession.
Carey – She put the medical marijuana on the agenda today to seek some guidance on how to respond to the states request for, it's called local verification. In your packet, you have a letter from Dan Hartman and also a sample local verification form. Just some background; we have talked a number of times about the July 1, 2011 deadline. That was the original deadline in the medical marijuana code that both the state local jurisdictions were working against; so that was the deadline originally for coming up with any local licensing or land use regulations. House Bill 11043 has now modified that for local jurisdictions; but it was not modified for the state. The state has continued to work against its July 1, 2011 deadline, has now implement regulations of the industry and is proceeding to move forward with their own licensing of operations in conformance with the law. We now have a situation where the state wants to move forward with licensing, but here locally we have no licensing regs, we now have the ability as we have done to extend our moratorium through June 30, 2012. So we have no immediate deadlines to implement regulations. So the question is how to respond to these local verification forms as they come in. Since she put this on the agenda, they have received their first packet of actual requests that identify a number of businesses and the state is seeking the county to confirm whether they are operating lawfully in our jurisdiction. As she sees it, they have three ways to respond this local verification form. We can do nothing as you will see the way that it has laid out the county's response square; basically it says we have either adopted an ordinances or resolution that has standards in it or if we haven't done that then we are agreeing to use the state standards. That doesn't describe what we have done in the county and what we are lawfully authorized to do in this county. There is really no space for us to check and say we are still under a moratorium and not issuing licenses. We can choose not to respond to this at all or if you like, she can prepare a form response letter that states the county's position that encloses the moratorium we have and cites to the new language in the medical marijuana code that says we have authority to wait until June 30 to issue regs. Then that may prompt the state to engage in more of a dialogue about how to deal with the situation since there is really no way in this form to communicate what the county's situation is. She wanted to bring up a third issue, this is a third option, and this is in response to talking to the county's building inspectors, code enforcement, personnel and the assessor as well. They have expressed some concerns about safety in the field. They don't know when they are going to stumble across an optional premises cultivation operation and when they do they don't know if it falls within our existing operations so it was lawfully existing prior to the time the county issued its first moratorium, or if it is an operation that has moved in since that really wasn't locally established and that is in violation of both our local moratorium law and state law as well. So a third option, another way to proceed, would be to fill out this form; basically all they would have to do is determine whether the business they are asking for has actually applied to the county for licensing. In order to comply with state law any businesses had to have applied to the local jurisdiction for a license prior to July 1, 1010. We have a handful of applications; we can utilize those and to say these are the businesses that were in compliance with state law at the time they implemented their moratorium originally. We can verify that yes, they have applied for a license with us or no they have not and this may help to narrow the field of those that did not comply with state law at the time, did not apply to the county for a license. It will easily be a way to give the state the ability to shut those operations down because they haven't complied with deadline. We can do that also with a letter that says that verification does not guarantee that once the county does issue licensing on land use regs that they have any right to continue operating. This would be simply just a verification of whether or not we've received an application.
Fred didn't really have anything to add only to underscore what Carey was telling the board about their folks in the field. They are concerned about them. We are sort of in this limbo timeframe and would like to be able to act on the information that they come back out in the field with to him to say what do we do as a county now unveiled so to speak; X, Y and Z operations. Having the ability to at least tell the state these are the ones we believe are compliant; they have applied to Garfield County prior to July 1st he thinks is a fairly straight forward way to deal with this and all the others then we'll have take enforcement actions is the way he looks at it. From at least a zoning perspective if not brining in the sheriff's office. He would support what Carey has told them; at this point, the State is really waiting to hear now from us since the Division of Revenue has moved forward.
Commissioner Samson agrees; we need to take option three along with the letter.
Fred thinks so.
Chairman Martin – that will assist the enforcement.
Fred can't remember if Carey said, the Division of Revenue they believe will provide them with support as they move forward particularly in an enforcement role.
Commissioner Samson – Do we need a motion or do we just need direction to staff.
Carolyn – Shaking her head yes.
Commissioner Samson – I would move, unless there is more discussion.
Commissioner Jankovsky – With this moratorium we are looking at if you were grow op prior to July 1, 2010 and you are within the moratorium; so basically by doing this we are checking any other potentially start-ups after that date and making sure that everybody is following our rules; which he guesses their rules are the moratorium. He thinks they need to send something to the state about where we stand on that moratorium. He thinks they need to go with option three as well. Because somebody else could start a grow operation and say well I was here. We just don't have any way to police that or regulate that. He agrees.
Carey – Now a day's what we are seeing; but code enforcement have gone out and have been told "oh I'm here lawfully, I've been in operation" and they have no way of checking that back with her office, they have no way of checking back with Fred whether that is actually true or not. There is a misconception that there are a lot of business that think that just being here and having signed a lease and operating was sufficient. But that is not sufficient under the state law they actually had to be locally licensed or had to have applied for a local license. It gives them the ability to really determine and distinguish between those that followed the law and those that did not.
Commissioner Jankovsky – He guesses the other thing for their code people is that you go out to these grow ops and they are using a lot of electrical, and we want to make sure that they are in compliance with our building codes and using a lot of water and so on and so forth.
Drew thinks Carey has addressed it; he just wants to be clear that it's two categories. Anyone that has started after July 1, 2010 and anyone who operated before July 1, 2010 who failed to apply to the county. Between those two, it narrows it down to I think six.
Carey – We are only looking at between 6 or 10; there are several e-mails that we have to determine whether they constitute an application or not. But as far as actual applications; we have six.
Drew – Even with the e-mails, it's a pretty low number.
MOTION:
Commissioner Samson – I would move that we accept option three as outlined and also instruct that you send a letter to the state.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn had a follow-up administrative question. Obviously, Fred and Carey have been working really closely on this. Do you want to leave it up to the two of them to figure out who is going to do what in this process as issues arise to the state or do you want to identify responsibility?
Commissioner Jankovsky – It still falls into a legal at this point; but its Fred's office, the code falls to Fred. He thinks talking to the state and so forth at least at this point, it is a legal issue as far as letters.
Carolyn – Is that fine with you Fred?

Fred – It's fine with me; we've been working really well together. It's sort of a joint effort.
Chairman Martin – We'll leave it at that; working together.
Executive Session:
Drew – We are to the executive session request and the basis for the requests are under 24 64 2 Subsection 4(B) conference with an attorney for the purpose of receiving legal advice on specific legal questions and the second item deals with 4E determining positions relative to matters that may be subject to negotiations developing strategy for negotiations and instructing negotiators; the two cases at issue are the Collins matter which is 4E and The Grand Valley Citizens Alliance matter which is 4B.
Commissioner Jankovsky – I'll make a motion to go into executive session to discuss those two items as presented.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – Motion to come out of executive session.
Commissioner Samson – So moved.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – no decisions made and direction given; no action is necessary. Am I correct counselor?
Drew – Correct and the items in executive session were limited to the items announced on the record pursuant to statute.
COMMENTS FROM CITIZENS NOT ON THE AGENDA:
Michael Blair – Lives in Glenwood Springs. He is here to express his support and ask the boards support even further of the law enforcement officers that we have in the area. In particular, the county sheriff, he appreciates all their efforts in getting people to comply with the laws and protecting the citizens from those who don't obey the law and follow the law. As for those being arrested in public places and other places in front of other citizens, he understands and appreciates their sometimes embarrassment or difficulty; but nevertheless we find law breakers where they are. Sometimes it's inconvenient. As far as that occurring, I read and hear about reports that lawbreakers are apprehended in front residential buildings and in front of families and other people. It can be humiliating and embarrassing and maybe dangerous; but that has to occur. It doesn't matter who we are, what we are, or where we are, we have to get apprehended if we have at least suspected of breaking the law. As far as being embarrassed or humiliated, he had that experience in this grand City of Glenwood Springs a number of years ago with his family. He was cruising down Grand Avenue and was stopped by a Glenwood Springs city police officer who told him he was exceeding the speed limit. He thinks it might have been 4 or 5 mph over the speed limit. Nevertheless, his argument didn't prevail and he proceeded to get a lecture on safety and the reason for following the law in front of his family. His wife and small children; which embarrassed him and humiliated him. But he realized that he must have been in the wrong because the police officer was probably right in doing his job. His children were quite intrigued by that. He doesn't know if they were too upset; he thinks they kind of enjoyed it in a way. But he used that experience as an opportunity to educate and inform his own children about following the law and he thinks they probably had because, as far as he knows, they haven't broken any laws in all these years as they have grown up. He appreciated what the policeman did. He thinks that we all take lessons from what occurs and sometimes when we break the law we have to suffer the consequences and he didn't speak up or complain about it he thought better of it. But he thinks in this great country they all have the right and opportunity to speak up against authority if we think we have been wronged and the authority protects that right. That's the great thing about this country and he appreciates it.
REGULAR AGENDA

1. **County Attorney Update – Land Use Issues – Carolyn Dahlgren**
2. **PUBLIC MEETINGS:**
   a. **Presentation of Policy 2011-1 by the Colorado Division of Water Resources Concerning the Evaluation of New Divisions of Land By Subdivision, Subdivision Exemption, and Cluster Development when Considering Proposals for Water Supply from Proposed Wells or Existing Wells – Kevin Ryan – Fred Jarman**

The objective of this policy is to give guidance for the evaluation of wells used as a water supply in a new subdivision.
Fred passed out information. Kevin Rhine here today with a brief introduction on some policy changes with the Division of Water Resources. Fred had received some correspondence from the division in the spring and wanted to make sure it made its way to the board so they could understand where the division was going. Kevin is a professional engineer with the division.
Kevin – Has been with the division for 13 years and the group that works under his purview is the group that does, among other things, water well permitting. Including the smaller exempt wells that he will talk about in more detail and they also review subdivision water supply plans that are referred to his group by the county as the Colorado revised statute requires. The reason he is here today is because Fred contacted him about a policy that they issued back in March. This policy gives them internal guidance in the way they do things but it is also to be shared with the public so they understand how we are doing things and that policy again is Policy 2011-1. It gives them guidance on looking at these things called exempt wells and also subdivision referrals that they receive from the counties. Along with that was a letter they sent to all 64 counties just basically advising them of this policy and the contents of it. He will briefly set the stage for this policy. We can't do that without wading into some of the mysteries of Colorado Water Law even as they apply to small wells. The wells they often deal with in these situations are something called exempt wells and those are wells that are exempt from administration and the prior appropriate system. That's something that the general assembly created in 1972 at least by statute they were created, they existed before that of course and in 1972 the general assembly very specifically carved out a type of well on certain types of land that would not have to administered in the priority system. That is first in time, first in right. And on top of that some of those wells could be considered to be able to used without causing material injury. If you look at the sheet he gave them where he talks about the relevance statutes the first one 3792 6026. He underlined and bolded a few statements in there but it really sets out that this carve out for these wells is for wells in sparsely populated areas where the water supplies aren't available, not intended to cause injury to other water rights. There are a couple of specific types of wells for which that carve out exists and one of them is household use only wells on any size parcel. That means just inside drinking and sanitary only. Another type is a well if on 35 acres or more can a well that can be used for broader domestic uses including livestock, irrigation, domestic animal watering and irrigation of up to an acre of lawn and garden. The inside domestic use is drinking and sanitary. So that is the second statute he highlighted there and the third one is 3792 602 3(b)3. In 1975, the general assembly came along and said there is now the new Senate Bill 35 type subdivision that all the counties adhere to and if a well is going to be on that type of subdivided parcel then this carves out or this presumption of injury is not going to apply. That's really what they have half way down the page. If it's located in a subdivision we have to consider the cumulative effect of the wells in that subdivision in terms of injury. That sets the stage for sort of an allowance for people to get wells in sparsely populated areas but at the same time a restriction on that allowance. And certainly the wells in subdivisions are not able to take advantage of that. Going to the review of past policies and practices; point to January 3, 1985 policy that if you want to try to create 35 acres out of smaller parcels that you own, you can do that. It was a nice policy, probably not quite in compliance with the law. There is a policy from 1993; 93-5, that said in certain situations if you are going to exempt or subdivide a piece of land off of your existing parcel, then you could serve an additional dwelling when your well would allow only one house otherwise. Third, there is a policy we call a 957 that said for subdivisions there are certain cases when you don't need adhere to this cumulative effect question and you can get multiple wells without the consideration of injury. So you can see that they kind of built some allowances for to just make it a little friendlier, a little easier for people. Unfortunately, along the way, they didn't have one eye on the statute book and that just always seems to create problems. Lastly, there was a policy in 1988 that said if

you have 35 acres and one full domestic well, you could trade that permit in for a three household use only well permits. What that has all turned into is the last item under the past policies and practices; there is an allowance that if you have 35 acres you can do some subdividing or creation of parcels by exemption that just wonder outside the lines a little bit when it comes to the statutes that the general assembly enacted in 1972. It's not only that the Division of Water Resources, they just worried that this is not compliant with the law. But what they were seeing along the way was week after week, month after month they would run into problems that caused them to have to perpetuate the non compliance with the law and say what we did by doing this allowance now has created another problem. Now we need to make another allowance. And probably the most obvious one is if we issue a well permit for somebody on 35 acres with full domestic uses; then we would allow them to split it by exemption without correcting that well permit. Then later the person on the new parcel, the smaller parcel wants a household use only well permit. We couldn't issue it because that previous well could be the only well on the entire 35 acres. What they ended up with is a policy, and just a well-contemplated policy, the state engineer Dick Wolf was in favor of this. The policy rather sets everything straight with the law once again. Two important aspects of it; one it says if going to subdivide, that is by the county subdivision requirements per Senate Bill 35, you will need to have all your wells reconciled with this non injury issue. That is your well is going to cause depletions to the stream ultimately and you will have to correct for that. That is usually done through an augmentation plan. That's a fairly significant burden for somebody maybe wanting to do a small subdivision of a 25 or 35 acre parcel. The second thing the policy did it said, and this is the letter to the board, the policy said if someone has any parcel of land and they want to split it by exemption and it has an existing well, please ask the Division of Water Resources for a comment on that. Refer that to them for their opinion because they really need to make sure that the existing well is permitted for what its new parcel size is going to be. Most importantly to prevent the outcome of another landowner purchasing a parcel of land that would appear to be allowed a well permit; but then can't get one. That's what the policy did; again the letter just advises the board to refer those to the Division and they will be happy to turn around a comment or an opinion on it.
Fred – In board's packet, they have both the policy and the letter. Fred has had a couple conversations about this with the board. He thinks probably the next step if you want to have a discussion now or leave that to a later time. He thinks that discussion will take a while on how the practical implementation of this works for Garfield County.
Chairman Martin thinks that goes along with the workshop. It will take at least an hour to go over it step by step.
Fred – Let's set up work and he will bring Kevin back if possible.
Chairman Martin thinks that maybe some of the P & Z folks will want to sit in on that.
Fred – If there are any questions even before the workshop, we can send to him before the workshop and we will forward them on to Kevin.
Commissioner Jankovsky – To Fred, someone coming in with a subdivision, you will require them to have the well permit prior to moving forward is that not correct?
Fred- Yes.
Commissioner Jankovsky – So they will have to go back to the Department of Water Resources and get that all worked out before we even see that subdivision request?
Fred – That's right; before the board can really approve a subdivision, this is fairly consistent with state law actually. You have to be able to make that determination whether there is an adequate water supply. Part of that clearly is the legal foundation of that whether it's an augmentation plan or whether there are straight well permits or what have you. That's where he is hearing Kevin say that will be a much more robust discussion between really an applicant property owner and the Division now than it probably has been in the past. Particularly for a requirement for an augmentation plan and particularly as they fall on smaller subdivisions. The larger ones that tend to be common practice anyway because they are trying to get a larger jurisdiction.
Commissioner Jankovsky – We're slowing the process down instead of speeding it up; potentially putting in another regulation or a rule that someone has to go through.
Chairman Martin – That's the state legislature that did that. It is going to be something that has to be resolved before we go forward with the land use. That's going to take time. Water court that could be 2 to 4 years. Hopefully we can get everything resolved and they know what to submit, once it's submitted then we can move forward.
Commissioner Jankovsky would like to have further discussion.
Kevin – For the workshop, I think they can talk about how they choreograph that interaction between the county, the developer and his office so as not to throw too many roadblocks or put them in a Catch 22 where they need this to get this but they need this to get this. He thinks they can have a pretty good discussion on that too.

3. **PUBLIC HEARINGS:**
   a. **Continued from June 13, to Consider the Request for a Land Use Change Permit for Major Impact Review of the Clifford Cerise Ranch, LLLP Application for Extraction of Aggregate on 65.48 Acres of a 97.81 Acre Site Located two (2) Miles Northeast of the Town of Carbondale, Colorado off of County Road 103 (File No. MIPA 6545) – Applicant; Clifford Cerise Ranch, LLLP – Molly Orkild-Larson**

Sean Fische was present.
Carey Gagnon reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Planner Molly Orkild-Larson submitted the following exhibits: Exhibit A – Proof of Publication, Posting and Mailings; Exhibit B – Garfield County Unified Land Use Resolution of 2008, as amended; Exhibit C - Garfield County Comprehensive Plan of 2000; Exhibit D – Application; Exhibit E –Staff Memorandum; Exhibit F – Staff Power Point; Exhibit G & Exhibit H – E-mail from Garfield County Roads and Bridge Department dated February 16, 2011 and March 10, 2011; Exhibit I – E-mail from Garfield County Vegetation Manager, dated February 25, 2011; Exhibit J – Letter from Consulting Engineer, Mountain Cross Engineering, Inc., dated March 1, 2011; Exhibit K – E-mail from Garfield County Environmental Health Manager, dated February 25, 2011; Exhibit L – Letter from Colorado Division of Water Resources, dated February; Exhibit M – Letter from Colorado Geological Survey, dated February 25, 2011; Exhibit N – E-mail from the Colorado Department of Transportation, dated February 10, 2011; Exhibit O – Letter from Colorado Division of Wildlife, dated February 23, 2011; Exhibit P – E-mail from the Town of Carbondale, dated February 28, 2011; Exhibit Q – E-mail from US Army Corps of Engineers, dated March 18, 2011; Exhibit R – E-mail from the Carbondale and Rural Fire Protection District, dated March 11, 2011; Exhibit S – Letter from Tetra Tech, dated March 21, 2011; Exhibit T – E-mail from Garfield County Vegetation Manager, dated March 21, 2011; Exhibit U – E-mail from Consulting Engineer, Mountain Cross Engineering, Inc., dated March 21, 2011; Exhibit V – Letter from Colorado division of Reclamation, Mining and Safety, dated February 24, 2011; Exhibit W – Letter from Down Valley Septic LLC, dated March 22, 2011; Exhibit X – Letters and E-mails from Concerned Citizens, Letter-Katherine U. Hubbard, dated March 25, 2011, Janet Johnson, dated March 29, 2011; e-mails – Bill Walter, dated April 5, 2011, Dan Jervis, dated April 5, 2011, Sue and Chris Coyle, dated April 5, 2011, Lucie Fitch, dated April 5, 2011, Scott Joseph Minor, dated April 5, 2011, Gordon F. Viber, dated April 5, 2011, Sarah F. Burggraf, dated April 5, 2011, Bob Naegele, dated April 5, 2011, Thomas D. and Marilyn A. Hays, dated April 5, 2011, Ernie and Barbara Coyle and Sue Coyle, dated April 5, 2011, Glen Harris, dated April 5, 2011, Ernest Kollar, dated April 5, 2011, Sue Lau and Mark Kavasch, dated April 5, 2011; Exhibit Y – Addendum Letter from Hankard Environmental, dated April 6, 2011; Exhibit Z – Letter and Supporting Information from Crystal Springs coalition, dated April 6, 2011; Exhibit AA – Cerise Mining Site Noise Impact Study Preliminary Response for Wooden Deer HOA, Carbondale, CO, dated April 13, 2011; Exhibit BB – Lafarge's Response to Exhibit B Proposed Conditions of Approval by the

Crystal Springs Coalition, dated April 13, 2011; Exhibit CC – Lafarge's Power Point, dated April 13, 2011; Exhibit DD – Copies of Photos of Bald Eagles and Dust From Powers Pit from Will Burggret, dated April 13, 2011; Exhibit EE – Copy of Computer Generated Graphic of the Approved Western Slope Aggregate Gravel Mine Area and proposed Area of the Cerise Pit; Exhibit FF – Letters and E-mails from Concerned Citizens: E-mail from Erie Kollar, dated April 15, 2011 with Gravel Mine Article from Post Independent, dated April 14, 2011, letter from Patrick Burke, dated April 27, 2011, E-mail from Susan Lau with 10 Photos, dated May 20, 2011, E-mail from Mark Kavasch, dated May 20, 2011, Letter from Jonathan Fitch, dated May 23, 2011, E-mail from Ernest Kollar, dated May 26, 2011, E-mail from Chris Coyle, dated May 25, 2011, E-mail from George Clemons, dated May 27, 2011; Exhibit GG – E-mail from David Myler, dated May 19, 2011 with Crystal Springs Coalition Comments Regarding Cerise Mine Major Impact Review and Exhibit A – Proposed Conditions of Approval; Exhibit HH – E-mail from Sean Frisch of Cerise Website Information, dated May 26, 2011; Exhibit II – Economic Impact Report, dated November, 2010; Exhibit JJ – Fact Sheet for Site Visit/Public Meeting to Subject Site, dated May 31, 2011; Exhibit KK – Lafarge's Response to Exhibit A Proposed conditions of Approval by the Crystal Springs Coalition, dated June 2, 2011 and Exhibit LL – Cerise Mining Site Noise Impact Study Preliminary Response for Wooden Deer HOA, Carbondale, Colorado, dated April 6, 2011; Exhibit MM – Left Bland; Exhibit NN – Left Bland; Exhibit OO – Left Bland; Exhibit PP – Letters from Delia Malone, John Emerick and Mary Harris dated June 9, 2011; Exhibit QQ – E-mail from Ann Eustis dated May 30, 2011; Exhibit RR – Lafarge power point presentation; Exhibit SS – Connie McCrudden May 25, 2011; Exhibit UU – Citing Issues for Gravel Mines & Asphalt Plants, dated October, 2009; Exhibit VV – Additional Letters and e-mails; letters Patrick T. burke dated April 27, 2011, Katherine Hubbard dated May 14, 2011, C. A. Vidal dated May 25, 2011, Jonathon Fitch dated May 18, 2011 and May 23, 2011, Sue Coyle dated May 23, 2011, Ernest Kollar dated May 26, 2011, Chris Coyle dated may 26, 2011, Lee Ann Eustis dated June 10, 2011 – E-mails – Patrick T. Burke dated April 27, 2011, Rick Hayes dated April 27, 2011, Lon Winston dated May 21, 2011, Susan Lau dated May 23, 2011, Daniel Jervis dated May 26, 2011, Lucie Fitch dated May 30, 2011, Gordon F. Viberg dated June 10, 2011, Susan Gibbs dated June 8, 2011 and Stephanie Brown dated June 8, 2011; Exhibit WW – Letter from David Myler, The Myler Law Firm, P.C., dated June 23, 2011; Exhibit XX – Minutes to the Planning Commissioner Hearing, dated April 13, 2011; Exhibit YY – APEN and Application for Construction Permit – General (for individual equipment) FORM APCD-200; Exhibit ZZ – Mining Operation – General Instructions for Fugitive Particulate Air Pollution Emission Notice/Control Plan (for mining site); Exhibit AAA – E-mail from Ernie Kollar including dust photos and videos, dated June 27, 2011; Exhibit BBB – E-mail from Sue and Chris Coyle, dated June 27, 2011; Exhibit CCC – Letter from Lafarge, dated June 28, 2011 and Exhibit DDD – Resolution 2011-10 (for Blue Pit expansion).
Chairman Martin entered Exhibits A – DDD into the record.
Molly explained:
On June 13, 2011, the Board of County Commissioners conducted a public hearing to review and take testimony from the applicant, county staff, Lafarge West Inc., Crystal Springs Coalition, and Garfield County citizens regarding the request for a major impact review permit to extract aggregate on property located on the northeast corner of State Highway 82 and County Road 103. After four and a half hours of presentations and testimony, the BOCC instructed county staff to provide them with additional information and clarification on the following items:

A. Noise Standards
B. Air Quality Requirements
C. Options to consider in order to lessen cumulative impacts
D. Copy of the Blue Pit Conditions of Approval
E. Map of the locations of existing temporary and permanent asphalt batch plants in Garfield County.

DISCUSSION:
Molly had a presentation for today. The board had given direction on county staff to research the following items: noise, standards, air quality requirements, and cumulative impacts, to provide them with the Blue pit conditions of approval and to do some research on the locations of existing asphalt plants in Garfield County. (See Molly's presentation)
Sean understands there were some items from the last hearing that they asked staff to provide some information on and they gave good detail. Lafarge believes through a combination of their independent expert testimony and studies, their internal accommodations of mining methods and timing to mitigate all impacts. Also staffs 37 conditions of approval. They believe their proposed relocation from their Power's Pit to the adjacent Cerise Pit is the best alternative to ceasing these operations in Garfield County. They also believe that the recommendations for approval from staff in a 6 to 0 unanimous vote to recommend approval from the Planning Commission shows Lafarge has submitted an application that complies with all county codes and mitigates impacts. He has brought all their external consultants and experts today as they have done at every hearing to address any questions they may have. With him today are: Pam from Tetra Tech, Julie from Tetra Tech., Daniel Preem developed the independent air analysis, Terri G. prepared wildlife study, Jeff Sturgeon prepared the noise study for the application. There are also a large number of Lafarge employees in the audience who are directly responsible for the permitting and operation of this site. They include Tod Aliser, David Jordan, Daniel Knox, Walter Wright, and Bill Arrasmith. He would like to address a video and some photos that were submitted since the last hearing that show a recent dust event at the Powers site. He wanted to first clarify that this site is in current reclamation. There is a large amount of disturbance on the site. It was acquired from a previous owner and did not have a mine plan done and did not phase and mine operations to account for this reclamation. With the Cerise site, they have proposed and show to the board phasing of the operations based on a mine plan to address the least disturbance at one time. Again, the Powers pit is in the process of closure, is being graded and seeded over the entire site, which is not how the Cerise site will be reclaimed. This was a high wind event as you can see through the video. Also at the Cerise site, they have included ongoing reclamation techniques that will minimize the disturbed areas. All of their haul roads, pits and stock pile areas that are disturbed will be stabilized with a dust suppressant and that is required per the conditions of approval. Lastly, as a second condition of approval that has been recommended by staff is requiring Lafarge to have an annual review of their permit, this can monitor the site for all issues that could be found. He hopes they will consider the 37 conditions of approval that Lafarge has agreed to with staff along with the work that staff has done to ensure this operation will be in compliance with the county code. He asks that they vote to approve the Cerise application as presented so that they can continue operation uninterrupted in Garfield County.
Commissioner Jankovsky wanted to ask again about the dust suppression; please explain.
Sean – what they would use is a chemical dust suppressant like mag chloride on the roadways. What this does repairs the soil and actually allows it to hold water for a longer time so it will keep the down on the roads and the exposed areas that are not product stockpiles. They are actually required within 30 days of placing any overburden stockpiles or screening berms to have vegetation on them within 30 days. At the Powers Pit, they are required one year. It will be a much quicker turn around on getting seed and vegetation on those berms than what's required currently at Powers.
Commissioner Jankovsky – You stated earlier that you would have the entry way paved.
Sean – We will have the entry way as well as the turn around the scale house and the redi-mix plant paved. It will be the in pit haul roads, because they will be moving and mined out over time, will not be paved.
Chairman Martin had Jean read the list for the person to speak from the audience.
Susan Lau is definitely impacted by the exiting gravel pits where they are now. Currently Lafarge sits on the other side of a huge hill at the base of 203 Road and 82. WSA is to the south of them. They have the closest home in the coalition to the gravel pit. They are right across the street. Currently with the gravel pits as they are; she was standing by the back door, her grandkids live with them,

they were playing in the backyard and she was standing a freshly mopped floor by the back door, and within five minutes with a very light breeze her feet coated with dust. Just a fine layer of that silky dust, which is what we are breathing. This is what her problem with this is. She now has non-contagious tuberculosis and her lungs are permanently damaged from this dust. The doctors tell her it is from the soil being in her lungs. She is not a gardener; she is not digging around in the soil. This is soil she is breathing and so it's in the air. It's not staying in the gravel pits its' coming up and she is breathing it. Her neighbors are also at risk and she doesn't know how many of them realize it; but Caucasian women, in our general age group which is most of the women in the coalition, are most susceptible for this. We could see more cases of this coming up in the neighborhood especially with a second gravel pit down there directly below. Because the prevailing winds come from the southwest and the Cerise ranch is a little more to the west and south of them so that wind will bring it right up and we'll have double the impact. The dust isn't staying put. It's like having a smoking session in the same room of a restaurant. The smoke doesn't politely stay on the side of the room it moves all over. We had the word due diligence thrown in our faces last time. The due diligence should have been 20 years ago when the application was made for the subdivision as it changed the entire nature of the area. What was once just ranch land with a tiny gravel pit because you couldn't even see the gravel pits, either one of them when they first bought the property. Everybody had a chance to the hearing and object to the subdivision. They could have fought the subdivision and they might even have won. It might have been blocked depending on their arguments and the impacts. But they didn't and now they ask us to bear the burden so that they can make a profit isn't fair. Her and her husband had to face a decision similar to that when they got married. She owned a little mobile home in El Jebel, they were going to sell it and it was going to pay the down payment on their home. When they went to sell it they had it inspected and they found out that the wiring as it came from the factory was dangerous. Anyone who bought it was at risk for being caught in a fire; they could lose their home, they could die, they could end up in the hospital. They couldn't sell it in good conscience even though they really needed that money. They donated it to the fire department to sleep at night. They couldn't make a profit and know that they were possibly killing or injuring someone else. She thinks the same rule prevails here. Let's just be better neighbors. You can't profit from hurting other people. If she has to breathe twice the dust, she may die. If her husband gets phenomena, again she doesn't know what will happen to him. We are healthy people that shouldn't be this sick. There is no reason to be this sick except for the environment they live in. The dust getting closer and they didn't have a problem until the gravel pit started creeping out more and more and moving closer and closer. They have done everything they can to mitigate it. They have put in air conditioners, put in air purifiers, put in humidifiers to try seal off their home. They have done all new weather stripping and she doesn't go out into the yard very much at all because she doesn't dare. There is nothing more they can do. And putting a second gravel pit in will endanger them.
Mark Kavasch – 152 Wooden Deer Road – You just heard his wife speaking. He is pretty upset and he will try to contain himself here. Last week they spent a day at the Colorado Lung Center, at St. Mary's Hospital in Grand Junction. Susan has been going through testing and they are still waiting for those results to come back. It was pretty clear the doctor says it's not hard to understand there is too much dirt going into your wife lungs. Her lungs can't take it and now it is permanent damage. He has the same problem with pneumonia. So you're gonna bring more gravel at us. He brought an exhibit this time; last night he did his ritual of cleaning out the air filtration systems and he brought the filters to show to the board. Don't breathe this it will hurt your lungs. He showed how the dirty one looked and the clean one. This is supposed to last three months, this is two weeks. This is one of twelve filters in the house that he takes out. This is going through his lungs, his wife's lungs, and through his grandchildren's lungs. Here this is your dirt and he is returning it to the gravel pit (to Sean).
Commissioner Jankovsky – Wanted to see the filters. Mr. Kavasch, you said you spend about $50,000.00 in mitigation in your home is that correct?
Mark – Out of pocket deductibles, air conditioners, irrigation, trees, air filtration systems; yes. He is paying for the mitigation. He does not want this approved; my wife and I can't take it. What do I tell my grandkids? Yes I tried to sell my house; four years on the market and not one offer. He is stuck! One thing that he doesn't understand and he would like it as a condition if the board approves this. There is a lot of water on this property and he is sure the experts know their job; but it's hypothetical at this point. He knows the dust is making it to his house; that dust is supposed to stay in the pit. He doesn't want to wait a year and make all kinds of complaints to prove what he already knows and wait for someone to come from Denver to shut these plants down. You talk to employees, the gravel pits in Grand Junction, they run daily irrigation sprinkling systems over all exposed terrene. Not just the road. Watch irrigation around here, he is not an expert; but he is sure the Blue's and the Cerise's are. The water is there, the pumps are there, the lines are there. Here's an idea, and he doesn't know anything about it, how about we circle the pit with water cannons and shot them fifty feet in; that would help. And it might create another job; someone might have to hire someone else to do the irrigation. He doesn't want to wait for the tests. He knows the dust is there. You can see the dust is there and there are high winds all the time in the spring. There are thermal winds that come in the afternoon; you can't control that. Please consider the PM10 monitoring system, the water and the phasing and reclamation as you go. He can't wait 20 years for reclamation.
Ernie Collar – 746 Wooden Deer – Thanked them for the time they put into this so far. Given the side-by-side nature of the two gravel pits, it is important to consider the cumulative impacts. These impacts have not been addressed in this application and they will not be addressed without a coordinated approach between the two gravel pits. The application should be denied and brought back to the table with a more comprehensive approach. With coordinated phasing between the two pits, with smaller sections of mining areas that are reclaimed before the next section is started, and with real time continuous monitoring. Regarding the continuous monitoring, the applicant stated previously that it was not needed because what they have currently works. He believes the board saw the photos, the dust photos that were taken just a few days after the last commissioners meeting. Their mitigation and monitoring plan is not working.
Commissioner Jankovsky – Wind direction is primarily out of the southwest.
Ernie – It is primarily out of the southwest, which puts the Cerise pit right in line of wind; from time to time it does blow the other way. But those occasions are rare.
Chris Coyle – He wanted to just emphasize what Ernie had to say about the cumulative impacts. At least as he looks at it he doesn't see any real study into cumulative impacts. Particularly as it pertains to noise. He does understand that the air quality permits will take into account both gravel pits. But at this point they don't have them. He thinks from a practical standpoint that puts them at a disadvantage of being able to comment on that because the data they have he does not have. They submitted, he guesses at this point, to CDPHE but CDPHE hasn't even passed if for initial compliance. To him this gets to the heart of it and that is that the proposed operation will be located a sufficient distance from other mining operations so as not to create cumulative impacts to air quality. The fact of the matter is that when they are right next to each another one could hardly consider that to be a sufficient distance. He would also point out that under the "reclaim as you go theory"; the reclamation under Lafarge's interpretation of what's going to happen next isn't going to begin for at least 9 to 10 years. Now once again they have projected that that place is going to be mined out in 15 years. If you look at the drawings, if you look at what's going on today in the Roaring Fork Valley you can see that it is more likely than not that's it will be about 25 to 30 years before they even get really down into the pits at all. It will be a slow long process. Bottom line is; to him the visual impacts need to be taken into account along with all the other impacts. They do not expect anyone to keep pastures green for them. But what they expect is not to have an industrial operation covering 1.6 miles directly in their front yard. They did not expect to have not one but two industrial operations with sound blown the southwest wind carrying not only the dust but also the sound into their homes. Our sound experts advise as to what the impacts would be at their elevation. Number one they are going to see it and number two they are really going to hear it. They already really do hear the back-up beepers and they also hear the

crushers. It is a big deal, it is uncomfortable for them; this is beyond what you would ordinarily expect in a city much less in a country side. He is respectfully requesting that the board turn this application down.
Dave Myler – The Crystal Spring Coalition continues to believe very strongly that because of the proximity of the residential neighborhoods to the gravel pit, because of the prevailing winds and because of topography; it is simply not going to be possible for the mitigation measures that have been proposed by the applicant to overcome the fundamental and very basic incompatibility between a gravel mine and residential neighborhood. This belief of incompatibility that can't be mitigated seems to be supported by the memo Molly prepared and submitted to the board and described today. The standards, the criteria, the policies that are set forth in the county's code seem to support their belief in that regard. They have very carefully outlined and supported with evidence what they believe are more than adequate and defensible reasons for the board to deny this project particularly in the areas of air pollution and noise pollution. And since the applicant seems to be resisting monitoring; it is their belief that without effective and adequate monitoring that the mitigation measures are merely guess work. We are throwing water at the problem; which is a good thing but we really don't know if it will work. Part of that is because we really don't know particularly with air quality what the impacts are. It's never been tested, never been studied. The staff has expressed a concern that the county doesn't have the expertise to design monitoring programs when it comes to air and noise. And that may very well be the case but it's not unusual for local governments not to have that level of rather esoteric expertise. It's also not unusual and in his experience and thirty years of representing local governments and developers; that where you have a situation like this, where you have a specific identified impact that requires some expertise to get your hands around it. The applicant reimburses the county for the cost of consultants to sit down and in this case with the neighborhood and the county and design a mitigation program. Select the equipment that we don't believe is cost prohibited, it's going to work. Calibrate it; figure out a program for actually monitoring and evaluating the results of that monitoring effort and reporting to the county. Those experts are out there; they are not prohibitively expensive and the fact that the county doesn't have the expertise in-house should not be an impediment to requiring fulltime, real time monitoring. The last thing is an idea that first was introduced in a letter from the Wooden Deer Homeowners Association. Ernie Collar discussed it on the 13th of June and again today. That is the notion that there may be a way to develop a comprehensive approach to gravel mining in this region that respects the wishes of the Cerise family and for that matter the Blue family, and provides opportunities for gravel operators to do business. They are certainly willing to spend the time and the effort to meet with Lafarge and hopefully Western Slope Aggregate would agree to participate. Also obviously with the county, Wooden landowners and any other interested parties to see if it's possible to design a more comprehensive approach to gravel mining in this area. One is that is sized for the neighborhood. He is sure they will all agree that Wal-Mart's don't belong just anywhere but 7-11's might. He thinks a gravel operation that is sized with the neighborhood, that is sized by taking into consideration the negative impacts that are obviously going to occur and that need to be mitigated is an exercise that might be worthwhile. They think the plan should also consider obviously effective monitoring so that they can assure that the dust and noise are being controlled so that they don't have more repeats of what the Kavasch's are suffering from. And where the facilities are properly sited and phased and sized so as to reduce or minimize the visual impacts and where the reclamation effort is ongoing. The ongoing reclamation effort he thinks is a function of the plan the board approves. And as Western Slope has shown, it is possible to reclaim as you go. Perhaps by coordinating these gravel pits we may come up with some solutions in that regard. They hope that the board can promote this idea by denying the application. It may seem like an extreme measure; but as he said, the board has plenty of good reason to deny it. Those are reasons that are defensible based on evidence in the record. The timing is good! Because as we are all aware Western Slope Aggregate was not exactly thrilled with the conditions of approval that the county imposed on their recent application and we're advised that they may be coming back for some reconsideration. He thinks the moment is right for them to try all putting our heads together and finding a solution to these problems and coming up with a plan that can be adequately mitigated. He thanks the board, as everyone will today for their time and effort and their consideration in this matter. The board has an awful lot of material in front of them to consider. He hasn't in the past asked but he will now if the board has any questions about anything that they submitted, any of the comments they made, he will be happy to address them on behalf of the coalition. If he can't answer them today he will get them the answers.
Tom Hayes – 593 Wooden Deer Road. He submitted photographs taken on the evening of June 29, another wind event just to further illustrate the cumulative impact. He had four copies.
Chairman Martin asked him to pass out copies to the applicant and Jean Alberico and mark as Exhibit EEE.
Commissioner Jankovsky – This is the Blue Pit.
Tom Hayes – Yes, taken from his house that is the Blue pit.
Commissioner Jankovsky – The right side is the west.
Tom Hayes – yes, the right side of the photo would be to the west.
Commissioner Jankovsky – The dust coming on the west side of that is; that coming out of WSA pit?
Tom Hayes – It is coming out of the WSA pit being transported over onto the Cerise ranch.
Chuck Vidal – thanked the board for their time and knows this will not be an easy decision. He would like to emphasis that the three existing pits in the Roaring Fork Valley, each one could meet the projected demand for the next 15 to 20 years. There is no need for an additional pit right now. The gravel will not go away. He presented some numbers to the board in June and won't go over them again. It appears that staff when they look at the term sufficient distance would defer to the board to define what sufficient distance is. In this particular case sufficient, or the distance between these two is zero. They are immediately adjacent to each other. They are adjacent to the Blue pit to the east; they are adjacent to the existing pit from Lafarge to the west. That pit is said to be going away. That has been identified as a light industrial site, if it is going to go away then the appropriate underlying zone; which is residential is the appropriate zone to take a look at. These need to be looked at comprehensively, these pits should not be looked at independently and they can work with someone that takes a look at that.
David Jordon is in charge of the aggregate operations for Lafarge on the west slope. He has been an employee of Lafarge's for 12 about years and he thinks Lafarge is a great company to work for. They really treat their employees well and it never ceases to amaze him the great lengths that Lafarge goes to try to be a good neighbor and to be a good part of the community. Up here on the west slope, he noticed some of the things they have done recently as they participate and sponsorship for the Lafarge ski day that helps benefit a local charity. They helped sponsor various golf tournaments that benefit charities. A couple of months ago they cleaned up a stretch of highway over for the Gypsum operation. Last month they did a big health and safety event at the Carbondale site where they celebrated health and safety and they had some customers and community members there and had a lot of fund with that. Lafarge does not want to be a bad neighbor. Lafarge wants to be a good neighbor. He would really hope that at some point throughout this project, some of the people opposing them might up to them and say how the appreciate how the Lafarge is in the community and that they really are a good neighbor. He sincerely hopes the board passes this project; there are many people depending on it.
Chris Seuben – We are very fortunate where they live; it is a very beautiful place and sometimes we take for granted what's here. He thinks that a lot of people take for granted the resources that we have in right in the middle of our valley and that all of us use every day. We all depend on the roads and the bridges and we are very very fortunate to have this resource accessible to us. He thinks Lafarge is a good company and they try very hard. We are very fortunate that they want to invest the time and the money in this gravel operation. He thinks it is important to consider this is a long-term thing. His family has been here for generations and so have the Cerise's. You think a lot about how long this is going to last and you want to do things right. He thinks if they take a long-term view of it some of the gravel pits are going to turn out nicer than the subdivisions are fifty years from now. He thinks that people need to not take things for granted and to look at it and appreciate the hard work that many people are trying to do.

George Clemens – 0980 Wood Deer. His focus, he did send a letter in, is on the traffic conditions that will come to pass on the 103 Road. It was brought up just to reiterate someone else; he thinks it was Janet Johnson who brought up the fact that there are 10 or 11 other roads that feed into, up on the south side, into the Crystal Springs Road. Everyone that lives up there depend on 103 Road to get back and forth to the store and to activities. When they leave that's where they head down, 103Road. He did get a copy of the traffic study that was done. He asked Sean if man who did the study was there
Sean – He is not here today.
George Clemens – He has read the traffic study and his concern isn't what's going to transpire in the 5 to 6 years; its' what's going to happen in 10 to 15 years. There is a diagram that explains at peak hour how many cars go through the intersection of the 103 Road making their entrance onto 82. Highest is 61 and the lowest is 44 and he thinks that compensates for seasonal trends. There is a letter that Sean had written that identified the peak; under peak production of the Cerise pit that they would be putting 330 trucks per day through that intersection. That would be with the idea that none of them are going up 103 Road that they are all going south. Employee's cars and vehicles totaling 375. He just in his mind calculated if they were operating 10 hours a day that's 37 and then he took the percentage of what is going through that intersection now. Those numbers being peak hour; 61 and 44 and you start looking at putting, during hours of operation, which are when people usually go through there; their average at peak will be 37. That's a huge percentage of what the total traffic is going to be through that intersection. It's not what will happen in 5 years, or 6 years, or eight years. It's where it will be in 10 or 15 years. They understand that 82 was a limited access expressway identified for the State of Colorado. They are trying to move traffic up and down the valley. It's a very difficult situation to get out and make the left to go up valley during rush hour. He has a car with good horsepower and a lot of time he gets half way out there and he just has to stop and wait. His common sense says it's not smart to try to run this. You just have to stop and wait until the 133 Road is broken off the traffic and hope that you can make it. He is just projecting and saying at their peak putting an average of 35 to 37 trucks through there an hour; he thinks they are headed for a very dangerous situation. He thinks it has the potential becoming the most dangerous intersection in the whole valley.
Susan Gibbs – 1698 County Road 103. She just was really taken aback by that because that's a lot of traffic on that little county road. There is a sign at bottom about the volume of weigh; they used to have some really heavy-duty trucks going up there. She doesn't know how big those truck will be but there is a county limit on that road.
George Clemens – 80,000 lbs.
Susan Gibbs – If this does get approved, and she is here to say she hopes they don't approve it. If we have enough gravel in the county already to provide another 15 years, it will still be there. If it does have to be approved that things are followed up and backed up with all the control with dust, traffic, pollution and weeds.
Bill Roberts – Owner of Western Slope Aggregates. He wasn't at the last hearing; but he read the paper the next day and one thing he wanted to clarify and he understood how today how maybe Western Slope was along with Lafarge in terms of this cumulative impact. But in the paper they stated that Lafarge had made contact with them regarding this problem and he wanted to make it clear that to his knowledge they have never been contacted by Lafarge or any had any idea that they wanted to speak with them about this cumulative impacts. Each pit and each application he knows is independent of another but the visual and the noise and the air quality is different in each application. He, as an applicant, has tried very hard to follow along with county's regulations and he hopes in an application that it is looked at and everything is on a fair playing field and those conditions are equal amongst the whole county.
Commissioner Jankovsky – To Bill; on the cumulative impacts would Western Slope be willing to work with Lafarge on the solution, it will be pits side by side if this is approved. Is there some way that mining can be coordinated so the impacts are less?
Bill Roberts – He would be willing to listen of course. He doesn't see any way in a mining operation that you could put two together and make that work out basically because the two applications are so totally different. But they would always be happy to listen in some sort of workshop.
Cheryl Strickland has been in the valley 30 years and has been an employee of Lafarge for the past 7 years. Prior to working with Lafarge, she worked for Eagle Construction. Throughout these years, she worked in the gravel pits. So she has actually worked in a gravel pit everyday for 15 years. She knows many of the audience personally and she wants to make sure they know she is a local Lafarge employee. Once this approval goes through please consider her a friend, please consider her a local resource if you ever have complains. If you feel like someone is not listening she will make sure, any phone calls get to the right person. It is their intent to be a good neighbor and together she thinks they can make this work.
Michael Cerise – It was interesting when there was a comment that there were 23 gravel pits in Garfield County and there's three that are permitted in the Roaring Fork Valley plus maybe two other in Aspen and a small gravel pit in El Jebel. He doesn't believe that one is open to the public. You look at our population in the Roaring Fork Valley, which includes the Frying Pan; the Crystal Roaring Fork Valley is probably close to about 40,000 people. You have to look at that compared to the rest of the county is probably about 38 or 40,000 people in the rest of the county and we have three gravel pits in an area where you have 20 on the other side. One thing you have to consider is everyone says the gravel will always be there; but that's not true. If you look at the development that has happened in the valley, you have had residential developments covered up the gravel. You can't go back in and start mining in someone's yard and next to their house and recovery that gravel. That gravel is gone. We don't know in 15 years if that gravel will still be there and we just think right now is the time that they ought to take gravel and have it ready for the future. As a family, they desire to have this gravel mined. This is their hope and desire. He just wants the board to consider that there are about 40,000 people that maybe depend on this gravel in the upper valley. If you look at the cost of gravel at Elam pit is priced high enough where it doesn't make any sense to truck it back down valley; it's high enough where they can truck it from Carbondale and take it to Aspen and come out with the same costs as buying it from Elam so they have a price point that they set and that's what will happen if you have less pits. If you let Western Slope Aggregates be the only pit then they will price themselves according to what it takes to bring Gravel from Silt. It's just something to think about.
Commissioner Jankovsky – What do you estimate is the distance from his homestead ranch to Wooden Deer subdivision; first house in the Wooden Deer Subdivision?
Michael Cerise doesn't know what that is to be honest. There's one that they put up a berm right above them. It's an un-vegetated berm, that's probably the closest house, and if you look at Wooden Deer its right next to his property but it's not next to the gravel pit operation. He would say if he had to guess it would be maybe 500 to 700 feet.
Jonathan Fitz – It is house that is in question and he would say it's probably 150 yards, 125 yards. That berm can't be vegetated very well because the ranchers use up all the water. He is severely restricted on the amount of water they can use.
Toni Cerise – She doesn't work for Lafarge but she will say dealing with them over the last three years has been very professional. All of their questions, concerns have been met by their staff and she feels they will go forth in the future and be very professional. In answering your question about the location of Wooden Deer to the pit, the property is 97/98 acres and the pit will be on lower 60 some acres with a buffer zone of her property, our homes, and another 30/32 acres. From the distance of the pit to Wooden Deer is much more than 150 yards for sure. She is in support of the Cerise pit and she hopes the board goes that way.
Chuck Vidal – One thing he forgot to mention, when you put these conditions on that require monitoring and require oversight; we are still subject to budgetary constraints and discretion by the political jurisdictions. In other words, the state may or may not say we will send someone up there to take a look at this. The county may or may not say we'll take a look at this because all of a sudden we don't have the resources, we don't have the budgetary finances to fund that kind of activity. Even though in writing it may be there as to how you can deal with this; there is still some governmental discretion as to whether anyone ever comes up and listens to you and

talks to you and not because they want to ignore you, but because they may not have fiscal resources to respond and to take care of these kind of problems.
Jonathan Fitz – 104 Wooden Deer Road. He wanted to refute a little bit what a great citizen Lafarge thinks they are. When they bought the Powers pit, they had a perfect chance to screen that pit from the universe. Right across the street, directly across the street, a rancher put an unbelievable amount of trees there screening his place from traffic going by on 82. Lafarge did no such thing! Now when they are getting into the reclamation they put a small berm; when you drive by right now you see a small berm on the east side east fence on 82. That berm it cuts quite a bit view into the pit; all they had to do was make that a little higher and build it across the front of the fences and you wouldn't have had the eye sore this county has had for the last 30 years. Not all of which was Lafarge's responsibility. The other thing is doesn't quite understand is in Silt a couple of ranchers, one of whom actually sold the property to Lafarge, they had to bring their issue to this board to force or try to get Lafarge to reclaim as they said they were going to do. He doesn't understand why the board let them off the hook saying that when economic conditions get better then go ahead and reclaim. This is the richest gravel pit operator probably in the universe. Why they cried poverty in saying we can't reclaim until conditions get better; he doesn't understand. He took this from a newspaper article. They can have all the local events they want but he doesn't think they are good neighbors.
Chairman Martin – And you can always believe everything you read in the newspaper. We did tell them to re-vegetate.
Jonathan Fitz – did you tell them to do it right away or to wait until economic conditions got better.
Chairman Martin – We did tell them to re-vegetate and the article is incorrect.
Jonathan – then I stand corrected.
Chairman Martin – Then we will turn to the applicant.
Sean – Thanked them again for listening to the application. One thing that did come up in the comments that he wanted to address and that was the comment from West Slope Aggregates in terms of him contacting them and what has happened. Sean was in the office when a phone call was made, it was himself and his operations manager who made the phone call recently, and he found out that they had gone through some management change and ownership changes that may have caused some of the miscommunication. Obviously, the message did not make it to Mr. Roberts. Should I have followed up probably? But obviously they were getting into their own application process as well and it was a busy time. He want to reiterate that in all of their studies, and their application, their phasing, their visual, their traffic, their air and their noise; they have taken in consideration the base line information with the Blue Pit, with their approval, with their conditions of approval. They have looked into that application when developing their own project and believe they are in compliance with cumulative impacts and have put together extensive mitigation techniques to minimize and hopefully eliminate some of those impacts between the two pits.
Chairman Martin asked board if they had questions.
Commissioner Jankovsky – To Sean, just looking at the cumulative impact analysis and again going back through the site, we talked about this last time. You are at 55 acres out of 67 acres.
Sean – Right, 27 acres out of 66.
Commissioner Jankovsky- In phase I. By phase two you are into pretty much the entire site, 55 acres. In phase two do you need to scrape that, the entire site to be able to build the berms; why are you into the entire site?
Sean – That's a visual representation; what they will do is strip the portion that they plan for each year. Obviously, they are showing it to show the extent of what phase two will be. If year one they only have 10 acres, they will strip the 10 acres to get mining there; however because it is a 90 foot deep mining site they will have to take the top layer off to go a step to the second level. So fairly quickly that top layer will be stripped off and mined down to the second layer. They are doing in 25 lifts or steps so it will eventually take off the cover through time mine down 25 feet and then basically start the process across and over again until they get to the pit floor.
Commissioner Jankovsky - On the south side in phase two?
Sean – Yes.
Commissioner Jankovsky – So you go down 25 feet, you'll go across, go down 25 feet come back go down 25 feet until get down to the pit floor.
Sean – Yes and then the phase is designed for that size.
Commissioner Jankovsky – That's about a nine year process to get down to the pit floor. He thinks that is one of the difficulties with this pit. Unlike the Powers pit where you come right off 82 and start at the bottom kind of and go up; you're coming from the top and going down. Mr. Kavasch asked about and once you get 55 acres stripped how do you keep the dust down on 55 acres. Mr. Kavasch talked about irrigation.
Sean – Proposed in their application that they would use water trucks for any exposed areas. They will also put down chemical suppressants for those areas, which hold the water, holds the soil better than just using water, which will evaporate pretty quickly over time. Talking to operations there will be a minimum of four times a day they have water trucks out there spraying any exposed areas. Any of the product stockpiles are washed and generally will have moisture content as part of their specifications. Any overburden or berms that they do plan to leave on site that they have taken off; they will have vegetation, they will have planted vegetation within 30 days as required by their permits.
Commissioner Jankovsky – So on the 55 acres some of that will be re-vegged until you start…
Sean – On the 55, it may not be re-vegged because it will be in the active mining phase. Any of the overburden they have taken off will be re-vegged and then they will also be putting any kind of chemical suppressants and watering and keeping it moist so it doesn't have the dust.
Commissioner Jankovsky – Can you use irrigation water?
Sean – They talked about irrigation that, the one difficulty with that is that the irrigation water is designed for agricultural use. So they would have to go through a water court case to transfer those rights over to, actually the Cerise rights, transfer them over to an industrial use. They have talked about doing is using some of that water to irrigate the berms. Use a sprinkler system out of there for some of the vegetation they put on the berms because it still is an agricultural use of growing vegetation. The dust suppression part of it is actually an industrial use associated with the mine sites so they have accounted for that in their water rights. With the well permits that they have as well as the rights they have leased from Basalt Water District. They will run the water truck using those water rights and then try to utilize some of the Cerise rights to irrigate any of the vegetated berms and areas, the ongoing reclamation that they can use agriculture irrigation water on.
Commissioner Jankovsky is just trying to understand 55 acres that are disturbed and once you take off the topsoil can you re-vegetate that. He understands when they are working the mine site, your roads and so forth keeping those watered as they are working. But he is just trying to get around that area that has been disturbed and they are basically fallow until you start to mine it. How do you keep dust off that area?
Sean – The whole 55 acres that is disturbed is three different areas. The first area will have the scale house, roadways and processing plant area. Some of it will be paved as well as any of the area in the processing plant will have product stockpile, which have moisture in them. As well as spray bars on all the conveyors and the any area that is not covered with stockpile will be watered by the water truck. Another smaller section, which he believes is just over 9 acres, is the phase one mining area. That hole will be slowly filling up with their wash water so that will be filling up with water so there won't be a chance to re-vegetate any of that because there will be water on top….

Commissioner Jankovsky – On the outside perimeter of that will you re-vegetate?
Sean – The areas that they can around the outside perimeter they will. It is limited because of how close it is to the permit boundaries. That will slowly fill with water; it will be kind of a constantly moving thing so it's hard to vegetate any of the slope walls on that. The third portion will be the active mining area, which will be phase two. Once they have gotten to the point of removing all the topsoil it's hard to vegetate just the raw gravel at that point. They would be actively mining it and using their water truck and sprayers to make sure that's down any crushing operations in that area they will also have all their mitigation techniques for water and watering and keeping the material moist so that it's not blowing all over the place.
Commissioner Jankovsky – The report to the State of Colorado your basically waiting to see what was approved or not approved here before they submitting that report. Again, are cumulative impacts discussed in that report?
Sean – Yes. They are required to take into consideration all emission sources within 10 kilometers of their site. So that's the Blue pit, Powers pit, as well as up into the Wooden Deer subdivision and beyond. They have taken in all base line and all neighboring properties for dust permits.
Commissioner Jankovsky – The Powers pit will be closed before you start reclamation on this or start mining this pit?
Sean – Yes. They may go in and try to get a bit of site prep to get the access way built. That may be about the only overlap they have. Powers pit per their lease is due to close by April 13, 2013. They will be shutting the doors on that fairly quickly and much of the last six months of that operation will be final reclamation.
Commissioner Jankovsky – Are you going back into the Powers pit; do you have another application back into the Powers pit.
Sean – they do not have any more mining permits; they are looking into potentially extending the redi-mix operation there; however, there are no entitlements in place right now for that.
Commissioner Jankovsky – If your redi-mix operation was approved in the Powers pit would you be hauling gravel over to from this pit to the Powers pit and would you also still need the redi-mix operation in this pit?
Sean – They would haul gravel from Cerise over to the Powers redi-mix operation. At the time of the Powers application, they would forgo the rights to redi-mix on the Cerise site. They would actually rather keep it at Powers; but with no entitlements they can't remove it from this application at this time.
Commissioner Jankovsky – We heard Bill Roberts talk about cumulative impacts and Mr. Myler talked about the neighborhood wanting to be involved on cumulative impacts; can you give me your take on that especially Mr. Myler's discussion on that.
Sean – LaFarge is happy to work with any industrial group or sort of industry group that may form in the community. Work with the county on improvements and mitigation techniques. At this time, it's difficult because they both have separate operations; they are our competitors so they have some legal issues to be able phase their operation in conjunction with theirs. However, they are more than willing to work with an industrial group and even with the county to improve operations if they can.
Commissioner Samson – The main question, let's talk about noise and hours of operation. If he has read the tables correctly; Molly the decibel limits are what for, its 80 decibels for a construction zone and we as the board are going to have to make a determination as to what construction is defined as?
Molly – Yes, they identify their construction as going to be building, stripping of top soil and over burden and building the berms.
Commissioner Samson – That's the only….
Molly – That's what they are identifying as construction yes.
Commissioner Samson – The decibel limit there is 80.
Molly – Correct.
Commissioner Samson – Then there is the stipulation that day time construction noise level can reach 90 decibels for 15 minutes an hour, every hour for at least 15 minutes during the construction time period. Is that correct.
Molly – That is their interpretation; Colorado revised statute.
Commissioner Samson – When we look at the particular issue of the Blue Pit there were certain stipulations of hours put on there, which are different than the stipulations for this pit correct?
Molly – They have a condition of approval …in audible… that is Exhibit DDD.
Commissioner Samson – It's 11 A hours of operation; it says Monday through Saturday, crushing, digging, heavy hauling only occurring between 7:00 a.m. and 5:00 p.m. The gravel pit shall be allowed to operate Monday through Saturday with crushing, digging and heavy hauling only occurring 7 a.m. to 5:00 p.m. Monday through Friday. Heavy hauling on from 7:00 a.m. to 5:00 p.m. on Saturday. So with this there will be no crushing, digging on Saturday? Am I reading that correctly? And crushing and digging from 8:00 a.m. to 5:00 p.m. So there would not be any crushing or digging from 7:00 a.m. to 8:00 a.m.? As compared with your stipulations for this, which were what?
Molly – Condition 14; they took it directly from the code. Where it states that the gravel pit shall be operated Monday through Saturday from 7:00 a.m. to 8:00 p.m. with crushing, digging and heavy hauling allowed from 7:00 a.m. to 6:00 p.m. allowing for administrative and maintenance activities to take place until 8:00 p.m.
Commissioner Samson thinks it would be very unwise of them if they were to approve this not to have the same stipulations of ours for application as that one. Especially since they are side by side.
Chairman Martin – Is it fair and equal.
Commissioner Samson – You might be talking about oranges and apples if you are talking about some place way out Baxter Pass. But we are talking about two pits that are side by side. He is looking at that and saying fair is fair. He thinks they need to take that into consideration.
Sean – Wanted to ask about the two hours at the end of the day for administrative and maintenance if that would remain. In his conditions they are allowed operations until 8:00 p.m. but only administrative and maintenance from 6:00 to 8:00 p.m.; he was wondering if those two hours, because they do have the scale house open to close out tickets and things like that and then if there is any afterhours maintenance they would like that time to be able to do that so they don't have to close down their operations.
Commissioner Samson – It doesn't address that in the WSA pit, the Blue pit. Do we know what the case is with that?
Molly to Fred Jarman.
Fred – He would have to go up and get the file.
Commissioner Samson asked him to do that.
Commissioner Jankovsky – To Commissioner Samson; on item 14 on the recommended amendments it does state that the gravel pit shall be allowed to operate Monday through Saturday from 7:00 a.m. to 8:00 p.m. with crushing, digging and heavy hauling allowed from 7:00 a.m. to 6:00 p.m. allowing for administrative and maintenance activities to take place until 8:00 p.m. There will be no operations on Sunday except for emergency maintenance. You could use that and just change the hours from 8:00 to 5:00 p.m. it would be similar to what is there for the Blue Pit.
Commissioner Samson – It would mirror that then.
Commissioner Jankovsky – I believe so yes.
Sean – So what you're asking is just the crushing, digging, heavy hauling allowed until 5:00 p.m. instead of 6:00 p.m. that is the basic change. Lafarge can accept that change.
Commissioner Samson – And everything else would remain the same. Well, no you have the gravel pit shall be allowed to operate Monday through Saturday from 7:00 a.m. to 8:00 p.m. This one is to 5:00 so we need to change the 8:00 to 5:00.
John Martin – in audible ……

Commissioner Jankovsky – Administrative and maintenance; we're talking two different….
Commissioner Samson – I just want it to mirror. As we look at this and trying to decide do you deny it totally, do you approve with recommendations, do you approve as is? He goes back to the Blue pit and he thinks they have to use that somewhat as guidance because they are side by side. They are neighbors, they are competitors and he understands that. With that in mind, he thinks if we are to approve this…
Chairman Martin – I don't want to get into deliberation at this time; ask questions and any answers you may need. Then he would like to close the public hearing and then you can go into deliberations and requests. Any other questions from either of the other two commissioners. They had none.
Commissioner Jankovsky – Wanted to ask Mr. Rada to come up; can we do that after we close public hearing?
Chairman Martin – No you need to take testimony from Mr. Rada Now.
Commissioner Jankovsky would like to have Mr. Rada come up.
Commissioner Jankovsky would like Jim to update them on PM10 and the issues and he has some questions on monitoring.
Jim Rada – PM10 is a small particle that can be breathed deeply into the lungs. Simply put those particles when they get inside or deep into the lungs can cause damage or create health conditions that can interfere with ones ability to thrive. They can make new problems for people that are healthy; they can make problems worse for people who are unhealthy, particularly those who have pulmonary disease or cardio pulmonary disease or other respiratory conditions.
Commissioner Jankovsky – One of the things in the air quality study done by the Wooden Deer coalition or the Crystal Springs coalition; it says, of punitive dust monitoring equipment previously, and this was required by Pitkin County and he hates to require anything that Pitkin County requires. But at the same time he thinks they are asking a lot of the Wooden Deer Subdivision. Fugitive dust monitoring equipment previously installed at the Snowmass base village, Town of Snowmass, was required from this individual as an environment consultant during the development of the Snowmass base village, Mr. Dunlap estimated the cost of FDME (Fugitive Dust Monitoring Equipment) would range in cost from $15,000.00 to $20,000.00 dollars. The FDME provides real time measurements of emissions and transmits the data to designated offsite computers. The system would include hourly readings and alarms that immediately notifies officials and contractors of measured concentration approaching or exceeding the NAAQS. So that is a monitoring system that is being used up valley. He thinks there is a lot here that is on the backs of the Wooden Deer subdivision and he just wants to get Jim's input on that. It sounds like this monitoring system may be is operated by the vendor and would like feedback.
Jim Rada – His experience with what they have been doing in their air-monitoring program. They have real time PM10 and PM2.5 monitoring occurring in Rifle. The unit it's self was somewhere in the order of $50,000.00. It's a dual phase PM10, PM2.5 unit. It must be kept in a temperature controlled, humidity controlled cabinet. It is up on the roof of the Henry building. It routinely has to audited and regularly monitored; actually, it is checked daily to make sure it is functioning properly. Currently the unit is down. They do run into maintenance issues, equipment failure issues, anytime you are using mechanical type monitoring systems like that, you will encounter difficulties at times. The budget that was approved to operate that equipment amounts to about $20,000.00 per year. That includes not only the maintenance and calibration of the equipment but they also operate a meteorology facility with that equipment to make sure they understand how air is moving up and down the valley. In the event you want to require something like this at a site like the gravel pit; it would need to be operated in conjunction with meteorology too to better understand the direction of the winds and where the dust might be coming from. The cost, the number Mr. Dunlap put in there he is not familiar with that piece of equipment and he is not sure if that cost is comparable to what they do. But he does know that theirs was about $50,000.00 and they operate on about a $20,000.00 year maintenance calibration budget.
Commissioner Jankovsky – Sean; obviously you don't want to do this because its cost prohibitive, very expensive. At the same time, he heard Mr. Kavasch talk about his cost and there is nothing that says that, no direct correlation or you can't say for sure what is happening there as far as health problems. One of the things he pledged to do is take care of health, safety and welfare of the citizens of Garfield County. He does have a strong concern about air quality.
Sean – They have actually looked into the air monitoring devices. The issue they found is that this may not be reliable on this site. These devices, from what he found and speaking with consultants, they are designed to identify a source and be calibrated to measure that source. Be it a smoke stack or a certain piece of equipment in a certain area. Because they have a 66 acre site that will have different operations moving around it they would have to be constantly either re-calibrating or have so many devices around the site that it would have to measure the whole site. They have also found if they are not calibrated into, one specific source you tend to get anything that may be in the air. Whether it is someone doing a wood burn pile, or someone driving by on a four-wheeler, or just wind from an agricultural field nearby. All of these would add into what could be read on that site so it may not specify what is actually happening at the gravel pit. He thinks that's why they haven't been, we've never been required to utilize these on any of our pits in Colorado. He doesn't believe the Blue pit was either during their hearing. Unless you can target them, as you were saying it has to be calibrated, it has to have a meteorological station with it; they are very hard to dial in especially when they are sort of an open field operation. He could see if you were pointing it right at the proposed redi-mix plant or the proposed asphalt plant that you could dial into those numbers but you are looking at the expanse of the operation. They are very difficult to dial in and become costly and they would have to be out there every day checking it and maintaining it to keep it operating properly.
Commissioner Jankovsky – How do you make a decision; we do get the afternoon winds here. He lived down in the valley at Westbank and the area, the winds come in. How do you protect your neighbors?
Sean – He would identify that what they currently at the Powers is different from what they are proposing at the Cerise pit. One of the main things they are actually keeping the 80-foot berm along Hwy 82 in place when they are mining. This will help lift some of the wind over the site not all of it. But they are also proposing a berm at the back of the site that will block some of that wind from going up the hill as well. He thinks both of those features will help some of the wind that they see travel up the Powers pit at this time. They are also proposing, as soon as they can get to the floor of the pit, to move their operation down into that pit to again shield it from some of that wind, shield it from some of that area. They have also included vegetation quicker than they are required at the Powers pit and they are also proposing other mitigation techniques like spray bars on all the conveyors and junction points and crushers. Putting down some of the suppressant on the exposed surfaces so that there isn't the dust coming off those. They have gone well beyond what they are currently required to do and are trying to mitigate these impacts and they identify they are there and that they need to be proactive in keeping a handle on them.
Chairman Martin – Any base line study in reference to the Hwy 82 corridor for Carbondale and El Jebel and that area? What would be the time and staff required to put the system in as they did in Rifle and be able to monitor that with the same equipment, or at least requirements so they could have the base line data and information necessary if there is a violation?
Jim – Are you looking at an ambient air study similar to what they are doing in the rest of the county?
Chairman Martin – Yes.
Jim Rada – We are not doing a targeted air study…
Chairman Martin – We're doing the far west in Parachute, Rifle etc. Silt. What about the Roaring Fork Valley? What he is saying it goes up and down this valley; we need the base line study as well.
Jim Rada – The Town of Carbondale is interested in that information.

Chairman Martin – He is looking at having a headquarters used as real time; we have to get a base line study to do that. So if we do have a true violation, then they could report that to the appropriate people and that action could be taken. What would be the timeline you would see getting that set-up for the county?
Jim Rada – Being this is June already he would say hopefully by the beginning of next year. The cost would vary depending on what they want to do and you could count on a request of no less than $100,000.00. This would be on the back of the county because the state would not likely agree to fund any…
Chairman Martin – If we do that a proposal needs to come from Jim in reference to the base line study. Not only for this but for many other things. We are lacking in the Roaring Fork Valley.
Jim will communicate with the town.
Chairman Martin – That's another subject; it's on the same line of getting a base line study to protect the health of everyone not just the folks with the gravel.
Commissioner Jankovsky – What he took from Jim; using this at least at the Cerise pit potentially wouldn't be of any use.
Jim Rada – It would not necessarily provide them with a valid picture of the impact of the Cerise Pit on the air quality in Wooden Deer or any of the neighboring properties. Because air movement or particular concentrations or so depending on air movement in the direction, the air is moving. The comment that was made earlier that it could be, you might get detection of particulates but it could be from a totally different source. Being that they are doing the monitoring it would fall back on them to explain where that's coming from and puts them in a difficult position.
Chairman Martin – That's why he suggested there be a county monitoring system as well as the base line study of the entire area so that you could actually have a better view of what's going on.
Commissioner Jankovsky – If we did county monitoring would it help the Wooden Deer subdivision?
Chairman Martin – Yes it would, it would help everyone down through there because you could identify the different sources.
Jim Rada – It would give them a general ambient air conditions not specific or site source specific results.
Chairman Martin – And with the filter and also the identification from what it is from pollen to dust to carbon particles etc. He thinks they still do that through their filter and chemical analysis of what it is.
Jim – We are not doing chemical analysis at this point but they are looking at particulate matter.
Chairman Martin – Do I have a motion to close the public hearing?
Commissioner Samson – So moved.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Discussion:
Commissioner Jankovsky – When he ran for office one of the things he talked about was providing jobs, helping the economy in Garfield County and he would follow that up with we need to work with the business community, be sensitive to the environment and neighborhood issues. This one has all that. He mentioned he took an oath to look after the health, safety and welfare of the citizens of Garfield County. He thinks the safety issues really come back to the road and traffic study. He is comfortable with the staff report on traffic as long as the conditions are met that are in here as far as improvements, the county road and also Hwy 82. Welfare is another thing because it is the welfare for the Cerise family. It's their land, they have land rights, they have mineral rights. Welfare for the Wooden Deer folks, they have property values that they don't know what's going to happen but they have property values they are very concerned about. Welfare for the 45 people that work for Lafarge; those are all issues he has concerns about. Health he is concerned about the air quality. Noise is there; there's no doubt about that but his concern is more about the air quality. How do we, PM 10 is a big thing. Mr. Kavasch air filters! Dust can come from anywhere he has dust in his house and it blows from Utah to here sometimes. But there are real issues about dust, it's happening out at these pits and there's not one gravel pit there are two here. There are cumulative effects and he has concerns about all of those issues. We will try to address them as best they can as they move forward.
Commissioner Samson would echo what Commissioner Jankovsky said. As you said Mr. Chairman earlier no matter what we do there will be some people upset. The three of them have to make a decision and bite the bullet and go forward. He agrees with Tom that perhaps not the very most ideal situation with traffic and noise but he believes they have addressed those as best they can and hopefully with the help of the state, and the permits, and all their rules and regulations they can go forward on that front. The air quality seems to be the sticky point more than anything else. He thinks if they as a county are willing to step up to the plate and do our baseline study and have Jim Rada go forward with monitoring of the air this would be something that perhaps even though the constituents, residents of that area won't be totally happy about. At least it would be a step in the right direction that they could live with. He would like to see if this does go forward the hours of operation as he said earlier, his remarks there, also the concerns of air pollution.
Chairman Martin is truly proud of every one of them in reference to their presentation, your passion, your factual basis and coming forward and being willing to go ahead and to participate. It's not often that they see a civil group because this is a highly emotional issue. He thanked everyone and is proud that we are Garfield County residents. There will be some guidance on a motion. Asked legal to help if he is wrong. If we have motion to deny, please state your findings on denial. If we have a motion to approve we will need to have a definition of distance between the pits, motion in reference to air monitoring if that will go forward or not. We need to know, if there is cumulative impacts that you need to discuss. Any permits, any other issues in reference to noise. Please also define construction noise as well as if you are going to allow an extension on 90 decibels or not, 15 minutes per hour if that's what you are going to allow. Please identify the hours of operations, it's going to mirror the pit, WSA next door or if you are going to go with recommendations that came from P & Z and staff and good luck.
Carey – That is a long list and she things some of these may better be addressed as you read the issues rather than trying to have a blanket response. Which ones require findings in the resolution and …
Chairman Martin thinks several of them need findings in reference to a positive motion and a definition to go forward. Instruction on the noise if allowed or not as well as hours, as well as defining what is the cumulative impacts and the distance between the two pits.
Carey – You must only find the application conforms with the code or you must come up with a condition of approval that you think is appropriate to make it conform. If you make a finding, that the applicant has submitted sufficient information that the cumulative impacts have been addressed as required by the code then that would be sufficient. You would be finding that there is sufficient distance between the two without providing a specific…
Chairman Martin – Based upon the application and the mining claim. Correct?
Carey – Correct, so you wouldn't actually have to say what the exact distance is that you are relying on. You're only finding that it complies with our code.
Chairman Martin – That's kind of the guidelines; Molly, did I miss anything that you need a definition or clarification?
Molly – Under the staff report findings that were identified I want to make sure that you do conform with the recommendation for approval and you are fine with those findings.
Chairman Martin – That will have to part of the motion and other findings and why they are doing a denial.
Commissioner Jankovsky – I'm fine with it, all the things you talked about but I would like to talk about distance between the pits. I think that is something that I do not, I had a resolution that he wanted to bring forward but I do not have in that distance between pits

and I would like to discuss that because I don't have a solution for that and I would like to hear from the other two Commissioners on their thoughts on that.
Commissioner Samson – Where is that addressed in our …
Commissioner Jankovsky – It's not.
Molly – It mentions in our code sufficient distance….in audible.
Commissioner Samson – Do we have a precedence on that?
Molly hasn't seen it.
Commissioner Jankovsky – One of the problems is we're talking now about the Cerise pit and the Blue pit has already been approved so how can you talk about distance?
Chairman Martin – If its approval within ….in audible…. there is a certain boundary line that has to be adhered to on both sides.
Commissioner Jankovsky – That's 50 feet from what he understands.
Chairman Martin – Its 50 feet from the boundary line on each side which would give you 100 feet in between.
Commissioner Jankovsky – I remember and cumulative impacts here there is a spot where both pits are pretty darn close in the final phases.
Commissioner Samson – We can't put any stipulations on the Blue pit now.
Commissioner Jankovsky – No you cannot.
Commissioner Samson – But does it have the right to mine right to the boarder now?
Commissioner Jankovsky – Within 50 feet.
Commissioner Samson – Within 50 feet, that's what it says.
Chairman Martin – The safety zone and the distance…in audible… That's in the mining permit itself establishing how close you can get to the boarders.
Commissioner Samson – I would assume we would want to do the same for the Lafarge field.
Commissioner Jankovsky – If we approve I don't know that we have much choice but to do that.
Chairman Martin – Except for the knowledge and safe distance between and that would be your distance that you would be establishing.
Commissioner Jankovsky – Is that 100 feet?
Chairman Martin – No it would be a total of that.
Commissioner Samson – 50 from 1 side and 50 from the other.
Commissioner Jankovsky – I thinks that's in the conditions of approval here.
Chairman Martin – Counselor are we misinformed on that particular issue; a boundary line at safe distance between the quarter itself and the mining. That has been established in the mining permit itself.in audible.
Carey – That's correct but there is buffer from the edge of the property is accounted for in their mining statute but does not necessarily address our code condition. Again we are looking specifically at whether this application has satisfied all of our code requirements and the code requirements that your specifically looking at is whether the proposed operation will be located a sufficient distance from other mining operations so as not to create impacts to air quality. That's 7-840 B3. It doesn't track State statute in that way, you just have to find that this application either meets it or does not met it and whether a condition of approval would be required to make it meet it.
Commissioner Jankovsky – On the air quality side. If we do an air quality study, the county does air quality study; is there any way we can tie that back into a condition here.
Chairman Martin – No you could use it as a source a point in violation disciplinary and you can identify that particular source then you can go ahead and again impose the fines and …in audible…state of Colorado air quality violations. Therefore, they need to take action.
Commissioner Jankovsky – That would be enforcement on our part as opposed to having it in here as a…
Chairman Martin – That would be a separate issue, if they are violation of any permit they are subject to also disciplinary action…but that's a given on all permits. So if we find with our baseline study there's a violation….in audible…then they are subject to……standards.
MOTION:
Commissioner Jankovsky – I'll make a motion that we approve the land use change permit for the Cerise Ranch for extraction of gravel with the following conditions 1 through 37 with the following changes on item number 6, you will add that there will be a 10 mph speed limit signs on access roads within the site and on haul roads, on the access road to the site and on the haul routes within the site. Item 14; you will change the hours of operation for crushing, digging and heavy hauling allowed from 7:00 a.m. to 5:00 p.m. Item 15 during periods of operation all noise generated from the operation shall not exceed CRS 25-12-103 with a maximum of 80 decibels during construction and 70 decibels during operations and I want to have 55 decibels with 25 feet outside of the permit area. I think the only problem with that it's going to be easy to do if your 25 feet beyond that barn, berm, to have 55 decibels and the problem is Wooden Deer is up 500 to 600 feet up the hill. But that is the regulation so we need to have that. Item 16, go down to G and we'll change that time from 7:00 a.m. to 5:00 p.m. Item 20 E; I think that dust was left out on that so we need to put dust in there, heat, glare, radiation, dust or fumes.
Commissioner Samson – You want to strike 17 totally it's a repeat correct?
Molly – That's correct. Tom we say the same thing in 25.
Drew – I'm sorry remove 17 and keep 25?
Molly – That's correct.
Commissioner Jankovsky – On 37 F limit on site speeds to vehicle speeds to 10 mph. G treat frequently traveled onsite roadways with stabilizers or suppressants and watering to minimize reenactment of dust from road surfaces. Pave the entrance road to the weigh station. Item 38, which would be an item I would add.
Molly – Which would be 37?
Commissioner Jankovsky - I would like to go to what's in here on the Blue Pit and that is that all truck operating in the pit, including third party trucks not operated the owner/operator shall be subject to the following: all truck shall have and maintain stock muffler systems that are performing to the original manufactures specifications. This can be determined and verified by simple visual and auditory inspection of the truck. That's item one. Item two, all truck ascending or descending the haul route shall not exceed speeds of 10 mph. Item 3 all trucks descending the haul route shall not use jake brakes to decelerate. Item four all trucks independent or employed by the applicant shall be briefed on the conditions above and shall agree to operate within the requirements of the stipulations. Item five the application shall set-up a series of progressive consequences for drivers that fail to comply with the above conditions. I want to go back to noise just to clarify that. All noise generated and that was back on 15; all noise generated from the operations shall not exceed the residential zone noise standards defined in CRS and the number of that. Such noise shall not exceed 55 decibels from 7:00 a.m. to 5:00 p.m. and 50 decibels from 5:00 p.m. to 7:00 p.m. when measured 25 feet outside the permit boundary. Item 38 mining shall not start until the Powers pit has been closed; so we don't have mining in both pits. Item 39 no asphalt plant shall be allowed within the property unless separately approved by Garfield County pursuant to the amendment within the approval or pursuant to separate application. So separate application in this case and that's it. I think the distance from the pits is addressed in the 50 foot.

Molly – So just clarification on 15; you are saying that 55 decibel is from all the permit boundaries.
Commissioner Jankovsky – No the residential permit boundaries.
Molly – Just the residential permit boundaries.
Commissioner Jankovsky – Which would be to the north?
Commissioner Samson – One question here; is there, are we okay with 14 and the way you changed that?
Commissioner Jankovsky – I did not change, the one thing I didn't change in the Blue it say that operations on Saturday would be from 8:00 a.m. to 5:00 p.m. and I did not just change that. I just changed the crushing, digging, and hauling allowed from 7:00 a.m. to 5:00 p.m. so that would be Monday through Saturday.
Commissioner Samson – You don't want to change it.
Commissioner Jankovsky – I am comfortable with chancing it.
Commissioner Samson – I would request that you change that.
Commissioner Jankovsky – Then I would put in there that it would be Monday through Friday and on Saturday crushing, digging, and heavy hauling would be allowed from 8:00 a.m. to 5:00 p.m. That's the same as the Blue Pit requirements. I would like to; I like the fact the county would step forward and do air monitoring. That would not be in here; that takes that off the applicant. We did not require that of the Blue pit and I think we would do a better job if we do it ourselves. At least it's a third party if we do that ourselves. We would control it.
Commissioner Samson – I'll second the motion.
Commissioner Jankovsky – I would like to state to Sean, to Lafarge that he knows it is a separate application, but if we can move the concrete plant out of there, I think that it helps the homeowners association as well. We get back down into the floor of the pit right away. I know that will be in front of us at another time.
Carey – One more point of clarification just in case of influence of what you might be thinking of doing. I just want to make clear on the noise condition of approval; are you accepting staffs designations as Molly supplied on page four of her supplement but to the north, it is treated as residential?
Commissioner Jankovsky – Yes, that is correct but not to the west.
Carey – That will stay industrial.
Chairman Martin – As well as to the east, I mean to the west and east and south.
Commissioner Jankovsky – Yes.
Commissioner Samson – Before we vote I just wanted to say and reiterate your comments; thank you for being here. I just want to take a second and thank the staff, Molly in particular. Take a time out and divert for just a second. I know you have a tough job and I appreciate specifically you, but I'm sure others helped you within the department when we undertook this was a month ago, and all the time and extra effort that you put into your topics of research. You helped me a great deal in understanding the noise, some of the state statutes, the enforcement and the permits that must be garnered by this company to do this. So thank you for what you've done. I would like to thank, as Chairman Martin said, for all of you that were being here and for the civil way in which you conducted yourselves. That's not always the case. I think all of you agree we have a tough job. I hope that we've done something today that each of you can go away with and feel somewhat good about. I'm sure if you were to ask anybody; but most people, would you want a gravel pit next to our home? I think the vast majority of people would say no I'm not real crazy about that and we understand that. I understand it as I told you a month ago, I lived by a gravel pit for 30 years and yes, I know there's noise and yes I know there's pollution. But I also know that's there's a need for that and there's a lot of other factors and I don't want to go into all that right now. We've talked enough about that. But I do want to say thank you for being here and for the way you've conducted yourselves and I hope you can go away from here feeling good about what we tried to do to protect you whoever you may be.
Chairman Martin – I just want to get a clarification so that everyone knew that 27 mining permits that are within Garfield County; not all are active every day. Some happen to be very private and used only privately. Some happen to be other governmental agencies that own them. And a lot of them are associated with I-70 and the creation of I-70 and those pits are still active along the I-70 corridor. Some of them aren't even used at all; but have not been reclaimed or the permits again are not updated. There's a lot of that going on too. Matter of fact I know Garfield County owns one; it happens to be shall we say south Glenwood Springs close to 114 and 110 somewhere in there. But that happens to be a county shop now and it's still an active permit. Those are the things that there are 27 daily mining operations going on with grave; it's misleading. We need to do more research on how many are actually active. The other one happens to be on the traffic, the increase of traffic and permits on CDOT onto Highway 82. Any increase of over 20% requires a whole new application, access permit etc. and it does not go unchecked. If it increases more than 20% then it requires a whole new CDOT permit and a whole new approach; so that is not going unchecked. Even if this permit does not go forward, I'm going to push hard for air quality monitoring. Call for the question.
In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – We will approve with 38 conditions with subsets etc.
Drew – 38 conditions instead of 39.
Chairman Martin – I said 38 but there are 39.
Colorado Roadless Rule:
Chairman Martin – You need to have these in by the 14th correct?
Tamra – Correct.
Chairman Martin – So it's either the 12th or the 13th is what you would be looking at.
Tamra – That's pretty short notice; is there any way we can get it in sooner? By the end of the week.
Chairman Martin – Sure you have the air fair on two days; that gives you tomorrow. If it's not tomorrow it will be Tuesday or Wednesday the next week.
Tamra Allen – What works for you all; she has a flexible schedule and she can fit it in. Commissioners we are looking at scheduling an additional work session on the Colorado Road Less Rule after our meeting last week. To discuss the specific comments that the commissioners would like to submit on behalf of the revised draft EIS for the road less rule. She thinks Chairman Martin has a couple of dates available on his schedule.
Chairman Martin can give her his comments right now. We need to just follow the forest plan.
Tamra – This needs to be submitted and drafted by the 14th
Commissioner Samson – Do we not have a workshop tomorrow at 8:00 a.m.
Jean – No, it was cancelled.
Commissioner Samson – Why don't we make it tomorrow at 8:00 a.m.
Chairman Martin – We need 24 hours notice.
Commissioner Jankovsky agrees with Chairman Martin and thinks the forest plan is the way to go.
Tamra – Which she believes was Alternative 3.
Commissioner Martin – That throws it back into the political arena those things can be changed. But he thinks it is necessary.
Tamra – If that is the consensus from the board they can absolutely draft that and get that back to them next Monday to read through and potentially sign.
Commissioner Samson – Move forward.

Chairman Martin – Go ahead and go back to the forest service plan; each forest needs to have flexibility. In audible…...It's a 50/50 chance it will be overturned and your starting at square one. Go back to the forest service plan.
Fred – You want the letter to be prepared and return to you next Monday.
Chairman Martin – yes
Commissioner Samson – We have a RAC meeting September 28 in Delta from 1:00 to 5:00 p.m., to Tamra, call Lee Ann and ask her, he thinks our last request will probably be funded with leftover funds. Would you (Tamara) clarify that with her number one and then number two he believes in this meeting there is only $65,000.00 they will be dealing with. Which is an addition to that and get clarification from Lee Ann if their last request is funded, or do they need to do anything on the 28th? He is thinking they are covered and if that is the case, we probably do not want to try and get the $65,000.00 that is remaining.
Tamra will check, just to update, originally they were funded for 2011 to do updates to the Spruce Creek campground, which she believes they all visited last week and the second project they actually resubmitted for was to do some work at Battlement Mesa reservoirs and they originally were going to fund them in 2011 and she thinks they bumped that out to 2012. This is actually with title two secure schools funding; the forest service has to be in cooperation or coordination with their forest service agency. They have a pool of money and you have to apply for it on an annual basis. Those were the two previous projects they had applied for, so it sounds like they may have some leftover funds that they are looking at redistributing. She will follow-up with them.
Commissioner Reports:
Commissioner Samson – We do not have a workshop tomorrow.
Commissioner Jankovsky has a meeting at 2:00 p.m. tomorrow with GCE on the condensed natural gas committee that is trying to work on natural gas vehicles. You would think that would be a no brainer; but we're really one of the only committees that is working on that in the State of Colorado and maybe even in the nation. We have all this natural gas, we don't have very many pump stations and then we don't have manufacturers producing vehicles so you have to take existing vehicles and put a $10,000 to $12,000 kits on them and so it is still very expensive and primitive at this point.
Commissioner Samson might be able to help them on that. One of the main reasons he wants to go to Portland to the national; they are going to have a seminar for about 3 hours on something like using natural gas and local projects. He will try to glean as much information as he cannot only for vehicles but anything. Maybe there are connects, someone to get more uses or even better uses.
Commissioner Jankovsky – It ties right in to our economic development we are trying to do in Garfield County. He is trying to work more with GCE to look more at economic development and look at the whole spectrum of energy not just solar and efficiency. Look at natural gas and look at the whole spectrum. He is also meeting with Steve Miller tomorrow who is with Sweetwater Resort.
Chairman Martin – You might also add about 150 Road which the culver, which is undersized, and went over its capacity onto the road and ate underneath County road 150. We did send the road and bridge folks up there on a weekend to divert that since they had a berm and water running down the road. So check on that, they haven't been up there.
Commissioner Jankovsky will be meeting with him here in Glenwood, not up there.
Chairman Martin – You might ask him.
Commissioner Samson – Just a reminder everyone needs to go the airfare Friday and Saturday. Remember our meeting next Monday is in Silt at the fire station. He will be having his mayors meeting the last Monday of this month the 25th it will be in Rifle at the airport conference room. Dale is going to be talking to all the mayors; they have had very good turnout. All six mayors plus representatives. The meeting starts at 10:00 a.m. By way of review if they could get 26th and 27th board of equalization out of the way because he will be gone the 28th and 29th.
Drew – He and Carey will probably handle that whole docket together and they will do their best to get it done on those two days. He has a question about the AGNC and whether the commissioners or the AGNC on July 21 if they had specific instruction or requests for his office to prepare for that meeting. He will meet with Carolyn tomorrow to talk about it; but just wanted to hear from them.
Commissioner Samson – His question is that one or two things will happen; you are in contact with other six county attorney's right, because we have the five AGNC members plus Delta and Montrose that we have invited. He is assuming in being in contact with them, you have gotten together what they will present to them and tell us about the formation or do you need, I guess you are going to do that through a conference call, the he will call Jane tomorrow and make sure Drew is the attorney on the agenda.
Drew – About ½ hour or however long it takes.
Commissioner Samson – Take as much time as you need.
Chairman Martin – I'll give you another person for that phone call you may consider and that's Tony Hernandez from the Department of Local Affairs and he is the one that wanted to work with the county's in reference to this large special district with IGA's.
Drew – He should be invited to the meeting.
Chairman Martin – The conference call but we should make contact with him because he was going to make sure that we had a work session with the county attorneys and this would be perfect if he is able to attend by phone.
Commissioner Samson – If you want to drive to Rifle he will drive him from Rifle to Steamboat.
Chairman Martin – CCI on our new dues structure in reference to public lands is on Thursday, he has a special meeting in Denver on that particular issue. Of course, the air show on Friday but he will still be at CCI getting ready for the National Association of Counties on petitions of changes, rules, policies etc. He will report back to them on all those issues. He will leave on the 14th to NACO and will be back Monday the 18. On the 30th is the pancake breakfast at 6:00 a.m. at 9th and Grand Avenue for the Kiwanis. Don't forget the county fair. We do have a conflict on the 5th of August; we have the county fair going as well as the Western District of CCI.
Commissioner Samson – It's been moved over to the 4th for them to do the gingerbread and the commissioner's cookie jar. Fair days; second through the 6th and the employee picnic August 11th.

June ***

*****PLEASE NOTE ALL THE INAUDIBLE SECTIONS OF THIS MEETING**

PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, JUNE 11, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. in Silt on Monday, June 11, 2011 with Chairman John Martin and Commissioners Mike Samson and Tresi Houpt were present. Also present were Assistant County Manager Dale Hancock, Acting County Attorney Carolyn Dahlgren and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL

PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION
REGULAR WORK SESSION:
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
REGULAR WORK SESSION:

63. **ASSESSOR'S UPDATE: JIM YELLICO**

a. **REQUEST BOCC CONVENE AS COUNTY BOARD OF EQUALIZATION**

Jim Yellico asked to meet as the Board of Equalization.
Commissioner Samson moved to go into the Board of Equalization
Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson – aye

REPORT OF PROTEST DATA AS PROVIDED IN C.R.S. 39-8-105(1) & 2 – JIM YELLICO

Jim submitted the Abstract of Assessment. This abstract does not include the updated State Assessed Values, Prosessory Interest Values, Oil and Gas protest adjustments, as the office is still in the process of finalizing those values. Today, Jim presented an addendum showing the decisions on each of those protests.
Jim presented the data showing the 448 protest and the 721 Real Property protests for this period. The number of protests denied was 273. There were 12 voided protests. The total value was adjusted by $17,313,650. This includes both increases and decreases to value. There were 49 Personal Property and Oil and Gas protests in this period. Jim presented the addenda for the decisions on those protests.
As of July 7, 2011, the Assessed Value for Real Property is $918,883,940, which is a decrease of 26% of the 2010 value of $1,240,714,560. This value does not include the State Assessed Property, Natural Resources, Personal Property, or Oil and Gas production.
The final State Assessed values for both Personal and Real property will be mailed to Garfield County by the Division of Property Tax by August 1. The values will be entered into our computer system and will be reflected on the Abstract of Certification presented to the Chairman for Signature by August 25, 2011.
As of July 7, 2011, the Assessed Value for Personal Property and Oil and Gas, and Natural resources is $2,769,951,600, which is an increase of 32.8% over the 2010 value of $2,085,678,860. This includes Drilling Rigs, which are apportioned to our County in the amount of $64,860,260. These values do not include any value change in the addendum presented today.
As of July 7, 2011, the total Assessed value including all but State Assessed Values in $3,688,835,540. This is an increase of 10.7% over the 2010 total assessed value of $3,332,204,060.
Jim included in the Board's packet a list of all personal property accounts that either did not file a Declaration or filed after the Statutory April 15 due date. Some of these accounts will be audited in the 2011/2012 Personal Property field year. All of them will receive the Declaration Penalty allowed by Statute. This is either 15% of the taxes due or $50 whichever is less. This will be attached to the 2011 tax bill due in January 2012.
Commissioner Samson moved to come out of the Board of Equalization and return to the Board of County Commissioners.
Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Commissioner Jankovsky moved to accept the report. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

64. **CLERK'S UPDATE: JEAN ALBERICO**

A. **PUBLIC HEARING: TRANSFER OF LIQUOR LICENSE FROM THE 35TH AVENUE CAFÉ AND BAR TO THE 19TH HOLE BAR & GRILL, LLC. THE APPLICANTS ARE BRENDA GOOLSBY AND DONNIE MATTINGLY.**

Jean Alberico, Drew Gorgey, Brenda Goolsby and Donnie Mattingly attended.
Drew reviewed the noticing requirements submitted by Jean for the public hearing including posting, publication in the Citizens Telegram, determined they were adequate, and advised the Board they were entitled to continue.
Chairman Martin swore in the speakers.
Jean had Brenda come to verify the posting and explained where the locations were posted. Jean presented the application for the transfer. The total packet was included in the BOCC's material.
Brenda was before the Board in June and the Board approved the temporary license. She has been operation since early June 2011, Jean asked the sheriff's office to do a complaint check and I received no public comments, complaints, or concerns about her taking over the restaurant and obtaining this liquor license.
Brenda explained what the 19th Hole Bar & Grill, LLC would be doing including serving food. *Inaudible.*
Chairman Martin asked how many would be working and Brenda said she and her bartender. Chairman Martin asked if the bartender had tips training and of legal age.
Brenda – Yes, she is a very good listener and there are two servers in the bar. The bartender can take care of the bar, which helps.
Chairman Martin asked if Brenda could keep the service in the diagram to that area only and explained if the area not on the diagram was used for liquor, it would be a violation.
Brenda – Yes.
Drew responded to Chairman Martin questions if he wanted to say anything else on this topic saying, the posting 10-days in advance and after reading the packet, I don't have any issues.
Jean – I had several staff members do the posting and they agree with Brenda that they were very impressed with her manager. Kathi and I had been to that restaurant when they re-opening and remodeling and Kathi remarked about how many hours Brenda must have put in cleaning, as the place was spotless.

Motions

Commissioner Jankovsky so moved to close the public hearing. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson – aye
Commissioner Jankovsky made a motion that we approve the transfer of the liquor license from the 35th Avenue Café and Bar to the 19th Hole Bar and Grill LLC. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

65. **CONSENT AGENDA:**

a. Approve Bills
b. Liquor License Renewal for Kessler Canyon Ranch
c. Authorize the Chair to sign the Land Use Change Permit for Marathon Oil Company (LIPA 6377), for a "Material Handling/Water Impoundment" for the treatment and storage of produced water in three (3) water impoundments and two (2) freshwater ponds created for natural gas development activities by Marathon Oil Company – Molly Orkild-Larson
d. Authorize the Chair to sign a Land Use Change Permit for the Conn Creek II Compressor Station Expansion – Material Handling, located approximately 12 miles north of the Town of DeBeque off County Road 213. Applicant is OXY USA WTP LP – Glenn Hartmann

Motion

Commissioner Samson moved that we would approve the consent agenda as posted.

Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson – aye

66. **COUNTY ATTORNEY UPDATE: ANDREW GORGEY**

A. **CONSIDERATION/APPROVAL OF THIRD BOARD MEMBER, GARCO FEDERAL MINERAL LEASING DISTRICT**

Drew – At two recent meetings in June 20 and July 5, this Board appointed by Resolution two members to our new Federal Mineral Lease District Board. Commissioner Samson was appointed on June 20 and Eric Schmela appointed on July 5. I understand you are prepared to appoint the 3rd and final member.

Chairman Martin – I was able to contact with former Representative Gregg Rippy who confirmed he would serve on that board. Gregg has a background and understanding of legislative issues and a businessman, he is willing to donate his time. Therefore, I would nominate Gregg Rippy. Commissioner Samson – Second. Commissioner Samson stated he had talked to Gregg during the Air Fair and was more than happy to do it.

In favor: Jankovsky – aye Martin – aye Samson – aye

Chairman Martin – It is official and Gregg will be notified.

B. **CONSIDERATION/APPROVAL OF MOU BETWEEN THE DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, AND GARFIELD COUNTY, COLORADO AS A COOPERATING AGENCY RE: OIL SHALE AND TAR SANDS RESOURCE MANAGEMENT PLAN AMENDMENTS**

Drew presented the MOU that establishes a cooperating agency relationship between BLM and Garfield County, Colorado "Cooperator" for the purpose of preparing the Oil Shale and Tar Sands Resource Management Plan Amendments to Address Land Use Allocations in Colorado, Utah, and Wyoming and the Programmatic Environmental Impact Statement (RMPA/PEIS). This MOU describes responsibilities and procedures agreed to by Garfield County as a Cooperating Agency and the BLM ("the parties").

The purposes of this MOU are:

E. To designate Garfield County, Colorado as a Cooperating Agency in the RMPA/PEIS process.
F. To provide a framework for cooperation and coordination between the BLM and the Cooperator that will ensure successful completion of the RMPA/PEIS in a timely, efficient and thorough manner.
G. To recognize that BLM is the lead agency with responsibility for the completion of the RMPA/PEIS and the Record of Decision (ROD).
H. To describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the Planning Process.

Drew continued to detail the authorities of the MOU, Roles and Responsibilities of BLM, the County as a Cooperating Agency, Responsibilities of the Parties, Other Provisions, Financial obligations, Immunity and Defenses Retained, Conflict of Interest, Documenting Disagreement of Inconsistency, Management of Information, Conflict Resolution, Coordination with BLM Contractors, Agency Representatives and Administration of the MOU.

Drew stated the draft was included in the Board's packet of information.

Commissioner Jankovsky - Seven groups are doing research and development on BLM land especially in Rio Blanco, which will impact Rifle and Meeker. Garfield County does have the Coordinating Status regarding oil shale and tar sands. There is no action required today on this issue and requested if the Board wanted additional information. As far as I'm concerned, I would like to see this development.

Chairman Martin is hopefully that Garfield County will play a huge role in this endeavor.

Commissioner Jankovsky – I would like to table this. We need to be more involved, with 67% of federal lands in Garfield County and we need to know what is going on in these lands. These issues of concern were brought up by Rifle City Council and Rio Blanco.

Chairman Martin – Our direction would be go ahead and inaudible…

Drew – I have that down for August 1, 2010 meeting becoming a cooperating agency and the County's position and have all citizens speak through representative of this Board on their behalf. We will need a backup representative. Decide now or take some time.

Commissioner Samson – inaudible…

PUBLIC MEETINGS:

AIR FAIR

Ed reported the Air Fair was successful. Thanks to all the employees who volunteered, the Civil Air Patrol and the Sheriff's office. We had 20,000 people attend this event.

Commissioner Samson – Those kinds of things do not come off without a lot of help and I think we had over 200 volunteers, many were county staff but there were other groups, the Girl Scouts, Civil Air Patrol, Cheerleaders to ordinary citizens. It was great. Two years ago, we had 17,000 and this year over 20,000 participants. Everyone I talked to had great things to say about the event. I want to say thank you to the staff, who put this on and to volunteers and to the people who supported it; everyone had a great time. I personally would like to see more coverage by the local newspapers on something on that nature because when we have an event hosted by the County and over 20,000 come I think that's pretty newsworthy. Thanks to everyone in the County, whether you came or volunteered. It was awesome.

Chairman Martin – Just to let you know there was a traffic stopper on I-70 when the planes flew across several times being chased by the other planes. Very impressive and thanks for the support. Thanks to all the volunteers.

Commissioner Samson – One more thing that was impressive was Friday, they had rain off and on but the Friday night portion, the finality was the wall of fire and as soon as that was over, it started down pouring. Major Thompson who was the head of the Civil Air Patrol had 20 young cadets present and those people every time they saw me would come up and thank me for being able to be there. No, let us thank you. They were very respectful and a delight to have them part of this event. They asked if they could come back next year and I said, please do, you're awesome.

I. CRIME STOPPERS – TOM ASHWORTH

Tom Ashworth and Dave Ruechel, head of crime stoppers were presenters.

Dave Ruechel – Here today to make sure the Board was aware of our program, we value your feedback and please free to share your thoughts with us. We are a 5013C non-profit, our board is made up of businessmen and women, retired businessman, teachers, BLM, a variety of radio personalities, a banker, and a school principals. We all have a vested interest in making our communities a safer place to work and live. Crime stoppers bring together the community, media and law enforcement to do that. We need media to make people aware of criminal activities and let the community know who needs to get their information. The level of criminals is committed by one part criminal and 3 parts socially dysfunctional. I understand the reluctance to be engaged and challenge these thugs for fear of retribution themselves as well as vandalism of property. These individuals have no respect for themselves or others. Crime stoppers are a tool for the community to safely have a voice and take a role in protecting their neighborhoods. We receive a lot of information from people that have no interest in collecting a reward they just want to be safe. We want to be an effective tool in our local law enforcement's toolbox, we want to be used to our potential. Much of our budget is for promoting our services and making ourselves available. We alert the community to a featured crime, what to be watching for and who to contact. Our signs have been very effective in areas of vandalism or illegal activities and we're open and receptive to new ideas and methods. We recently met with local law enforcement at their monthly chief's meeting. It was suggested that we provide them with business cards that they could offer to prospective informants. We want to get those printed in English and Spanish and let people know they can use us to report

crime. We do all we can about out potential of the community, media and law enforcement and we want to try new things and see what works. You need some signs let us know. If it doesn't work we want to try different approaches. So, what can I do to help our communities. That's what we are here for. Keep us in your thoughts and our operating expenses have been about $3,000 and we're hoping to get a grant for $5,000 and give us additional room for our program plus we've giving over $4000 in rewards since we started July 7, 1997. Since that date we have had 64 test results and 16 arrests, we stopped 38 crimes involving over $80,000 of damage or stolen properties.

Tom Ashworth gave an example where the criminal was apprehended and the other things would be I have the phone numbers, contract information for the heads of security for Antero and Williams. They have had several crimes against their company and their property in the past year. The contacts we've made will assist us in job security. We are approaching the Commission.

Commissioner Samson – Thank you for being here, Tom called me, he's on the agenda, and I'm glad you're here as I think you are a very worthwhile organization. Times are tough. Anyone who's been in law enforcement very long and Chairman Martin can echo this. Organizations like your group that helps law enforcement and truly needs that support and we encourage it. If we invest $5,000, it will be an untold money saved by not only the county but the city as well as personal money. I think it will be money well spent.

Chairman Martin – Crime Stoppers and the organization. In the very beginning of this particular issue in the 90's. It is a wonderful organization. We solved many crimes and we did many things. I'm glad to see its still working.

Commissioner Samson – Two questions, is McGruff the crime dog associated with you or not.

Tom – Yes.

Commissioner Samson – Number two, the Board members you had was a school principal and I'm assuming you have both going to schools to teach kids.

Dave R. In conjunction, we talk to kids about drug, gangs, sexual abuse and child abuse and we have to have permission for us to be in the schools.

Motion

Commissioner Samson – I would move that we grant out of the Commissioners Discretionary funds $5,000 to Crime Stoppers.

Commissioner Jankovsky – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

II. SILT MESA DOMESTIC WATER SYSTEM FEASIBILITY STUDY – DAN COKLEY

Dan Cokley with SGM submitted the Silt Mesa Domestic Water System Feasibility Study for the Board to review.

Dick Rose, Rick Aluise and Kelly Lyon presented.

Dan stated we looked at the need for a potable water system, asked the residents of Silt to participate in a survey. The District was not surprised that there was not an overwhelming support for a domestic water system based on the due to the cost involved. The majority of residents were not in favor. We put out 500 surveys and received 220 responses, 40%. 24% favored and 37% not supportive. Dan gave a background of what the residents thoughts were on water quality and quantity. The general impression from the survey, the people that want the system have very poor water quality and water quantity. We showed them what the system would look like. The general service area would be the area from New Castle to Rifle, north of I-70 (including the Town of Silt), including areas to the north of the Grand Hogback, with the overall area centered on Silt Mesa. The cost including the plant would cost from $22 million to $26 million. The cost per EQR ranges from $33,000/EQR for Scenario 1 to $33,000/EQU for the Initial System based on the size of the system and increasing number of EQR available to serve and share cost. The amount of financing needed does not vary significantly between any of the four scenarios presented, at a $15,000 tap fee the variance is from $14.0 million to $14.5 million. In order to provide a domestic water system (DWS) to the people of Silt Mesa with inadequate domestic water supplies, the district will need to look at all possible funding options, starting with the most likely sources such as USBR Rural Water Program, CDPHE DWRF, CRD and CWCB with possible self-funding consisting of bonds or future hydropower proceeds. A complete document is on file in the Clerk's office.

Kelly Lyon – level of funding needed to supplement.

Dan – In tap fees, we need $15 million. This is not a good time to do this.

Kelly – Thanked the County for helping us do the study and to make a profit we need to get more people interested instead of hauling water.

Chairman Martin – Fred is always telling the Commissioners that hauling water is not a reliable source of water.

Rick Aluise – I hear and echo Kelly. The cost was sticker shock.

Dave Moore – There is no substitute for clean water. We heard a story about the amount of stimulus money available but it was used for cable TVs in remote areas. If we had a hydropower system, it would pay for itself.

Chairman Martin suggested establishing a service district, sharing with Silt and developing a master plan on development and annexation.

CR 108, TRAFFIC CALMING THROUGH CRYSTAL RIVER RANCH – DAN COKLEY AND JEFF NELSON

Chairman Martin – This is one of those issues that we are trying to work with the property owner through the ranch and it's a unique situation. We also have another descriptive use on the pasture on the other side and they are willing to allow the public to cross through that pasture.

A survey of County Road 108 Traffic Calming Speed Dip Option was submitted by SGM to the Board of County Commissioners.

Discussion:

Jeff Nelson – She obviously didn't get out of it what she would have liked to have had on the design. We invited her to this meeting and she did not show, therefore it shows that she is probably going to accept it.

Chairman Martin- the Ranch Manager was at those meeting as well.

Jeff – Most of the time Tom was there and we met with him.

Chairman Martin – In reference to the repayment, we are going to do the project and then ask for a repayment from Sue and I believe she wanted this and was willing to pay for it.

Jeff – That is correct. We want to go through and have this re-summarized this week for a public bid; it will be a low bid that will do the construction.

Chairman Martin – Then we will work with Mr. Gorgey to make sure the contract is in place on everything.

Drew – Yes.

Chairman Martin – You'll be right there with them Betsy giving us all the details.

Betsy – $5500 for Engineers (SGM) costs and with the Commissioner's permission, we realize the County is paying for this but at this time we would like to invoice the staff for that cost and then we'll...

Commissioner Jankovsky clarified the cost and after Betsy told him what they were for, he felt this was appropriate. Sue has said along that she would pick up the tab.

Motion

Commissioner Jankovsky – I would make a motion that we authorize the billing for the engineering for $5500 out of capital funds.

Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

Commissioner Jankovsky- Questions, are we going to be able to get this done this construction season?
Jeff - Yes, this is a small project.

III. CDPHE – WIC CONTRACT – MARY MEISNER

Mary Meisner presented the amendment to the DOPHE explaining that on January 23, 2007 the parties entered into a Task Order Contract for the WIC program. The State promises to increase the amount of funds to be paid to the Contractor by Five Hundred Seventy Dollars ($570.00) during the current term of the Original Task Order Contract in exchange for the promise of the Contractor to perform the increased work under the Original Task Order Contact. The effective date of this Amendment is July 11, 2011. She requested approval of the Board.

Motion

Commissioner Jankovsky made a motion to approve this change to the WIC contract for $570.00 for a total WIC contract amount to $305,211 and authorize the Chair to sign.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson – aye

IV. CDPHE – EPR CONTRACT– WAIVER #154 - MARY MEISNER

Mary explained this was issued pursuant to the Master Contract made on 01/23/2007 with routing number 08 FAA 00020. The cost reimbursement is a not to exceed amount of $33,818.00 for FY 2012. This is for the collaboration with the CDPHE, the Emergency Preparedness and Response Division, local public health agencies and regional epidemiologist and generalist staff members with in the designated All-Hazards Region. This Task Order shall be effective upon approval by the State Controller, or designee, or on 8-10-2011 and an end date of 8-09-2012.
Mary requested approval of the Board.

Motion

Commissioner Samson – I would move that we approve $33,818.00 for the EPR Contract and authorize the Chair to sign.
Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

V. RATIFICATION OF CHAIR'S SIGNATURE CDPH&E IMMUNIZATION "SCOPE OF WORK" – MARY MEISNER AND ANDREW GORGAY

Mary Meisner and Carolyn Dahlgren submitted the document for the term of July 1, 2011 through June 30, 2012. The sum of this Amendment 35 is for a sum not to exceed Fifty Thousand Severn Hundred Ninety-eight dollars ($50,798.00). This will be paid quarterly in the sum of Twelve Thousand Six Hundred Ninety-Nine Dollars ($12,699.00). Mary requested the ratification of the Chairs signature dated on June 23, 2010.
This is housekeeping, we were notified that we needed this immediately and from necessity, we had Chairman Martin sign the amendment.

Motion

Commissioner Jankovsky – I would make a motion that we ratify the chair's signature for the Colorado Department of Public Health and Environment Immunization Contract in the amount of $50,798.00. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

VI. APPROVAL AND AUTHORIZATION OF THE CHAIR TO SIGN A LETTER OF COMMITMENT TO CDOT FOR A CONSTRUCTION AND MAINTENANCE AGREEMENT – I-70/WEST PARACHUTE INTERCHANGE—GENE DURAN AND JEFF NELSON

Gene Duran, Randy Withee and Jeff Nelson provided the agenda sheet.
This is a Letter of Commitment when added to the commitment of the CDOT support of the budget to construct the I-70/West Parachute Interchange. CDOT has committed $6 million to the project. Additionally, the County has committed $1 million, DOLA $5,700,000 is committed by DOLA and $600,000 by Williams and EnCana. The design phase is completed.
$1.5 million was committed for the ROW acquisition, the acquisition is nearing completion. Jeff is here and has been involved in this process but based on information we believe the acquisition cost may come in substantially below the $1.5 million. There has been some indication that they may be a residual amount of $1 million for purposes of the acquisition of the property and I will discuss that aspect as far as this letter of commitment. Staff had pressed CDOT to give us a firm number of how much will be left, but thus far, because the deal was not closed the residual would be. We are monitoring that closely. As I mentioned in my agenda sheet, the letter of commitment essentially speaks for itself. I put in plain terms what Garfield County is committing. In Paragraph 1 - The $1 million dollars is committed and appropriated as the remainder of the amount previously allocated for the acquisition of the right-of-way. If there is a firm commitment of $1 million that's up to the Board to decide. If say for example, the $1.5 million there's $750,000 it's up to the Board to perhaps backfill but that is a Board decision. Paragraphs 2 and 3 is money in the bank. $5.7 million was obtained through DOLA, we've already got a grant contract that's signed, sealed, delivered and filed in the Clerk and Recorder's office so that's a firm commitment. I incorporated by reference the terms of that agreement putting CDOT on notice that the $5.7 million is subject to the scrutiny of DOLA as far as how that money is appropriated. However, based on the terms of that agreement it can be appropriated for the furtherance of the project. All aspects of the project were set forth in that grant agreement/scope of work.
Paragraph 3 – This is the $600,000 that has been committed by Williams and EnCana for purposes of this project. $300,000 is allocated for this year and $300,000 for next year. That is in essence is what staff is requesting the Board approve. This is not a contract, this is just a commitment to CDOT so they can budget the project, and they have committed $6 million to the project. Up to meaning if there's any money remaining of the project, CDOT get's that money.
Ed – They made is clear that our $2.5 million is all going first.
Gene – This was submitted to the County Attorney's office for their comment. I didn't speak with Ms. Dahlgren last week on this, so I'm not sure if the County Attorney recommends any changes to this letter of commitment; however, this project is on a fast tract, CDOT has mentioned this is one of the fastest interchanges that they've seen going from design to contract. Staff is working as quickly as we can to ensure that we facilitate what the Board wants and that is this interchange built very soon.
Chairman Martin – I can say it is simply because our two engineers are working on it. It also went along with we actually have funding to pay for it.
Drew – Well the first thing is that it's not yet a contract, it's a letter of commitment, a good faith commitment, there will be two contracts that were referenced in the last paragraph of the letter. It is fine as is and it is as far as it goes. I think if there are any details that will be in the IGA and the grant contract.
Commissioner Samson – I'm just elated that it is going forward, it's great.
Randy – We did receive the money from EnCana and Williams for this year ($150,000).
Commissioner Jankovsky – The other thing I would like to see is the proper legal names of Williams and EnCana there.

Motion

Chairman Martin – If you could make the correction on that letter and do we have a motion.
Commissioner Samson – I would so move. Commissioner Jankovsky – I second and authorize the chair to sign. In favor: Jankovsky – aye Martin – aye Samson – aye

VII. DIRECTION TO STAFF REGARDING REGIONALIZATION OF LOCAL VENDOR PREFERENCE IN GARFIELD COUNTY PROCUREMENT CODE- JIM HACKETT

Jim Hackett requested Direction to staff of the Regionalization of Local Vendor Preference saying Procurement and the County Attorney's Office met by telephone with Mesa County staff on June 29, 2011. The phone call raised several questions that we agreed to take before our respective Boards of County Commissioners for direction. Those are:

7. Does it apply to only specific classifications of procurements (commodities or services or construction)?
8. Will we look at a cap and if so what is it (currently Mesa County's is capped at $25,000, meaning you only get preference on the first $500,000 of any bid)?
9. What is the Region (AGNC plus Delta, Montrose, and Pitkin)?
10. What defines a bidder as far as if they are local?
11. Do we want a percentage for regional and a percentage for the county if you are bidding in your home county? We proposed 4% for the region and an additional 1% for someone bidding in their home county.
12. Do we want it to apply only to formally solicited RFP's and IFB's? In our Code that would be $50,000 and above.

Ed –We have had some discussion with Mesa County and there are some different approaches. We need guidance from this Board so that we can develop a policy. Pretty much between all of the counties.

Jim Hackett – We met and the entire County Attorney's office for Mesa County. Some of the staff had questions and we need the Board for direction on is this doesn't apply for specific classification and procurements for construction. They wanted to pull construction off because they felt that they would give the WCCA off balance; however, that's one of the luxuries of putting the preference in, they seem to get hit more with the question from their Board when they do vehicle purchases as to why local vendors for vehicle purchases aren't included in their process. The have the same process that we do which is we look at the state vendor lists and auto dealers and they all rest on the Front Range, there is none on the west slope. We asked that question. We wanted to hear from the Board.

Commissioner Jankovsky – I think some people out of Mesa County who are doing the complaining rather than the construction industry and they want to see this regionalization. The commodities and services industries…inaudible.

Jim – Their approach to me was take the complainers out and basically not have a regional preference for the construction.

Chairman Martin – They want it from construction industry.

Commissioner Jankovsky –That's what got us here in the first place was the construction industry. Services and commodities are going to be a waste of our time and spinning our wheels. Let's get something done ...inaudible.

Jim – That would force it into Question Number 6, which is whether you want to lower it down lower than $50,000. Currently we have not inaudible … for the simple point of those purchases are currently being able by individual departments to become more sophisticated on how they select vendors, how they go through the process and at this point I would prefer not to have that. Inaudible…

Chairman Martin – We could put in the purchase for the department in that position, go ahead and make those decisions on services …inaudible…I'm still thinking construction is the issue, we need to work on that… if they want to take this off then we need to work out the details.

Commissioner Jankovsky – I guess my question to you is this even doable.

Jim - It's a regional approach…inaudible …I'm a little optimistic, yeah it's based on give and take and back and forth…inaudible. I don't think we're that far off in looking at a regional approach. I really think the sticking point is the region, which is pushing question no. 2 and 3 whether we will cap it. That rolls into questions no. 2 which is currently Mesa County caps, what they give as far a local preference and it's up to $50,000 so what that potentially means is that you won't give a regional preference on the first $25,000 would change the bid. If it was me, I'd say $50,000 cap is reasonable so the first $1 million on the bid you would receive the preference and I think that will hit probably 60% to 70% of bids.

Commissioner Jankovsky – Well, $25,000 is too low but $50,000 would be my motion.

Commissioner Samson agreed that's fine.

Commissioner Jankovsky – The region would be Delta, Montrose and Pitkin County.

Chairman Martin – Pitkin County… inaudible.

Commissioner Samson – We started with a region and that was basically the three county region…AGNC and now we're talking about picking up the total of eight, three more.

Jim – When we met with AGNC for the final potential solution, we did talk about it the first meeting, Garfield, Mesa and Rio Blanco and then …they wanted to add Delta and Montrose and that's what I said, if you want to add Montrose then at least one of our large suppliers rests in Pitkin County, primarily Sandy's Office Supply and they asked about Eagle and I said I don't think we have a whole of vendors. In my opinion, cutting off the Roaring Fork Valley you have some construction companies…inaudible.

Chairman Martin – So that's going to be Moffat, Routt and Rio Blanco, Mesa, Delta, Montrose, Pitkin and Garfield County.

Jim – Then when we start approaching these guys, do they want, inaudible. Mesa apparently honors some in Utah. Grand County…

Ed –Would you prefer to keep it to the AGNC counties if possible?

Chairman Martin – I don't mind Moffat County.

Commissioner Samson – I don't know any business potentially in Routt County down here.

Ed – Actually we do, we have an engineering firm to support the landfill, northwest.

Chairman Martin – See AGNC on the table and what comes out of that then we can develop guidelines.

Drew – Simply that state statutes call for a statewide preference and I consulted with staff and also this would be in addition to the County's Procurement Code and I mention that simply because of specific dollar amounts today that was the discussion and information for CCI on neighboring counties and off the public process language of any Procurement Code changes if there are any, so grounded in that, you are not making decision about boundaries today you are simply trying to give direction so in the future we can have a full hearing and be as thorough as possible and work with everyone to get that done.

Jim – The next question is what defines our work force and Mesa is broad in opening and inaudible …ours is very specific in accordance and 75% of workforce needs have a business in the County. All you have to do is open a storefront, say this is our business, and then leave.

Gene – The instruction we received from the County was Garfield County wanted to avoid.

Chairman Martin – Inaudible.

Jim – One thing of caution is getting into the same as our negotiation the one particular business that seems to be the most is the complaint because we're only doing business in Mesa County and their home office in southern England. That may be something you want to consider because of the amount of employees, property taxes they pay to both counties is something to think about.

Commissioner Samson – Well let's go with that and feel out the situation from other counties and see and go from there.

Jim – The other thing we put on the table, was a discussion that Mesa had, Mesa was not as informed on what was going on as Garfield County, what's this idea of a split, both counties currently have a 5% but 4% goes to the region and 1% goes to the local county. I will tell you where we did have a change of bid that number would have changed the bid to local Garfield County business. I think 4% fair and 1% is fair and it gives people in the region a 4% and gives them an initial 1% in the home county.

Chairman Martin - Inaudible

Commissioner Jankovsky – I like that and prefer to do business with people in Garfield County so, I take it gets more complicated but I like the approach of the 4% and 1%.
Jim – Yes, it is more complicated. Between the three of us we did ..One other issue, what is the date that we need to have that …?
Commissioner Samson – Our meeting in Montrose is Friday, August 5 from 10 a.m. to 3 p.m. and we have the cookie judging and the apple pie moved to the 4th so we are good.
Chairman Martin – Inaudible ... present in Montrose.

Ed – Two items – first long time employee Artie Knight passed away last night in Parachute apparently of a heart attack. She was a long time employee with Community Corrections.
Chairman Martin – Artie worked a long time in the courthouse and did a fantastic job. It's a shame.

DEBRI FLOWS - FLOODING
Ed stated he would have Betsy come up and give a report and update on the work that Road and Bridge has done.
Chairman Martin – We did have a few bright spots in flooding.
Betsy – As you know this is 2 and 3 that we are dealing with flooding from mostly tributaries two to three weeks ago and they did a great job and recognized those crews. Secondly, last night we have some debris flows in a couple of different places, Red Canyon Road was one place and we have problems periodically. That road has been closed as of yesterday at about 4:00 p.m. and probably not be open until the end of today. Cattle Creek had some debris flow issues although not as severe and that road didn't need to be closed at the time, our crews did respond there as well and cleaned up that debris as quickly as they could and that road remained open and is open this morning. That type of materials or soils and debris needs to be dried out before we can really clean it up so people will see crews over the next couple of weeks pulling those ditches and permanently getting the debris out of there. You won't see that until it is dried out. In the meantime was we basically need to do is blade that debris off the road and then wait for it to dry. I want to caution citizens out there driving through any mud or debris flows. Last night we did have one person try to drive through some mud and were stuck in the ditch. It's hard to see where the ditches are located and oftentimes it's raining hard and that makes visibility a challenge. So just be careful out there. The Sheriff's office and our citizenry are our eyes and ears out there and usually we have calls from dispatch and they have a direct line to whoever's on call for road and bridge so that how the system works. Typically, dispatch will directly contact the person on call and that person will call the foreman, the foreman responds to that call if needed and then it's determined whatever equipment is needed within the next hour that happens and our crews are quickly out there. When that happens our crews are quickly out there and that's the protocol we follow when that happens. I did have the opportunity to go around that foreman last night and CDOT was challenged with some debris flows from Westbank to the CMC turnoff and you may know that stretch of Hwy 82 was closed for a couple of hours and some were stuck in it. Again, a warning out there do not drive through those debris flows.
Commissioner Samson – A side note that after we were notified of this, at 10 p.m. I watched 9 News, Denver channel because I was curious to see if they would have anything on about this; they mentioned Garfield County, Glenwood Springs and Carbondale but the icon had a picture of Hwy 82 was identified as Delta County.
Chairman Martin – They were confused because Hwy 15 was closed for some time because of the big debris flow at Delta. So that's is probably why. Check list from Sweetwater or to Douglas Pass, everything was fine on that flow because it hail, etc.
Betsy – Road and Bridge was going out there this morning as I hadn't heard from Mike our foreman from that district, he was checking on that this morning and then we're also checking on calls on property on Four Mile, which we will check today as well.
Update on CR 300 and Hwy 6
Chairman Martin – Any progress, it has just been sitting there for some time on drainage and fill, compaction and the land, is that moving faster.
Betsy – Yes, Chairman Martin if you want it to move faster then check with Jeff.
Chairman Martin – It's bid out and it's a contract signed, do we have a completion date.
Betsy – We probably do but I don't know what that is at this point, I can check with Jeff Nelson our Assistant County Engineer who is handling that project and get back to the Commissioners.
Chairman Martin – The other project was the industrial park and the new intersection we helped the by-pass, how is that coming. I see that they tore up a section of concrete at the entrance and paved Hwy 6 again. Both entrances are now disturbed.
Betsy – Sounds like they are having some problems that I'm not aware of and it's not a county project but certainly we are involved so I will update you next week on that project as well as CR 300.
Chairman Martin – That was a3-phase project we negotiated with Parachute and that exchange would by-pass and inaudible…
Betsy will check.
COMMENTS FROM CITIZENS NOT ON THE AGENDA:
REGULAR AGENDA: BUILDING & PLANNING ISSUES
3. **COUNTY ATTORNEY UPDATE – LAND USE ISSUES: ANDREW GORGEY**
No issues
4. **PUBLIC MEETINGS:**
C. **CONSIDER A REQUEST FOR A TWO (2) YEAR EXTENSION OF THE PRELIMINARY PLAN FOR TCI LANE RANCH PUD SET TO EXPIRE ON SEPTEMBER 8, 2011. APPLICANT IS TCI LANE RANCH, LLC. – KATHY EASTLEY**
Kathy Eastley, Dave Morris and Jon Fredericks, Principal of TCI Lane Ranch were present.
Kathy submitted the following exhibits for this public meeting: Exhibit A – Garfield County Land Use Resolution of 2008, as amended; Exhibit B – Garfield County Comprehensive Plan of 2030; Exhibit C – Letter Requesting Extension; Exhibit D – Staff Memorandum; Exhibit E – Resolution 2009-81 – Preliminary Plan Approval; and Exhibit F – Resolution 2010-57 – Preliminary Plan Extension.
Chairman Martin admitted these exhibits A – F into the record.
Kathy summarized the letter from Land West Planning, Landscape Architecture, and Development Services saying the request is for a two-year extension of the current Preliminary Plan approvals for the TCI Lane Ranch PUD. The current approvals require that a technically complete Final Plan application be submitted by September 8, 2011. This request is to extend that deadline to September 8, 2013. Requests for Preliminary Plan extensions are allowed in accordance with Section 4-103.G.8 of the Unified Land Use Resolution of 2008, as Amended.
Discussion
Jon Frederick – Items listed as Exhibit G through J and submitted these exhibits to Jean:
Exhibit G – Garfield County Foreclosure History; Exhibit H – Market Analysis from Land Title; Exhibit I – Additional work analysis from Land Title; and Exhibit J – Local Area Unemployment Statistics Map.
Chairman Martin entered Exhibits G – J into the record.
Jon explained the exhibits in detail giving statistics in a spreadsheet and submitting information from Land Title, foreclosures and unemployment statistics showing Garfield County as 9.3%/ The unemployment rate in Garfield County is not impressive. There are

many things with this development and we plan to do many things to move forward with this development. We originally intend to do construction in 2010. We need to do everything to keep this project alive. Therefore, we are requesting an additional two more years.
Chairman Martin – Or you could start over when the economic conditions improve.
Dave – As an owner of the project, I am committed to the development of this project. We have a Website and Marketing tools in place. We have in our plans a Greenhouse that creates a project for the community. Again, we are deeply committed.
Commissioner Jankovsky – After all the time you've spent and where you are I would encourage you to go ahead and I'll make a motion that we approve the 2-year extension until September 8, 2013. Commissioner Samson – Second.
Commissioner Jankovsky – We have several others with the same issues.
In favor: Jankovsky – aye Martin – aye Samson – aye

D. **REVIEW AND AUTHORIZATION TO SIGN COMMENT LETTER IN REGARDS TO THE RULEMAKING FOR COLORADO ROADLESS AREAS REVISED DRAFT EIS – TAMRA ALLEN**
Tamra stated on the July 5 meeting, the Board would supports Alternative 3. She submitted the draft letter submitted via email for the Chair's signature saying the Garfield County Board of County Commissioners (BOCC) wishes to express their preference that the USFS not promulgate a Colorado Roadless Rule as proposed in the Colorado Roadless Areas Revised Draft Environmental Impact Statement, "Preferred Alternative" (Alternative 2). Instead, the BOCC supports the USFS taking the "No-Action Alternative" (Alternative 3), thereby not establishing a state-specific roadless rule for Colorado. Alternative 3 ensures that all lands in Colorado's national forests are managed according to direction in the 8 separate Forest Plans.

The Garfield County BOCC believes that Alternative 3, "No-Action," best represents the wishes of the local communities in regards to the treatment, designations, management and conservation of roadless areas within each forest, and specifically within the White River National Forest.
Discussion:
Tamra submitted a draft letter to "Tom Vilsack and Mr. Ken Tu stating that the Board of County Commissioners wishes to express their preference that the USSFS not promulgate a Colorado Roadless Rule as proposed in the Colorado Roadless Areas Revised Draft Environmental Impact Statement, "Preferred Alternative 2." Instead, the BOCC supports the USFS taking the "No Action Alternative 3", thereby not establishing a state-specific roadless rule for Colorado. Alternative 3 ensures that all lands in Colorado's national forests are managed according to direction in the 8 separate Forest Plans.

Garfield County BOCC believes that Alternative 3, "NO ACTION," best represents the wishes of the local communities in regards to the treatment, designations, management and conservation of roadless areas within each forest, and specifically within the White River National Forest. The Board formally requests that Alternative 3 be recommended as the Preferred Alternative in the Rulemaking for Colorado Areas Final Environmental Impact Statement, assuring conformance with each discrete Forest Plan."

The Board did not have any suggested edits.

Commissioner Samson – I would move that we approve the bond letter drafted by staff on the Roadless Rule Draft Environmental Impact Statement as Alternative 3 and authorize the Chair to sign.
Commissioner Jankovsky – Second. The whole process comes to us through the administration action. If it comes back for a second time, we can have the maps and our constituents would like to see this for Garfield County.
Chairman Martin – The 9th Judicial District will deal with the rule as well as the 10th and 9th court circuit. We have stated our position for the Forest Service Plan and put forth our best voice for the Forest Service Plan in Garfield County. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

Remote Meetings
Commissioner Samson proposed that this Board direct staff that starting in January 2012 that we start setting up the 2nd meeting of each month to have meetings in remote locations. In January the meeting to be held in Battlement Mesa, February in Parachute, etc. and then after 6 months, we will start all over again,
Jean – Technically, there is a resolution presented to the Board each year stating the meetings, hours of operation, etc and added that it is definitely very difficult to have remote meetings. Today, there was a 3 hours downturn and I would like to see the emphasis on actions beginning at 8:00 a.m. and eliminating the afternoon session. I will also tell you that my staff has never had a good record of the meeting, which we are by statute to have an accurate set of minutes. The recording equipment has failed every time. I understand this is for the citizens especially in the west. However, we need to work with staff and coordinate; we need to put more money into the recording equipment in order to have a good recording on the meeting.
Chairman Martin – Suggested that Fred, Ed Green and the legal department work together and submit a resolution.
Drew stated he would email Ed for this to be placed on the agenda as a discussion item.
COMMISSIONER ISSUES: COMMISSIONER REPORTS, COMMISSIONER CALENDARS, AND APPROVAL OF MINUTES
NONE
COMMISSIONER AGENDA ITEMS
NONE

ADJORN

AUGUST 1, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 1, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Red Barn

Jay Holliday spoke to the Board on May 2 concerning the Red Barn LLC. If this does turn into a commercial operation there the neighbors need to bring that in front of the board. So he is here to bring it back to the board. At that meeting there was different processes discussed about what would be if it were a code violation, bringing it through the code violation program. June 22nd I filed a code violation report and submitted copies. The code violation report that he filed about a commercial riding school operating; he was told it is a private facility. I documented with pictures of a commercial bus coming up there four days a week 10 – 7:00. The Red Barn is boarding some other people's horses but not taking money, which brings up water rights. I would like to enter those in the record about how they feel they are being treated as neighbors.
Commissioner Jankovsky – Do you believe it is the H2B Riding School? They used to operate off Catherine's Store at the riding arena. Chairman Martin stated at last the last meeting that he felt the homeowners should have some say because you haven't had a chance to talk in front of the Commissioners. I want to have on record that I have some concerns as well.
Commissioner Samson – Since this has come up I think we, as a Board will look into it and see what is going on.
Robert Blackberry put together a short presentation for the Commissioners and passed out information. The neighbors would like to stop the owners and operators of the Red Barn LLC on County Road 100 from using their facilities for commercial purposes and to develop a set of penalties if they use it for commercial purposes. If you go to the facility, it's a 70,000 - 67,000 square foot facility on about 35 acres. Nothing in the area is even close to that size. His concerns are lighting problems that exist, possibly using it for commercial purposes and photos of buses to and from the facility.
Commissioner Jankovsky – We are having a work session tomorrow at 8:00 a.m. and a lot of that will be presentation by the planning department; but he does think if some of the neighbors could make it to that it would be important to hear their concerns as well so they can start formulating some of that.
White's Barn
Kathy Weiss Stephenson, owner/operator of Crystal Springs Ranch in Carbondale, Colorado. This is a private operation but it is not.
Chairman Martin – We can do research.
Kathy asked them to find out and if someone could tell her tomorrow.
Chairman Martin will put that on administration, Mr. Green. Leave your number with him.
Ian Carney is the neighbor to the south. I have been flooded out twice by the barn and from his estimation about 3-acres of ground that they changed. Gavin Brooks has been working with Ian to fix the drainage. Gavin called the sheriff on him the last time; he had an issue with a ditch and he was up there with the water commissioner and he wasn't allowed on their property.
Chairman Martin – Good photos.
Red Barn
Martha Adrienne Crouch presented three affidavits, which she gave to the Clerk and Recorder. Adrienne read the affidavits into the record. There is a barn out there, the ski company put a house, a little barn, and a little haystack, and that was just fine until numerous years later. There are flooding issues that continue, the road issues continue and it is a runaway train as far as she is concerned. Her recommendation is to raise that bar; the lawyers knew the situation and she is very concerned the legal group in this area is driving the train.
Commissioner Jankovsky – We are having a workshop tomorrow and attendance with some of them would be very important for that. He thanked them for presenting.
FINANCE UPDATE – LISA DAWSON

A. Presentation of 2010 Audited Financial Statements – Cathleen Van Roekel, Lisa Dawson and Paul Backes

Lisa Dawson – McMann and Associates, Paul Backes is the CPA and they are the auditors who review our finance reports.
Paul Backes - My job really is twofold. One is to make sure you have accurate and correct audited financial statements, which ultimately have a variety of uses. The second is to make sure that you have good control systems in place to provide accurate information, the process they go through in order to achieve that goal. Before year-end we meet with every department and go through controls. He thoroughly explained the process. We spend time going through accounts payable and expenses. When Garfield county purchases a good or services they want to make sure it goes through their purchasing policy that it is related to county business and it's a reasonable expense for the taxpayer to pay. We spend a fair amount of time going through the payroll to make sure that the entire payroll that is reported on Garfield County agrees with what was reported to the IRS. We determine that you follow personnel policies and the County's leases making sure they comply with those requirements. This audit report is obviously available to you. It goes to all the holders of your certificates and all of the county's banks, the federal government for grants, the state government for grants and then obviously you as a government board. These financial results looked very good. Garfield County has managed its resources well and diligent in revenues that a portion is applied to the fund balance. One of the things that the audits standards board wants is for auditors to communicate to the governing boards any accounting changes that would change your financial results and there were none. The second part of that paragraph is what are the most significant estimates included in the financial statements is the depreciation on fixed assets. The second is the estimated useful life of the landfill included in here they actually charge a liability equal to the monitoring costs going forward as you utilize your landfill. Garfield's finance staff is on top of it when they ask for any kind of backup. The final audit reports usually looks nothing like where you started; however, this isn't the case with Garfield County. When the board does the budget to decide how you will allocate resources you are starting with accurate information. This is one of the audits primary goals and it goes all the way down to your department heads, as they need to have good financial information. This year we did not have any disagreements of managements. Management representation is the not to cheat or steal letter. When you do an audit, you have to sign a representation letter that says they didn't lie to you or steal. The one area of concern that they noted in 2010 related to some changes that occurred in the Treasurer's office. They had some new software; they had some employee turnover and then an office remodel in there. One of their procedures is to pull reconciliations of the cash investment accounts throughout the year because occasionally you have the audit where there is a mad rush 10 days before you get there and they are reconciling twelve months of accounts to get there. Because of some of the changes the reconciliations were performed later than what they would like to see. He is not sure if that has necessarily been corrected in 2011. They did have accurate ending balances at the end of 2010 but they just weren't necessarily timely. That is a key control they want to make sure they keep their eye on that. Commissioner Jankovsky knows from private business that is your last and sometimes best control. If you don't reconcile your accounts then everything else prior to that is questionable. He knows Georgia is here so maybe they can hear a little bit more from here on this. He thinks it's really important because sometimes you find more revenues, a deposit wasn't recorded and times you will find mistakes happen in the county and that's how you clean them up. He has some concerns about that. Georgia will get a chance to come up and speak to that.
Paul – You are correct it is a key control but he does want to say they did have accurate balances at the end of the year. It's just more of the timeliness.
Chairman Martin – There was a lot of physical turmoil over there, records and rooms and change over, new employees and the greatest number of foreclosures ever.
Paul – Overall Garfield County is at least financially where you should be, which is allowing you to spend your time on land use decisions and things like that and not worrying whether the accounting is correct because the accounting information is accurate.
Commissioner Jankovsky – Job well done to the finance department. It's a good report.
Commissioner Samson thinks one of the main responsibilities as County Commissioners is to make sure things are done properly especially when it comes to these types of situations. Thanks are due to the staff. Paul is comfortable. Your financial systems are

good and he doesn't say that lightly. You did $155,000,000.00 in revenue flow through the county. It is now a small operation and in order to do that you have to have good systems, procedures, policies and personnel. My job is to make sure the systems are correct and the financial report is correct. Garfield County has managed the influx of revenue from oil and gas very well.
Georgia Chamberlain wanted to assure them they are correcting the processes in the office.

CLERK'S UPDATE – JEAN ALBERICO

A. Renewal of Hotel and Restaurant Liquor License for Sassy Sisters LLC

This should have been on the consent agenda.

MOTION:

Commissioner Jankovsky – I'll make a motion that we renew the hotel and restaurant liquor license for Sassy Sisters LLC dba Trapper Lake Lodge and Resort. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

COUNTY SHERIFF UPDATE – LOU VALLARIO

A. Proposal from Correctional Health Care Companies

Lou - A letter was sent to Sheriff Vallario on July 20, 2011 from the Correctional Health Care Company with a quote for continued inmate healthcare services in 2012. They are prepared to offer Garfield County the exact same price as the current agreement of $1,046,432.44 for the term January 1, 2012 through December 31, 2012. They are also prepared to extend their services in 2013 and 2014 at a price increase each year of no more than the Consumer Price Index for medical care services.
Drew thanked Lou and the Corporal Brent Baker for showing him the Sheriff's operations. He was with Brent not quite 10 hours on Saturday. He saw the jail and had an opportunity to apprehend a domestic violence suspect and book him in the jail. The annex and the emergency communication center, almost all the municipalities and Corporal Baker and the other deputies and sergeant that he interacted with were thoroughly professional. The Sheriff has an excellent jail. The time spent at the facility will help his office as Lou's counsel.

CONSENT AGENDA

xx. Approve Bills
yy. Inter-Fund Transfers
zz. Changes to Prior Warrant Lists
aaa. Authorize the Chairman to Sign a Resolution of Approval for a Major Impact Review Related to the Expansion of the Elk Creek Campground – Applicant; Elk Creek
bbb. Authorize the Chair to Sign the Resolution for Airport Land Partners Limited for the Approval of a Text Amendment and Map Amendment to the Garfield County Airport Industrial Park Complex Planned Unit Development (PDAA 6349) located in Parcel Numbers 2177-241-00-476, 2177-243-00-398, 2177-131-00-303, 2177-132-00-118 and 2177-134-00-498 – Molly Orkild-Larson
ccc. Authorize the chair to Sign the Resolution for Chevron USA Inc. for the revision of Condition 18 of Resolution 2009-41 for a two (2) Year Time Extension for a Temporary Produced Water management Facility (SUAA-6786) Located in the SE1/4 NE1/4, Section 35, township 5 South, Range 98 West, 6th PM, Garfield County, CO – Molly Orkild-Larson

Item d

Mark Chain would like to discuss "d" on the resolution for Elk Creek.
Chairman Martin - Let's make sure that they have an agreement on all of those items. It needs to be clarified before we move forward with the final approval.

Motion

Chairman Martin – What would you like to do in a motion then; remove d?
Commissioner Jankovsky – I would like to remove d. Commissioner Samson – Second.
Chairman Martin – Let's do that so we can move on with the rest of the agenda and then come back to d.
All in Favor: Samson – aye Martin – aye Samson – aye

Item d

Chairman Martin – Now Item d; what's your suggestion?
Commissioner Jankovsky – Kathy is present and if we can resolve this now but I don't know if that is appropriate or not.
Chairman Martin – If there is a change of approval process they have to go through a different procedure instead of what's in front of us today. That needs to be placed on the agenda and listened to again the argument on both sides in a public hearing.
Drew – This is a circumstance prone to be repeated. The general issue is land use applicant will spend a significant period dealing with the planning department. When their application is complete it will then go to the planning commission, when it is complete with the planning commission's recommendation it will go before you. They are very detailed and specific notice requirements at the planning commission and the board stages. When all of that is concluded and you give your final approval with the conditions of approval that legally ends it. What is before you today is authority to the Chair to sign what has already been decided. What the applicants is asking for now is basically a reconsideration of a specific condition and he would reserve the opportunity to give further comment; but as a general principle he would be subject to the same notice requirements, public hearing requirements as he would if you were to allow that and I don't think you have to, as if the application were coming for its original approval. Your choices would be to revisit that condition subject to the same-noticed requirements as before, or to proceed to allow the chair to authorize the signing. I guess a third choice would be if this were simply semantics or some clarification of some simple language and you wanted to let this go just give them an opportunity to talk this morning or set it over to next week. If it is a simple matter and it is not a true change of the condition. It is just a clarification and maybe come to some agreement this morning. However, if you're doing a wholesale change of the condition of approval all the neighbors, the adjacent property owners would have an opportunity to be heard, the public would have an opportunity to be heard generally and having an appeal now is not the way the system is set-up.
Mark is not sure if they are asking to change a condition. Right now, staff has one opinion of what the intent of that particular condition was and he as the development team has a different one.
Commissioner Jankovsky – The condition of intersection improvements was not adopted by the Board of County Commissioners; however, the applicant did agree to include trimming, vegetation, improved site distance in created a sufficient platform for vehicles - it's the word platform
Carey –It is with the platform, which you will recall from the hearing was a significant topic of conversation with the engineers from both sides that were present discussing the feasibility. This language does reflect what was included in the original motion and was approved by the Board so to remove the platform may actually have a significant impact on the residents.
Chairman Martin – One other question would be is if this was to be a request of change etc. through another process, through the other hearing process. What this original resolution and approval process have to go forward but to be challenged and then you have again reconsideration of the issues or on the conditions of approval or could we just hold this one up and then file for a reconsideration?
Carey – I think you would want to hold back on approval of this until you revisit through a public process; the language and intent of the access issue that you decided on and then following that hearing that would clarify this specific condition that we can go forward.
Commissioner Jankovsky – That would be a limited review?
Mark – So you are saying have a hearing but the hearing limited to that issue?
Chairman Martin – The entire process. He believes the land use allows that counselor.
Carolyn – Under the old code it wouldn't have worked.

Drew's opinion is that inherent in your approval authority is the ability to reconsider. In this case, you don't have a final resolution until it is signed. I am not even sure that a motion to reconsider covers everything. You can simply move to reconsider condition number 5 of this application and direct the applicant to comply with the notice requirements of the code as it pertains to the hearing before the Board. We'll be back in month or whatever the requirements require and clarify that condition. Just hold signature authority until that time.

MOTION:

Commissioner Jankovsky – I'll make a motion that we reconsider item five of the Elk Creek Campground resolution that's in front of us and that the applicant will give appropriate notice to the public.

Drew – And just the hold chairs signature authority in advance until the conclusion of that hearing.

Commissioner Jankovsky – I'll have that as part of the motion.

Commissioner Samson – Second. That puts me in a unique situation because I'm the one that voted against this. It opens this up and it gives those people more say.

Chairman Martin – Technically the minority on that issue should not second that motion.

Drew – The prevailing party makes the motion to reconsider.

Chairman Martin - I would like to make sure that we have that clear so I would like to second that motion to reconsider. All in Favor: Samson – aye Martin – aye Samson – aye

Drew – I would just add for the record that the applicant made this request before the resolution was signed. I'd add that the applicant has not initiated any litigation against the county in advance of making this request.

Drew – He didn't want to get them into procedural issue on this last item before we leave it. He doesn't think they can continue it unless you continue it to a date certain. He doesn't think they can just simply continue it and he thinks they need to; what is the notice requirement require for?

Carey – Between 30 and 60 days by publication posted on the property and certified mail.

Chairman Martin – The motion did include through the proper notification procedures which would be 30 to 60 days to hear it in front of us.

Drew – Fair enough.

COUNTY ATTORNEY UPDATE – ANDREW GORGEY

A. Reconsideration/Approval of IGA – RFTA – Senior Services (Traveler)

B. Consideration/Approval of Amendment No. 1 to IGA with RFTA – Senior Services (Traveler) – Carolyn Dahlgren and Judy Martin

Carolyn – This IGA was on the agenda back in February and signature authority was given to Mr. Martin. However, they had run into an issue with RFTA regarding the definition of disabled persons under the age of 60 who ride on the Traveler as well as those of 60 and over who are presumed to be clients of RFTA. Carolyn, Judy and Mary actually thought RFTA was willing to sign the IGA as written and then they would work on the amendment. Instead, what they found out was that RFTA wanted to get the amendment worked out as well. In front of the board is an update IGA that they are asking for signature authority again and in fact, Judy would be happy if they would authorize John to sign it today so she can take it with her to RFTA to the next meeting. The first amendment deals with the definition and the way functionally that we have dealt with this is that now Judy is the person who got trained and will be the one that does the functional assessments for those individuals under the age of 60, who have a functional disability of some variety that gets in the way of their using the public transportation system. Whereas those of us 60 and over, we are assumed to be in need of transportation services. The ongoing attempt with procurement and the county attorney office are working together trying to streamline the procurement documents and she changed the original IGA so that it allows renewal by means of a letter agreement instead of an entire contract and each year it is renewed as long as there is money budgeted and appropriated. This is an IGA with another governmental entity. Judy will have to work with procurement to the letter agreement signed by both parties and to update a budget and the scope of services. Today, they are back asking the Chairman to be authorized to sign the first amendment and the original IGA. Carolyn reviewed the agreement with RFTA for the fuel and stated the only way that the IGA changed was it listed 8 travelers and there 10.

Ed – As to the fuel for RFTA, it's automatically recorded on a monthly payment.

Carolyn – In paragraph 3 it lays out responsibilities of the county, you will give them access to use our fuel.

Commissioner Samson – You are going to need a motion to approve the IGA and then a motion to approve the amendment number one.

Carolyn – Yes sir, you can do them in one motion if you wish or in separate motions.

MOTION:

Commissioner Samson – I would move at this time that we give the approval and have Chair sign the IGA with RFTA concerning the senior services Traveler and also the approval to sign the amendment number one to the IGA with RFTA concerning senior services and the Traveler.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

C. Consideration and Authorization for Chair to Sign Development Agreements with The City of Glenwood Springs Parking Lots

Carey – In the interest of moving forward on the parking lot they have received from the City of Glenwood the development agreement and development permits for the parking lot at 7th street and the parking lot at Pitkin Avenue. Betsy and I have reviewed the contracts. Section 6 includes inspection does include language that would allow the city to place a lien on the property in the event that they feel the work has not been performed in accordance with the standards provided in the agreement. The City does not wave improvement fees. Otherwise, everything is in order and if you are ready to proceed, you can authorize the chair to sign the development permits.

Carolyn spoke with the city attorney and from her perspective; there is no need for an updated IGA so we will just put on the consent agenda a termination of the earlier IGA.

Joint Meeting with the City to be scheduled

The one at 7th and Colorado needs to have a joint meeting with the city, which is already on the way and that is just an increased scope of work in reference to the surface and drainage issue as well as the entrances.

Chairman Martin – You have to move a city street light, do a curb cut, and a bunch of other things. If you are going to do that then you need to actually do the project right and to move the barriers so that you have a safer entrance and exit as well as signage and you have to have both lots being used as one now instead of separating.

MOTION:

Commissioner Jankovsky– I would make a motion that we approve a minor development permit and a development agreement between the City of Glenwood Springs and the BOCC for a parking lot at 8th and Pitkin Avenues, 809 and 811 Pitkin Avenue.

Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

D. Direction to County Attorney Regarding Possible Settlement of Pending Litigation in the Collins v. BOCC, Garfield County District Court Case 11CV37

Cassie Coleman – We had previously discussed settlement of the Collins litigation where the Collins sued the BOCC and the BOA. She has proffered an offer to the Collins as well as the BOA who she was also representing. She would request authorization for the chair to sign the stipulation for settlement as previously discussed.

MOTION:

Commissioner Jankovsky – That has the one item in there that we are not responsible if there is flooding; which he thought was very appropriate for her to put in there. I'd make a motion that we accept the settlement agreement with the Collins versus the BOCC.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

E. Federal Mineral Leasing District Update

Drew – The first meeting of the Garfield County Federal Mineral Leasing District Board will be one week from Wednesday on August 10th. Commissioner Samson and I attended the meeting of the AGNC in Steamboat Springs and since that meeting on Friday, they had a follow up conference call with the attorneys for the counties that either have FML districts or are about to form one for next year. In addition, the FMLD would be expecting to receive its payment from DOLA. The first meeting will be organizational. It will be up to the district board to decide whether that will be the meeting where they adopt a service plan, adopt a budget, adopt by-laws for the district and being to set-up their administrative framework going forward. We are very pleased with that progress and I have been in touch individually with the district board members but they have not met as group. To give you a sense of how much this is the payments to FML payments to Garfield County last year were about $2 ½ million dollars. They don't know what the number is yet for 2011 but it will probably be in that ballpark.

F. Acceptance of Quitclaim Deed from Grand River Plaza Development, Inc. County Road 352 and CR 319 (Airport Area Roads)

Carolyn – We are looking for signature authority from the Chairman for County Roads 352 and 319 for the quitclaim deed.

MOTION:

Commissioner Samson – We need to move to accept the quitclaim deed from Grand River, County Road 352 and 319 the airport area roads. Commissioner Jankovsky – And give the chair signature authority. Second. In favor: Samson – aye Martin – aye Jankovsky - aye

G. Consideration/Approval of MOU between the Department of Interior, Bureau of Land Management and Garfield County, Colorado as a Cooperating Agency Re: Oil Shale and Tar Sands Resource Management Plan Amendments

The memorandum establishes the purposes of the MOU. It is to designate Garfield County as a cooperating Agency in the RMPA/PEIS process to provide a framework for cooperation, coordination between the BLM the Cooperator to ensure successful completion of the RMPA/PEIS in a timely, efficient, and thorough manner, to recognize that the BLM is the lead agency with responsibility for the completion of the RMPA/PEIS, the record of decision (ROD), to describe the respective responsibilities, jurisdictional authority, and expertise of each of the parties in the planning process.

Drew – This issue was before the board about a month ago and it was continued to today to give them more time to look at it and to interact with The Bureau of Land Management. They did that and he and Commissioner Jankovsky held a conference call with Sherri Thompson and the engineer with BLM in Denver just to get some clarification about the purpose of the MOU and to negotiate some language changes in it. There was some concern we might have been late but found out they were early. In fact they were not only early they were the first. If the board approves the MOU today and send it to the BLM Garfield County will be the first named cooperating agency for this purpose. As a courtesy, they sent a copy of their draft, their work product to Rifle for their consideration. They are free to negotiate whatever changes they want; but he is comfortable with this and for the public this allow the board to interact with BLM on a more formal basis to voice the concerns of our citizens and the impact of opening BLM lands; the impact on County Road's etc. It's an old issue and you all know it well; but this is a strong step in cooperating with the BLM and he would recommend the board signs it.

Commissioner Jankovsky – The one thing as we well know, being a cooperative agency we get to sit at the table and give their input but the final decision still comes from the BLM. It does give them some input and the ability to track this as it moves forward. This is a preliminary EIS because they don't know exactly what lands they are going to, so potentially there will be another EIS after this when they get specific land that they will have for oil shale and tar sand development**.**

MOTION:

Commissioner Jankovsky - I would like to make a motion that we consider and approve the MOU between the Department of Interior, Bureau of Land Management and Garfield County as a cooperating agency between oil shale and tar sands resource management.
Commissioner Samson – Second.
Chairman Martin – Tom this isn't our first, we did the Roan Plateau which is also the southern part of this particular plan that you will be dealing with. In favor: Samson – aye Martin – aye Jankovsky - aye

COUNTY MANAGER UPDATE – ED GREEN

a. Public Meetings:

i. 2012 Holiday Calendar - Katherine Ross

Katherine presented a recommendation and asked for approval for the 2012 Holiday calendar. Typically the county has 10 days and this the dates actually fall very smoothly for 20 days. As you look at the copy of the calendar, she gave them; please note it starts with Monday.

Motion

Commissioner Samson – I would move that we approve the 2012 holiday calendar as presented.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

ii. Sopris Barracuda Swim Team Funding Request – Caylah Newton

Caylah is here today to talk to the board about sponsoring their swim team and request assistance from the Board. Caylah went into detail about the swim team.

Motion

Commissioner Jankovsky – Caylah, you did a good job presenting. I make a motion that we all sponsor the Sopris Barracuda Swim Team at the tune of $1,000.00 and take those funds out of the discretionary funds.
Commissioner Samson – Second. Where do you get other revenue to function, is it all from what they charge the participants?
Christi – And sponsorships.
Commissioner Jankovsky – We'd really like to see these used for kids who can't afford to pay dues.
Caylah – Yes, it is used for equipment. In favor: Samson – aye Martin – aye Jankovsky - aye

iii. River District Update – David Merritt

David is Garfield County's appointee to the Colorado River Water Conservation District Board. They met on the 19th and 20th of July for their board meeting and the agenda is in the boards packet. David handed out the updates highlighting the Shoshone put in for commercial rafters. The basin wide report on the Colorado River System shows there is a lot of water available. Lake Powell has come up about 50 feet this year. They have been base loading the power plant at Glen Canyon dam at about 22,000 CSF. At one Point Lake Powell was coming up a foot a day. It was gaining about 100,000 acre-feet a day. Their target is to bring it down to 36.43 by the end of December if they can.
Chairman Martin – Did they give a height of Meade?

David – It has come up significantly; he did see one report the marina operator was saying it cost him a lot to move marinas back up each day and they weren't complaining. There are a couple of studies that are ongoing that are mentioned on the first page the Bureau of Reclamation. They are looking at a long term between the water supply demand study that's about an 18 month study with the Bureau of Reclamation and the seven basin states to try and get a better handle on what the long term demands and supply will be. The River District and other water users are very involved in that and the Water Conservation Board is looking at getting public comments in phase one of the studies, as to the water availability. Trying to get a better handle and you know looking for the future it's always a question as to what is the water supply.
David – We reviewed the River District policies every year about 14 or 15 policies; these are the summaries of the ones reviewed this year in terms of the compacts. There is also the Colorado Storage Projects Acts, which one is the West Divide project. The River District, as you may have seen, is going to be abandoning in entirety one of the decrees on the west of their River District and West Divide on the Crystal River. The West Divide project ultimately was to develop the agricultural demands. It was authorized for study in the 56 Act, was authorized for construction in the 68 Act.
Commissioner Jankovsky – We are meeting with the Pitkin County Commissioners tomorrow and this is one of the items on the agenda because they have opposition. I don't think they had a full understanding of West Divide and who they are as far as quasi governmental that they are appointed by the district judge. In addition, the Crystal River is over appropriated.
David – Normally by this time, everything is fully on call in the Crystal; but there is a lot of water coming down the Crystal too and even in an average year, there's a lot of water coming down there in the spring runoff.
Chairman Martin- Yampa, I know that Secretary Salazar came out to make the big show on that project in Denver. Used the old chambers and again they had to reiterate that they were losing faith. Give us something to hang onto.
David – He passed a letter that has been sent to the Bureau of Reclamation for the project and Ruedi re-pavement.
Commissioner Jankovsky has a concern with sending more water to the east slope out of the Frying Pan. From what he understands, they can increase the height of that dam and store more water.
David – There was a preferred storage option plan, he is not sure that is going anywhere anymore.
Commissioner Jankovsky – You don't see this as an issue going forward.
David – It is not an issue he sees in the near term or even the midterm. Maybe after 2025 or 2030 but in this current timeframe it's interesting the amount of water they are looking for on the lower Arkansas for this municipal use is relatively small. They are still working on identifying the exact delineation of that conduit. Down the valley, there will be a reservoir.
Chairman Martin – Which part of the valley because you still have to go through a couple of mountain areas.
David – Pueblo reservoir; his is just for the small towns down the lower Arkansas valley. Essentially downstream from Pueblo Reservoir, Rocky Ford on down. Its way out there and they get poor quality of water out there. It's better to build a reservoir where you can where the water actually flows into instead of pumping out.
Commissioner Jankovsky – The creek, there is a possibility of putting some of that water in four mile.
David – Yes. That was part of the original plan.
Commissioner Jankovsky thinks there is a misconception about who West Divide is and what they provide for the community; they are part of the Colorado River District.
David –They are within the district but they are a separate independent district. The River District holds the decrees. What happened in the early days; they would file on the water rights necessary for this Bureau of Reclamation projects. It would also help set-up the Water Conservancy District necessary for repayment of these. Then they would hold those decrees in trust for those districts and maintain the diligence and cooperation of them and the West Divide District operates one of the better operated augmentation plans in Western Colorado and in particular on the Mesa Colorado River system. They have a very good augmentation plan with their decrees, their contracts out of Green Mountain Rudi Reservoir. They serve a very valuable function for small users.

iv. Request for Northwest Colorado Cultural Heritage Tourism Grant

Commissioner Samson – Later we will contact Nancy Cramer via telephone.

v. Recommendation to Award Paint Striping Contract to Patriot Highway Markings – Jim Hackett

Jim – The winner is Patriot Highway Markings LLC in an amount not-to-exceed $90,000.00 to apply paint stripping to various Garfield county roads and authorize the chair to sign a contract. It is staff recommendation to make this award. Jim explained they had awarded an earlier in the year to Rocky Mountain Enterprises and due to financial hardship they mutually terminated the agreement and went back out for IFP; Patriot was the low bidder. Bids were verified and some of the other bidders were Front Range contractors and they would have high mobilization costs to bring equipment over here for stripping.

MOTION:

Commissioner Jankovsky – I'd make a recommendation that we award a contract to Patriot Highway Markings LLC in the amount not-to exceed $90,000.00 to apply paint stripping to various Garfield county roads and authorize the chair to sign. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

Regional Meeting - CCI

Commissioner Samson –Drew Gorgey and I met with Commissioner Mace and asked what they were doing and they said they wanted to do what Garfield County did before they were doing what you do now.
Drew – It's pretty brief; his understanding was successful Garfield County vendors who are successful in Mesa County bids would be subject to Garfield County procurement standards and vice versa. It is just a discussion right now.

vi. ETC Canyon Pipeline Bond Release – Betsy Suerth

Betsy – ETC Canyon Pipeline has satisfactory preformed all conditions of their permit and there are no potential claims that might be asserted by Garfield County. She is asking to release the bonds.

Motion

Commissioner Samson – So move. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

vii. Quantum Resources Management Bond Release – Betsy Suerth

Betsy –Quantum Resources Management has satisfactory and performed under the terms of their permit and there are no potential claims that maybe asserted by Garfield County. They are asking for bond release.

Motion

Commissioner Samson – I would move that we approve the Quantum Resources Management bond release. Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Western District Meeting

Ed received an e-mail about going to a meeting and wanted to know if the commissioners wanted him to go.
Commissioner Samson – One reason he may want to go is that I am on the agenda. Ed may want to go because at the Western District meeting in June, it was decided they would talk about the natural gas symposium. He was thinking they should dig up all the old information, renew the information. He thinks he and Ed should talk about. It's from 10:00 a.m. to 3:00 p.m.

Anniversaries:

Chairman Martin – Ed Green has been here for 13 years and Jean Alberico with her 29th year.

b. Public Hearings:

i. Mountain Family Health CDBG Grant – Final Closeout – Annette Franta

Carolyn – Notice was accomplished by publication; Federal regulation requires such and they have proof of publication in a newspaper of general circulation and a legal newspaper, which she will give to the clerk and you may precede Mr. Chairman.
Chairman Martin will accept the notification and the requirement, it was federal no local so he will accept that way. Chairman Martin swore in the speakers.
Annette is the Finance Director for Mountain Family Health Centers and reported on the successful completion of the primary care medical and dental facility in Rifle on the County Human Services campus. She gave some background and history. Part of their funding was a $450,000.00 grant from Community Development Block Grant from the State of Colorado directly to the county of which the funding went to support of a less than a quarter of the cost of the building. She had some thank yous' she wanted to put on the table for public recognization. That is Randy Withee and Bob Prendergast from the county who were both very active throughout the project. Thanked Ed Green and Carolyn Dahlgren in the very early stages of planning and getting everything in line for them. They are very excited to open this new facility and get things rolling. In addition, Dave Ebeler at the county fairgrounds was super cooperative with their contractor in just coordinating, space needs and getting things into the construction site. The formal invitations, if you haven't received the you will be getting them shortly for the grand open and it is in conjunction with the national health center week; which is Friday, August 12, 2011 from 4:00 p.m. to 6:00 p.m. Wing Nuts will be catering for them.
Chairman Martin has been in the facility, it is very nice facility and they have a dynamite team in reference to the dental. World renowned as a matter of fact. Someone who is actually paying back society, it should be a nice feature story.

Motion for Close Out

Chairman Martin – Let's close the public hearing with a motion please.
Commissioner Jankovsky – I'll make a motion to close the public hearing.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – Now the recommendation is to sign the closeout.

MOTION:

Commissioner Jankovsky – I'll make a motion that the chair be authorized to sign the project close out report for the Community Development Block Grant at the Mountain Family Health in Rifle.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Betty Scranton – Christian Patriot for the American Patriots of the Roaring Fork Valley going on three years. She has a couple of items that are very important to her and voiced her concerns.

i. Request for Northwest Colorado Cultural Heritage Tourism Grant

Nancy Cramer via telephone. Commissioner Samson explained that the Board had her proposed letter for Garfield County giving support for a grant to Colorado tourist office for the Cultural Heritage Tourism program.
Nancy – Gave the update, background and history. We have a rack that will carry cards at welcome centers and all of the chambers and visitor centers within the region. Depending on the size of the community and the content demands there will be single front/back and then their printer has called out 4 to 5 single folds. That should give you four panels versus just the two and the communities are working that out now.
Commissioner Jankovsky – They would have the history of energy development in northwestern Colorado.
Nancy – Yes, the energy trail will be a separate one and that is the intent of that and that will be a single fold so it will have four panels.
Commissioner Samson – You and I will meet next week and talked but the other thing he thinks she wants to within the month come before the board and give a power point presentation and a better understanding.
Nancy –One of the things she will be finishing up is a study on the entire program as well as a prospective on the energy trail and what they are proposing to move forward with looking at the feasibility of early developing that as a destination. Possibly even an energy institute on site concept. Cher long has helped her and she requested they put forth a prospective so that is in draft form. She will bring along next week and it will be part of her presentation.
Commissioner Samson – We appreciate the work you have done and he has talked to a few people she has worked with in the county; they say you're enthusiastic and easy to work with and feel this is beneficial project for our county as well as the entire North Western Colorado.
Nancy – This has been one of most wonderful projects she has ever worked on.
Commissioner Samson – We are being asked by you to approve this letter and fax it back to you with their signatures so that she can pass it on to the Colorado Tourism Office for a matching fund of $15,000.00.
Nancy – Yes. They are primarily looking at that as a cooperative effort from all the entities and organizations they are working with within the county.
Nancy – Today, we are not asking for funds. We will be looking at making a proposal for supported program in 2012 later.

Motion

Commissioner Samson – I would like to move that we as a Board of County Commissioners approve and sign this letter and fax it to Nancy.
Nancy – Either that or you can scan it to Jeanie in her office or she will get it in the packet.
Drew – We will get them the letter.
Nancy – It can be sent tomorrow.
Commissioner Samson – Call Dawn Burgess, Administrative Assistant at 970-945-5004.
Nancy will have Jamie coordinate with Dawn.
Chairman Martin – Call for the question. In favor: Samson – aye Martin – aye Jankovsky - aye
Drew – Mr. Chairman I think I heard you say with the correction however, there are some other grammar and phrases I think needs to be cleaned up. There is a reference here to economic strategies and this is consistent with your economic development strategy overall and a couple other wordsmith.
Chairman Martin – With the corrections that we noted.

1. PUBLIC MEETINGS

a. Consider a request for a One Year Extension to Meet the "Extraction, Process, Storage and Material Handling of a Natural Resource" Related to the RTZ Gravel Pit – Applicant; 5-Mile Ranch, LLC – Kathy Eastley

Kathy Eastley explained the Board of County Commissioners conditionally approved a request for "Extraction, Processing, Storage and Material Handling of a Natural Resource" to allow gravel extraction operation to occur on a 130.5-acre portion of a 1,200-acre property. The approval was granted at a public hearing held on Monday July 13, 2009 and memorialized in Resolution 2009-52, EXHIBIT E.

STAFF RECOMMENDATION

Staff recommends that the Board grant a second one-year extension to conditional approval granted by Resolution No. 2009-52 for the RTZ Gravel Pit. The conditional approval of the Special Use Permit shall expire if conditions of approval are not satisfied on or prior to July13, 2012.
Kathy – The applicant was unable to make the meeting today and would like to postpone until August 8.

Chairman Martin – Any objections, none given and he asked to put it on August 8 agenda.

b. To consider a Request for a 1-year Extension for a Special Use Permit for Temporary Employee Housing Facilities on the North Parachute Ranch to August 6, 2012 and to Authorize the Chairman to Sign the Resolution of Approval – Applicant; EnCana USA, Inc. – Tamra Allen

Jason Eckman and Tamra Allen were present.
Chairman Martin – Counselor do you feel the recommendation is good enough to read into the record.
Drew read into the record on page 2 of the project information and staff comments. Staff recommendation provided the success of the SUP as approved under resolution 2007-61 in combination with the willingness and desire of the applicant to work with the county; staff recommends that the board, the BOCC, approve the requested annual renewal to August 6, 2012.
Jason – It has been very successful having the camps and workers being able to stay on location. It has been a lot safer and they would appreciate another year of it. They have complied with all conditions of approval and work real close with Andy and Fred and made sure everything is in order.
Chairman Martin – This is through a resolution 2007-61, which is requirement number 11. The maximum allowable length of time is one year and for show of good cause a permit maybe extended annually and that is what you are doing today.
MOTION:
Commissioner Samson – I would move that we grant the request for a one year extension for a special use permit for temporary employee housing facilities on the north Parachute Ranch to August 6, 2012 and authorize the chair to sign the resolution of approval.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

2. PUBLIC HEARINGS:

a. To Consider a Request for a Land Use Change Permit for a Limited Impact Review of the H Lazy F Mini Storage, LLC Application for a Communication Facility on .07-acres of a 1.6-Acre Site Located at 5445 County road 154, Glenwood Springs, CO (File No. LIPA 6757) has been Rescheduled to September 12, 2011 at 1:00 p.m. – Applicant; H Lazy F Mini Storage, LLC – Molly Orkild-Larson

Kathy Eastley explained that partial public notice was completed. However, all of the required public notice did not occur and it has been rescheduled, with proper notice, to September 12, 2011.
Chairman Martin – He is hearing that the applicant is actually withdrawing from this particular opening of public hearing until the new date.
Carey – No action necessary from the Board; they just wanted to update the public as best they can since partial notice was accomplished.

b. Consider a Request for a Rural land Development Exemption Option for the Strang Ranch to Create Nine Residential Parcels and a Remainder Ranch Parcel on a ±450-Acre Parcel Located on County Road 102 (Fender Lane) Northeast of the Town of Carbondale – Applicant; Laughing Stock, LLLP – This hearing has been rescheduled for Tuesday, September 6, 2011 – Kathy Eastley

Kathy Eastley – Public notice was partially accomplished by the applicant. They have rescheduled to September 6, 2011.
Commissioner Reports:
Meeting with Pitkin County Commissioners
Chairman Martin – We have a work session tomorrow at 8:00 a.m. and will go beyond 11:00 a.m. with the Pitkin County Commissioners. The subject is going to be land use code, equestrian centers, procurement close out, miscellaneous procedures, affordable housing regulations and a work session with Pitkin County.
Commissioner Samson would like to ask that the legal staff pull out of the archives a copy of the Thompson Divide Coalition resolution and have copies made for as many people that will be in that meeting. The five Pitkin County Commissioners, the three of them and whoever else needs one. Point number two: He has the agenda for FML meeting.
Meeting On Clarion
Commissioner Samson - When are we going to have a meeting on Clarion, he is getting many e-mail and phone calls concerning this Clarion assessment report. Is there anything in the works to do anything on that?
Drew believes that's in Fred's office and he has not heard any final.
Chairman Martin – It is up to Fred when he gets back to establish.
Drew – Before Fred left, they had joint conference call between building and planning, Clarion representatives and Drew's office. They agreed on a review schedule for the proposed changes and he doesn't have the schedule here and now but he can get it to them quickly.
Chairman Martin believes that the people that he is talking about wanted to have something with just Clarian representatives; is that correct? Without staff, there for whatever purpose that was the request.
Commissioner Samson guesses they need to put that on Fred's radar.
DOI – Visual Resources Inventory
The United States Department of Interior conducting a visual resources inventory on the lands we administer in Garfield, Moffat, Rio Blanco and Routt counties within the Little Snake and White River field offices will be posting a series of workshops to ask people about the sensitivity or level of concern for visual resources in these areas. They have scheduled series of workshops and so on and would like to invite them to attend. He thought he had a flyer that talked about that; anyway what he is saying is should we be sending someone to that. He is not familiar with them.
Drew – Inventory of BLM lands is that separate and apart from the cooperative agency status.
Commissioner Jankovsky – This is a workshop on visual impacts.
Chairman Martin thinks someone needs to represent the county. The answer is yes, and he doesn't know who.
Commissioner Samson – It says a list of workshops, dates, and times; but if you have questions, additional information contact with this guy in the White River Field office and it's a number. Should we give that to Ed to give to the appropriate person to go there?
Ed thinks the appropriate person is Tamra and she wants to talk a bit more about Clarion.
CCI Legislative Committee
Commissioner Samson – CCI legislative committee member appointment, an RSVP for that meeting on October 7th, Mr. Chairman according to CCI By-laws the legislative committee was formed to develop opposed policy statements for consideration by the full membership and the development to adopt priorities for CCI's legislative agenda. There are 63 CCI member counties of the legislative committee. That committee will meet Friday October 7th at 10:00 a.m. We are supposed to appoint one of us to be there. He nominates Chairman Martin for the following reasons. Chairman Martin has an extensive background at CCI and knows that territory well. He thinks Mr. Jankovsky would agree.
Commissioner Jankovsky agrees with Commissioner Samson.
Commissioner Samson – There is a form he printed off that needs to be filled out and Chairman Martin needs to sign that he will make a commitment as a Commissioner to attend. Can you attend it October 7th at 10:00 a.m.?
Chairman Martin – He has a leadership training program that is going in Aspen at the Aspen Institute; I imagine I could rearrange it. The youth are very important as well as legislation.
Commissioner Samson thinks Chairman Martin should go to this and Commissioner Samson could cover this for him.
Chairman Martin – It entails giving good examples of good government and leadership.

Drew – Would you put your appointment on Mondays consent calendar also?

Oil and Gas Short Courses
Commissioner Samson thinks it something that needs their attention. He finally received a response from the individual they talked about as to oil and gas short courses. He said Mike saw the brochure attached for course changes on the 19th; they had to move drilling contracts to the 18th because this course typically sells out and don't usually allow people to sign up for one day. Honest because government folks get special rates of 495 instead of 985.00 for the entire course it's not simply going to be profitable by day. So a single day of materials is going to cost $250.00 per person. It almost makes sense to join up for the entire course. If this is of interest would you fill out the registration form in the brochure and fax to them and note on the registration form that the special price of $250.00 is for one attendant only on the 19th. Are we still interested?
Commissioner Jankovsky – October 19?
Commissioner Samson – October 19th, which is a Wednesday starting at 8:00 a.m. we have local regulation of oil and gas operations.
Chairman Martin – These are attorney courses. He and Ms. Dahlgren have attended several of them. These are the Rocky Mountain Law Institute.
Drew – Which of you are attending?
Commissioner Samson thinks all three. At 8:45 is split estates and 10:15 a.m. is environmental regulation of the oil and gas industry. Lunch is on your own. 1:00 to 2:00 p.m. is common interest created in oil and gas and 2:15 to 4:15 p.m. oil and gas conveyance. Commissioner Jankovsky would like to attend.
Chairman Martin thinks all of them need to be there as well as anyone that maybe from the planning as well as the legal department.
Commissioner Samson – Who would be a good person to be there from legal?
Drew – Carry and I.
Commissioner Samson – He will give information to Drew and ask you to make sure the three of them are registered for the 19th? Maybe you want to stay there the whole time. At the same time, there is another block of classes going on that might interest them even more. Commissioner Samson gave Drew all the information.
Drew – He is going to change his answer for noticing that for next Monday. Your decision to join CCI and participate in CCI is something that you need to notice; but to drill down to which of you is going to be on which committee and make everyone of those public is overly cautious. That was his first response.
First of the Year – Organizational Meetings
Chairman Martin – To assist Drew on that, they take that and the first of the year on their organizational meeting and make those assignments to the Boards commissions and associations. They do that one time and follow through for the year and is usually identified the first or second meeting of the year.
Betty Scranton's Concern
Drew appreciates that and along the lines of volunteer boards; he did follow-up briefly with Miss. Scranton's concern. He got her e-mail and phone number; her concern was access to minutes from the Human Services Commission. As one of the Commissioners appointed boards, they would be required to name a custodian for their minutes and any member of the public has access to that by law. Drew will follow-up with the commission; he e-mailed his office for a list and he will follow-up on that immediately and report to the commissioners.
Commissioner Jankovsky – Trisha Horwitz is the secretary, he doesn't know that he has been receiving minutes.
Drew will follow up.
Yampa Partners
Commissioner Samson – Since he will cover for Chairman Martin September 7, he will check on the date, he received a phone call from an individual and he thinks it is in conjunction with Yampa partners. They asked if he would go up there and be on a board to talk about impacts on the county from oil and gas and related issues like that, he would get more information. Would Chairman Martin be interested in covering that or Tom?
Chairman Martin asked Commissioner Jankovsky if he would be interested.
Commissioner Jankovsky doesn't know if he would have the expertise to cover that at this point.
Chairman Martin – If he would like to do that and Commissioner Jankovsky did not; Chairman Martin will do it.
Commissioner Samson will get the information for the phone call.
Unified Land Use Code
Tamra – Noticed they discussed the land use code, update as well as the discussion with the ULUR and she wanted to be here to answer any questions the board might have had on that.
Chairman Martin – Did you get a request from an interim committee or whatever citizens group to meet with Clarion without the staff?
Tamra – I did not receive anything directly.
Chairman Martin – Check with Fred see if that is an actual request and handle within house.
Ed thinks they could proceed without Fred.
Chairman Martin – It would be courteous; he is the department head. We don't want to leave him out on information. You need to coordinate that with him; if it's been set-up then you will know.
Tamara – To her knowledge, they haven't received any requests.
Ed – Who would be the point of contact for that?
Chairman Martin – It would be the chair of that group.
Tamra – To my knowledge it is strictly a working group; it doesn't have any kind of organizational structural, no chair etc.
Valley View Hospital
Commissioner Jankovsky met with a couple members of the hospital board on Thursday and at some point, they will want to have their executive committee come in front of the board. They have not set a date or a time; but he imagines sometime this fall they will be asked to meet with them. It will be concerning ongoing issues with the hospital and the ground under the hospital.
Chairman Martin – Did you look at the document they had?
Commissioner Jankovsky has not read the document and he told them that. He has a full packet that was left in his office.
Chairman Martin wanted to make sure he had all the information to be up to date.
Commissioner Jankovsky – They have the kick off to the fair on Tuesday at 6:00 p.m. He is having a Garfield CLEER energy meeting at 2:00 p.m. on Wednesday, which is around condensed natural gas vehicles. They have the cookie contest at 11:00 a.m. on Thursday. Where in the fairgrounds is that?
Chairman Martin – North Hall.
Commissioner Jankovsky – We are off to Montrose for CCI on Friday.
Commissioner Samson – We can leave the airport at 8:00 a.m. He reminded everyone out there the Garfield County fair is Tuesday through Saturday.
Open Records Request

Drew – Friday they received an open records request from EE Publishing LLC. The request is, in his opinion, overly broad and because the request is to you and Mr. Green; he wanted their direction for him to just interact with them and try to narrow this down. They set a low dollar limit; it's impossible to comply with that limit but more the point he thinks it is impossible to comply with the majority of the request. You don't need a motion or a vote he just wanted to make sure it was alright that he calls these folks. That raised a separate policy questions; he had a chance to talk with Dale and Ed about processing open records requests generally and he had asked whether there is a written policy on this. He thinks from time to time it been addressed by the board; but Drew wanted to volunteer to formalize that a little bit. The county attorney's office has handled that but it would be, in his opinion, helpful to the county departments and offices if they knew how to best handle these complaints. Frankly, it would be best for the requestors and the citizens if they knew exactly how and where to do that. There is case law on this that allows you to set certain perimeters. I know they can charge per page and so forth; but you can actually help somebody like this request or in advance saying in order for your request to be processed timely here's where to send it, here's what to ask for, if you have questions in advance here's who to call. It just helps everybody. He wanted to volunteer to do that if they will let him.
Chairman Martin thinks that would be helpful for everybody.
Ed – Drew, he knows that the legal department prepared a document a few years ago but he doesn't know how current it is.
Chairman Martin thinks they should give the direction to go ahead and revamp any kind of policy presented to them and see if they cannot adopt it in a formal setting and then distribute it to all department heads and other elected officials can review it if they wish to adopt it.
Drew – Yes and when you do it that way, members of the press and public can sit down and kind of poke it and say why are you doing this and why are you doing that. At the end of the process, you will have a very solid public statement.
Chairman Martin - That is the direction to give Drew.
Everyone agreed.

ADJOURNMENT

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JULY 11

AUGUST 8, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 8, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Andrew Gorgey and Jean Alberico Clerk & Recorder.
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA:
REGULAR WORK SESSION:
COUNTY SHERIFF UPDATE: LOU VALLARIO

- **ANIMAL CONTROL DEPARTMENT PRESENTATION: JOPLIN, MO TORNADO AFTERMATH – AMIEE CHAPPELLE**

Lou Vallario introduced Amiee Chappelle. Amiee presented a power point of the Joplin, Missouri Disaster Response June 16 – 29, 2011(7 days) pertaining to animals.1,222 animals were either returned to an owner or adopted out while Amiee was in Joplin. Over 400 animals were adopted within the first hour of the adopt-a-thon. The Garfield County Sheriff's Office was the ONLY sheriff's office to respond to work. More than 90 other agencies had responded in the past 30 days. She thanked Lou Vallario for allowing her to be a part of this effort. We have several counties we train with and each year we have a mock disaster and so we plan to, out of our trailer we can house in about 13 minutes, 33 animals, which is not a great amount of animals but its good fix until CARE can get there with 30 more crates. And fires at the Red Apple Subdivision was a good workout. We would bring the animals crated to the fire line and then CARE and the Rifle Shelter would pick them off and bring us empties. We would just keep rotating.
Chairman Martin – You never know what's going to be around during a disaster and areas discussed were the Fairgrounds or an Airport Hanger.
Lou Vallario – One thing to mention in addition to the focus on dogs and cats is Amiee has a group of folks volunteers and part of the Colorado Animal Rescue Team so we can also handle livestock, talk about the Fairgrounds that would be the obvious place if we could in case of wildfires or other disasters. We have the ability to move a lot of cows and horses for a period as well. It's more than just the pets, although Joplin focused more on dogs and cats.
Chairman Martin – We are proud of you Amiee.
Commissioner Jankovsky – Yes, thanks for representing us Amiee.
Lou – I am proud of her, if you noticed these photos, every one of them she has a smile on her face and loves what she does. She does a great job and the community if fortunate to have her, we're fortunate to have her, Pete Clemons is our other animal control officer and they both do great jobs, I don't think very many people that don't know either one of them.
Commissioner Samson – This was quite a compliment to us as being the only Sheriff's office in the whole United States that helped, Colorado to Missouri, that's quite a trip.
Lou – Of course, they probably didn't have people knocking on their doors saying can I go like did with Amiee.
Chairman Martin – It was a real live disaster that you were able to work on.
UPDATED PROPOSAL FROM CORRECTIONAL HEALTHCARE COMPANIES AND RECOMMENDATION FROM THE PURCHASING DEPARTMENT.
Gene Duran submitted the summary and background for the unsolicited proposal from the healthcare (CHC) to provide healthcare services for the inmate population at the County jail. At the August 1, 2011 meeting, Sheriff Lou Vallario presented the proposal from CHC that would freeze the cost of the healthcare at the 2011 not to exceed rate of $1,046,432.40. The Commissioners instructed the Procurement office to evaluate the proposal and brief the Board today.
Staff recommended that the County would benefit from accepting the Unsolicited Proposal. However, staff recommended a legal opinion be rendered regarding the proposal.
Discussion
Lou Vallario – Last week we spoke about an offer that Correctional Healthcare made, the people that provide medical and mental health services in jail. The Board asked us to look into, research, contract management, and get back to you this Monday. One of the things that Jim Hackett actually asked me to ask them is what kind of a counter offer would they originally offered a zero percentage increase this year. We asked if they would consider reducing their cost. They were actually very favorable to that so they are offering

for 2012 budget a 2.5% decrease in the current pricing for 2011; they were looking for some legal assurances and within Tabor and all those needs to continue those contracts down to 2013 and 2014. One of the provisions is in order to recovery their 2.5% is to consider and provide for an increase in 2013 of either 2.5% or the CPI, whichever is greater. I believe that has been running about 2.9% now. If I'm not mistaken I believe their offer for 2014 was zero percentage increase as well. I believe it is a good deal and the legal issues, contract management issues that's for other folks to discuss but certainly Correctional Healthcare Companies want to continue to work with us and are willing to even reduce some of their costs to be able to ensure doing that. I would recommend moving forward on it, notwithstanding any legal or procurement complication.
Drew reviewed this and stated there are no Tabor implications. We're in on-going discussions with the Procurement Office and the contracts manager to clarify the contract. Should the Board later award it, you're not awarding a contract this morning, you are giving direction to staff to pursue this vendor on the terms that the Sheriff just laid out; you would be contracting for 1 year. The vendor is requesting and I think the Sheriff's office is joining in the request that the vender be given an opportunity to renew the agreement for two years thereafter. Based on what we've seen and what we know and given the specialized nature of this service Healthcare provided in a correctional setting is a specialty and they have been in fact been the County's vendor for some time. So, in terms of their capabilities that's not an issue and we don't see any legal hurdles to proceeding. We would want to see the contract drafted, review it when it's written, but in terms of economics simply by going back you have already improved your position and we would support Sheriff and Procurement in going in this direction.
Direction
Commissioner Jankovsky – Direction is to move forward with this and good job in getting that 2.5% reduction.
Lou – Credit Jim Hackett, it was his idea, he was the horse trader in this one.
Commissioner Jankovsky – It is better than what was in front of us a week ago. It cuts the contract by $64,000.
Chairman Martin – The majority of this Board says move forward and continue your negotiations.

CONSENT AGENDA:

a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. changes to Prior Warrant List
e. Authorize the Chair to sign the mylar for an Amended Final Plat, for Mineota Estates Subdivision. Applicants are The Dixon Water Foundation, The Discovery Foundation and Jan Clayton Trust DTD dated December 17, 2004 – Molly Orkild-Larson
f. Authorize the chair to sign an Acknowledgement of Partial Satisfaction for the partial release of funds for Sun Meadows Estates, LLC – Tamra Allen

Commissioner Samson moved to approve the consent agenda items a – f. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

COUNTY ATTORNEY UPDATE: ANDREW GORGEY

1. UPDATE REGARDING DEVELOPMENT AGREEMENT WITH GLENWOOD SPRINGS REGARDING PARKING LOT IMPROVEMENTS AT 7TH STREET AND COLORADO AVENUE AND ASSOCIATED SCOPE OF SERVICES; POSSIBLE ADOPTION WITH AUTHORIZATION TO CHAIR TO SIGN.

Drew – This regards an update regarding the development agreement with the City for improvements to lots at 7th and Colorado Avenue. We, since the last meeting, had several discussions with the City Attorney and staff and of the course of the week and I will tell you where we are. To clarify terms, there are two lots at 7th and Colorado, there's an existing lot which is owed 50% by the City and 50% by the County. There is the lot we are currently developing that is owned 100% by the County. I refer to the first lot, the one we own jointly with the city as the western lot and the one we are developing as the eastern lot. The County holds and approves minor development permit for the eastern lot and we asked the Board last week to consider a development agreement for the eastern lot and after discussion. The Board gave us direction to inquire of the City whether it would be possible to redesign or at least perform maintenance of the western lot effectively making it one lot, which makes total sense to pursue. When we first approached the City, they were of the opinion that the work on the western lot would simply be maintenance, repaving that lot and we proceeded with that understanding, because it was maintenance there was no further land use approvals, no further review by their Planning Commission and would not be required. After a closer look at more detailed engineering, they have concluded that in fact in order to do work on the western lot and join it with the eastern lot and make one lot we need to go back for additional review by their Planning and Zoning Board. That is where the project stands now and Commissioner Samson had given us direction to explore or requested that we explore the prospect of attending the city's ownership interest in the western lot. The City Attorney and I spoke and she reminded me that in order for the City to relinquish that interest they would have to put it to a vote of the people. They can't simple sell it to us; the people of the City of Glenwood Springs would need to decide that they wanted to get rid of their half ownership interst in the western lot. We now put the back to this Board for direction. I believe the choices with respect to the immediate lots would be 1) proceed with development agreement as it stands as to the eastern lot and abandon the pursuit of trying to upgrade the western lot or 2) proceed with obtaining additional development approvals for the western lot so we make it all one lot. With the County Administrator and the Public Works Director, we have either visited the lot or been in close contact on this issue.
Ed – The question I have for Drew is how long the review would process take at the City.
Chairman Martin – Wednesday we are meeting with the City of Glenwood Springs at 5:00 p.m. on these two subjects – the City Council and this Board are going to sit and meet and see what we can come up with in reference to both Boards and then take action.
Ed – My concern is that it will take too long and we'll miss the paving season.
Chairman Martin – I would say I'm going to put my marbles on the meeting on Wednesday to get true direction from the City. I think the Mayor and everyone else is very much aware of what's going on with this particular project and they are willing to voice your opinion but I would wait until Wednesday.
Ed – Normally it's in October or sometimes it can stretch in early November.
Chairman Martin – I think that we meet to move forward and meet with the City of Wednesday, we can outline everything and see if it's going to be a maintenance issue, a repaving job and then restripe it to meet with their requirements and go through that. At least the entire lot and the entrances will be done. We will have that posted and meet at the City Hall at 5:00 p.m. on August 10.
Drew – That will put us in compliance with the open meetings law and Commissioner Samson's instruction to explore ownership of the western lot didn't delay this in any way. The delay is exclusivity tied to Cities interpretation of the need for development approval.

2. CONTINUED DISCUSSION/DIRECTION TO STAFF REGARDING RESPONSE TO LOCAL VERIFICATION FORM – MEDICAL MARIJUANA

Carrie Cagnon submitted a draft letter to the Colorado Department of Revenue, Medical Marijuana Enforcement Division with a request for local verification. You will recall that about a month ago I came before you and asked for direction on how to respond to requests from the state for what is called "local verification". This is part of the state licensing investigation process, they are asking local municipalities and counties to confirm that particular marijuana businesses were in operation prior to a statutory July 2010 deadline. At the time I came before last time, I shared that we have what I would consider it to be a formal application for six operations only. We discussed that the direction you ultimately gave me was to go ahead, respond to the state, verifying that these six were in operation prior to the statutory deadline, as a method of distinguishing between those operations that were existing and therefore in place prior the County's moratorium versus those that had started up after that would then be in violation of our local law.

Chairman Martin – It sounds like you may need an investigator to go out and do some research from utilities to leases, to purchasing verification of documents etc. I think it would be the planning department would be able to help. I think the response should be that we received these and in the process of verifying. That's the best I can say. You can't say they were or were not in existence but there are other investigations that can prove they were or not.
Commissioner Jankovsky – I agree with Chairman Martin and I do think your letter is sufficient, well written, and very simple and states things as they are.
Chairman Martin – And at time we'll respond to the state, we're under investigation and trying to verify in reference to their operations prior to the date of July 1, 2010.
Direction to Staff
Chairman Martin – I think that's the direction we need to give you, to coordinate with either the Codes Enforcement Office, Planning Office or the Sheriff's Office to see if we can't get verification.
Drew – For the letter to go to the State, all that is needed is direction and the letter will list those businesses about which we are not arguing and will list the businesses that have contracted us that we at this point can neither confirm nor deny.
ACCEPTANCE OF TEMPORARY CONSTRUCTION EASEMENT (BUXTON ET AL) FOR CR 320 REPAIR
Betsy Suerth, Public Works Director, Road and Bridge Supervisor presented photos of the recent damage from flooding in the County on County Roads 100, 115 and 320. Betsy stated CR 320 has required closing due to the result of significant roadway erosion. The closure of the west side of CR 320 has required a detour routing heavy truck traffic on a substandard road. On both County Roads 115 and 100, debris flows have caused severe erosion to shoulders creating a public safety threat. Today we're asking the BOCC to consider approval of staff's approach and the use of an expedited procurement process. The projects on CR 320, 115 and 100. We're also asking the BOCC to consider the determination that the requirement to advertise the project would be detrimental to the immediate safety of the traveling public. This action would ratify the approach taken to date. Finally, we're asking the BOCC to consider awarding the CR 320 project so as your County Attorney just stated one of my roles with the County is the appointed Road Supervisor and I consider this to be one my most important roles with the County. As the Road Supervisor, I believe that the subject damage that was caused by flooding and debris flows have caused unsafe conditions and pose a threat to the traveling public. Regarding CR 320, the need for immediate repairs is to enable the County to open the road and reestablish a safe haul route. In the near future, staff will be returning to you with actual costs and contract award for CR100 and CR 115. Following that request for budget supplements for all three of the projects as your County Attorney has explained. We're looking at about $2 million price tag for all three; the existing Road & Bridge budget will be cover that but we will be returning to you with a specific supplement in September or October.
Commissioner Samson – We definitely have to do something. I don't know that we need to spend $2 million dollars, it there another approach to this and is that necessary?
Motion
Drew – That is exactly right, you would simply be making a motion to find that sufficient evidence has been presented to you today to waive the statutory advertising requirement under 43-2.209 and then we'll deal with the specific CR 320 issues in the next two agenda items.
Commissioner Jankovsky – I would make a motion that we have found, and I've been out to two of the three roads and Commissioner Samson and Chairman Martin have seen the CR 320 road, so there is sufficient evidence to waive the advertising and procurement requirements under Colorado Law 43.2.209. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
RATIFY THE PROCESS – CR 320
Drew – With that finding, you would next be effectively ratifying the bid process that Road and Bridge has already executed only with respect CR 320.
Jim H. – Under Rule 3-2c paragraph 1, that evokes 43.2.209 and since you previously voted to do these under those three. The action here is to discuss and either approve or disapprove the award of a contract to ConSy Inc. for $459,548.05 for repairs on for CR 320. Staff recommends the award to this firm. On the spreadsheet Jim presented, the Board can see the breakdown of the bids.
Betsy – Added, the total project cost not to exceed $650,000 including engineering and all the observation needed during the project.
Commissioner Jankovsky – Betsy, is that engineering going to be local firm or is that will be done in-house.
Betsy – It is already complete and it was done with a local firm, which would certainly be our approach with CR 100 and CR 115.
Motion
Commissioner Jankovsky – I will make a motion now that we approve the award a contract to Con-Sy Inc in the amount not to exceed $459,548.05 for repairs to County Road 320 and with an overall project cost not to exceed $650,000. Commissioner Samson – second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Chairman Martin – County Road 115 definitely needs more discussion and I think that CR 100 is the main road to and from Aspen and El Jebel. CR 100 and CR 115 both lead to Glenwood Springs.
Drew – By making this finding, you have authorized Road and Bridge and Procurement to solicit bids in the same way for the other two county roads and this will be back before any further contracts are awarded. The final legal piece with respect to CR 320 is the acceptance of a temporary construction easement and that is in your back-up materials this morning; I need to modify two things I said earlier today. First, I'm not an engineer and second my information beyond my limited observation of CR 320 comes to me from staff. One of the things I said was that a citizen had become temporarily trapped in CR 320 and the key fact I omitted was that the citizen intentionally avoided barricade that has been put up and so was effectively trespassing and incurred whatever happened to her as a result of that, there was no personal injury or injury to property that I am aware of at this time. The acceptance of a temporary construction easement in your packet you can see at Exhibit A, a diagram of approximately 1800 linear feet of County Road 320. The summary of the engineering project is that there exist now five (5) culverts along that stress. All of those culverts are undersized and the project will involve replacing all five (5) of those with properly sized culverts and 2 additional more properly sized with be added for a total of seven (7). The property fortunately on either side is owned by single owner. I've been in touch with one of the two owners in a conference call with Jeff Nelson on August 3 and we obtained a verbal approval from Mr. Buxton, he owns the property with his sister. Mr. Buxton is currently is a resident of New Mexico and his sister is a resident in Wyoming. We expressed mailed the temporary construction easement and agreement to each of them and we're waiting to have those returned. What this is a temporary construction 70-feet outside the centerline of CR 320, which is more or less 40-feet from the edge of our prescriptive easement. So what the County Attorney and Road & Bridge are asking the Board to do today is simply approve the temporary construction easement and agreement with authority to the Chair to sign it. As soon as we receive back from Mr. Buxton and Ms. Sarver their signed notarized documents, the signatory of the Chair we will have what we need to proceed.
Motion
Commissioner Jankovsky – I have a motion to accept this temporary construction easement agreement with Warren Buxton and Edith Sarver and allow the Chair to sign. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Chairman Martin – This will take care of CR 320.
COUNTY MANAGER UPDATE: ED GREEN
PUBLIC MEETINGS:

- **VALLEY LIFE FOR ALL – BOBBY LAYMAN AND GARY BENDER**

Valley Life for All is connecting our Valley Resources for People with Disabilities, which is a grassroots movement created by concerned citizens in Roaring Fork Valley from Aspen to Parachute.
Bobby Layman and Gary (Margaret) Bender presented. We are here to get our new group organization to the BOCC to maybe the BOCC can back us on our approved. I have the statement – "I am on board of this Valley Life for All." Our mission statement is "Creating access to resources by connecting opportunity for all disabilities their families and communities from Aspen to Parachute."

- **LOVA FUNDING REQUEST – LARRY DRAGON**

Director Larry Dragon and Gary Broetzman, Chair from New Castle and the Board members are from all the areas that we serve. Larry submitted the 2012 Funding Request for:

1. $190,000 from the Conservation Trust Fund for Phase e of the South Canyon Trail;
2. An additional $500,000 over the next 2 years ($250,000 in 2012 and $250,000 in 2013

Larry stated that this would be the final piece to completing the eastern half of this project, from West Glenwood to the South Canyon Creek Road. Phase 3, which is by far the most ambitious, length, and expensive segment to date, will connect Phase 1 completed in 2008 and Phase 2 completed in 2011. The total project cost is estimated approximately $3,500,000. With the additional funds requested, LoVa will be well situated to leverage approximately $1,000,000 from Great Outdoors Colorado (GOCO). LoVa will be applying for the maximum award under this initiative that specifically targets trails along urban river corridors.

3. $53,710 in operations funds (including $3,710 for LoVa's office rent in the Henry Building was an additionally requested. (This is at the same level in 2011.)

Larry submitted his report and showed a very impressive slide show regarding LoVa. The LoVa trail is 47 miles from West Glenwood to the Mesa County line. This trail is an east west through Colorado vision and this is the first step between Glenwood Springs and the Mesa County line but it extends through the whole State of Colorado connecting to the Glenwood Canyon Trail, Eagle County and Summit County go up over Vail Pass and hoping one day all the way across the state. It is a statewide dream. There are side trails like the Rifle Creek Trail, spur trails, connecting communities to the LoVa trail. Larry gave the history of the trail beginning in 1999, a citizen group initiative that were concerned about doing this kind of work.
The South Canyon Trail is 5 miles from West Glenwood Springs to the I-70 Canyon Creek interchange. The need for this trail is 1) Provide a safe alternative to I-70 for non-motorized transportation and recreation; 2) Connect the rapidly growing communities of New Castle and Silt to the economic center in Glenwood Springs; 3) To provide connection to the widely popular Glenwood Canyon and Rio Grande Trails for all Garfield residents and visitors; 4) To provide a connection from Glenwood Springs to the Glenwood Springs Mountain Park in South Canyon and 5) To provide safe access to the Colorado River in South Canyon.
We need to raise funds for the design Phase 3 from South Canyon Bridge, down to Canyon Creek, we have a good idea of what we want to do but no engineering or design at this stage. New Castle is looking at a Bike-Ped Bridge over I-70 and we're working with the town on that, it is dangerous. Many park their cars on the south side of the river to get the RFTA bus on the north side and they walk across that narrow bridge with no shoulder to speak of.
Carolyn – Larry is requesting a renewal contract.
Chairman Martin – We will consider this during our budget process. We have been in this process for 9 years.
Commissioner Jankovsky encouraged Larry to lobby at GOCO as this moves forward.

- **SUNNYSIDE RETIREMENT CENTER REQUEST FOR FUNDING – MARTI DUPREY**

Marti Duprey, Margie Trebesh and Dean Crohls submitted an application for funds for Phase 2, which includes exterior pain, stucco repair, roof repair, parking lot repair, fence construction around the dumpster and plumbing repairs for proper function of our new boilers. Marti explained how the funds assisted last year and they are hoping the county will provide funds to assist them with Phase II.

Motion

Commissioner Jankovsky – I would make a motion that we approve $55,500 for repairs as itemized at Sunnyside Retirement Center and those funds come out of the Commissioners Discretionary Funds and that we renew our contact with Sunnyside Retirement Center and authorize for Chair to sign.
Commissioner Samson – Second.
Commissioner Jankovsky – I would like you to, if at all possible in doing roofing repairs etc use local contractors out of Garfield County, that is real important to me and a number of people are not working right now. I would appreciate that.
Dean – Agreed it was important to him also. Ed gave the balance in the Commissioner Discretionary Funds as $178,600. In favor: Jankovsky – aye Martin – aye Samson - aye

- **NECI/GARFIELD CLEAN ENERGY**

Alice Laird and Tom Baker presented the update on longer-term structure for Garfield Clean Energy, proposed IGA and funding target, report on a meeting between GCE and GCO.

- **UPDATE ON LONGER TERM GCE STRUCTURE AND REQUEST FOR FEEDBACK**
- **EXECUTION OF 2011 GNECI IGA'S WITH PARTNERING ENTITIES**
- **DISCUSSION AND POSSIBLE APPROVAL OF BOCC/CHAFA AGREEMENT**

Alice Laid gave the updates on the items listed above and provided the details in a packet given to the Commissioners.
Commissioner Jankovsky commented he serves on this committee and has seen how it has moved forward without any grants from the federal government. He explained how the continued success was measurable.
Alice explained the revolving loans are guaranteed from bank loans.
Commissioner Jankovsky explained how this folds into the Governor's Energy Program and the three priorities of transportation, energy efficient and education. The other is to have transportation through CNG (Conversion to Natural Gas) on vehicles.
Commissioner Samson reiterated that this organization needs to wean itself off the local government participation.
Alice stated that Garfield County has been an essential partner and still sees this Board as essential partners as we move forward including being a fiscal agent and staff involvement.
Chairman Martin – This does not need to be a government program. He suggested a workshop on the IGA. That workshop was set for October 4, 2011.
Carolyn – Are you satisfied that we will bring back a scope of work?
Chairman Martin There are many cuts in Congress and all the other budgets. We do not know at this time what those are going to be. This is for 2012.
Commissioner Jankovsky – When you go to Silt tonight, please tell them that I would like to see Brian Flemming as their representative on this Board.
Carolyn – We need direction from you on the scope of services. Alice, Jim and I will spend some quality time together this week.
Chairman Martin – I will once again go in with an air of caution on federal money and how it is going to go.
Commissioner Jankovsky – Please let Brian know there is more than just solar in what we're doing. Efficiency and CNG as well. Clean Energy is not just solar and wind. Its hydro, bio-fuels and CNG for bridge fuel. The entire portfolio.

Motion

Lisa – Do you want us to put $155,000 as a placeholder in the 2012 budget for funding?
Commissioner Jankovsky would like to see that as a placeholder.
Carolyn stated we would need to complete the IGA's for the 2011 form and need signature authority of the Chair.
Commissioner Jankovsky – so moved. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

PUBLIC HEARINGS:

EXECUTIVE SESSION:

A. PURSUANT TO §24-6-402 (B) AND (E) C.R.S. (LEGAL ADVICE; NEGOTIATING STRATEGY, POSITIONS, AND INSTRUCTIONS) REGARDING THE MARTINEZ (LIBRARY TRAIL) CONTRACT.

B. PURSUANT TO §24-6-402 (A),(B), AND (E) C.R.S. (LEGAL ADVICE; NEGOTIATING STRATEGY, POSITIONS, AND INSTRUCTIONS) REGARDING THE POTENTIAL PURCHASE OR ACQUISITION OF REAL PROPERTY.

C. PURSUANT TO §24-6-402 (B) AND (E) C.R.S. (LEGAL ADVICE; NEGOTIATING STRATEGY, POSITIONS, AND INSTRUCTIONS) REGARDING BOCC V. RUDD, GARFIELD DISTRICT COURT CASE NO. 11CV152.

Drew – There are three executive session requests and the statute requires you to give as much notice and state the legal basis for this session. We'll do all three at once. He listed the items above.

Motions

Commissioner Jankovsky moved to go into an executive session. Commissioner Samson – Second.
Motion carried.
Commissioner Samson moved to come out of executive session. Commissioner Jankovsky – Second. Motion carried.
Drew stated there was no public action taken in all three cases. The discussion in all three cases was limited to the perimeters as described in the agenda.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

NONE

REGULAR AGENDA: BUILDING & PLANNING ISSUES

COUNTY ATTORNEY UPDATE – LAND USE ISSUES: ANDREW GORGEY

NONE

CONSIDERATION OF REVEGETATION SECURITY RELEASE-CREEK SIDE ESTATES SUBDIVISION – STEVE ANTHONY

Steve Anthony stated that Creek Side Estates Subdivision, through its original owner requested a site inspection for the revegetation work done per the SIA. The site is located approximately 2.5 miles north or Rifle and just east of State Highway 325. The revegetation has been successful and staff recommended the release of the security bond for $3,178 for this site. Documentation was included with the request.
Legal direction to the Treasurer for the acknowledgment of satisfaction.

Motion

Commissioner Jankovsky – Made a motion that Creekside Estates has satisfied and completed their revegetation and that we release the vegetation security of $3,178.00 and authorize the Chair to sign. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDERATION OF REVEGETATION SECURITY RELEASE-WESTERN COLORADO STORAGE GRADING PERMIT – STEVE ANTHONY

Steve Anthony submitted the release of security for Western Colorado Storage/USREDI, LLC/Richard Splain located at 556 CR 352, east of Rifle in the security amount of $1707.73. Documentation was included with the request. There was a minor Russian Knapweed, which I asked the applicant to take care, and they did.

Motion

Commissioner Jankovsky – I will make a motion that we release the security of $,1701.73 to Western Colorado Storage USREDI, LLC/Richard Splain and that acknowledge that their work has been completed to our satisfaction and authorize the Chair to sign. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

SPRING VALLEY – WEED MITIGATION

Chairman Martin had one request from Spring Valley in reference to weed mitigation in reference to the large subdivisions that have been approved and no agricultural purposes going on.
Steve did a site visit last year but I haven't follow up this year.
Chairman Martin – The neighbors are complaining because it is getting out of hand. They were wondering if you do another visit and urge them to take care of it. It is encroaching on the pastures and private properties.

Staff Release Bonds

Andy Schwaller – A sedgeway, there are 120 of these security deposits floating around for grading, pipelines, land use, the process as you see we have to come before the Board to get approval for the Treasurer to release those. It is somewhat of a benign decision for this Board, the grass is growing, and are there weeds or not which is what Steve reviews. Along the lines of streamlining our processes to make it easier for the applicant to get their money back. One gentlemen applied in June and here we are in August finally getting to this approval. I checked with the Treasurer's office and legal staff and there might be a statement of authority that you can authorize staff to do these approvals so it eliminates the public hearing aspect and simplifies the calendar to get people's money released to them sooner. It's easier for the applicant and it's for the Board and probably easier for us as well. I just wanted to see if that was something you were interested in and if so we can do some more formal work in that area.
Chairman Martin – We have discussed that with the legal department and there are well over 300 of the type of bonds that the Treasurer is holding. We may need to work on a process. Some are different, some are easy and some not.
Carolyn – Do you want us to make it a workshop topic? It comes in Road and Bridge, Land Use and Building Code without necessarily any land use action. Do you want to look at all of them?
Commissioner Samson - Do all of them.
Chairman Martin – We will see if we have a process and what we can and cannot do. We will more forward and explore those possibilities.

PUBLIC MEETINGS:

CONSIDER A REQUEST FOR A ONE YEAR EXTENSION TO MEET THE CONDITIONS OF APPROVAL FOR A SPECIAL USE PERMIT FOR THE "EXTRACTION, PROCESSING, STORAGE AND MATERIAL HANDLING OF A NATURAL RESOURCE" RELATED TO THE RTZ GRAVEL PIT. APPLICANT IS 5-MILE RANCH, LLC. – KATHY EASTLEY

Kathy – Staff is recommending that the Board do extend that approval for a one-year period and I do not know if the applicant will be here.
Chairman Martin – The applicant has requested this extension to the staff and staff has made a recommendation to approve it. Going forward with this request, does it put us in jeopardy in reference to a decision?
Drew – No.
Kathy – Submitted the following Exhibits A –F.

Chairman Martin submitted these into the record.
The Board of County Commissioners conditionally approved a request for "Extraction, Processing, Storage and Material Handling of a Natural Resource" to allow gravel extraction operation to occur on a 130.5-acre portion of a 1,200-acre property. The approval was granted at a public hearing held on Monday July 13, 2009 and memorialized in Resolution 2009-52, Exhibit E. The conditions of approval adopted by the Board include:
This approval shall expire if the Special Use Permit has not been issued within one year of the date of approval of the application. The Special Use Permit shall expire fifteen (15) years from the date of issuance. If mining operations have not ceased and reclamation of the site has not been completed to the satisfaction of Garfield County and the DRMS, the Applicant may request an extension of the permit be granted by the Board of County Commissioners.
The Board approved a request for a one-year extension to allow additional time for satisfaction of conditions of approval until July 13, 2011 and memorialized that action in Resolution 2010-61, Exhibit F.
The conditions of approval adopted by the Board have not been satisfied; therefore, the Applicant has requested a second extension to allow for an additional one-year period, until July 13, 2012.
STAFF RECOMMENDATION
Staff recommends that the Board grant a second one-year extension to conditional approval granted by Resolution No. 2009-52 for the RTZ Gravel Pit.
Motion
Commissioner Samson moved that we grant the 1- year extension to meet the conditions of approval for a Special Use Permit for the extraction, processing, storage and material handling of a nature resource related to the RTZ Gravel Pit. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
COMMISSIONER ISSUES: COMMISSIONER REPORTS; COMMISSIONER CALENDARS; APPROVAL OF MINUTES AND COMMISSIONER AGENDA ITEMS
Commissioner Samson reported on the CCI meeting in Montrose last Friday and we need to tell the legal staff to tell the administration.
Chairman Martin – I'm meeting with Administration later today so I can relay that.
Natural gas symposium – CCI – Colorado Springs
Commissioner Samson – I presented the natural gas symposium idea to the western district and I think it was more or less unamanously from everyone there that we as Garfield County in conjunction with CCI try to set up for Monday, November 28th our Natural Gas Symposium so that all interested parties especially the County Commissioners as well as administrators, planner, legal staff and whoever could attend in Colorado Springs with the CCI conference.
Drew – This is where I used to live.
Commissioner Samson – The deal is we have to get on the ball and coordinate with Chip Taylor who is the Executive Director and I will definitely want to be involved.
Chairman Martin – We'll let you be our point person and advice administration to work with you.
Fairboard meeting
Commissioner Samson – I would like to schedule a workshop in the evening and do it in conjunction on one of their regularly scheduled Fairboard meetings. Contact Kip Constanta and ask him when a good time September or October and I will do that and they want to debrief and report to us. Mike requested this be placed on the agenda.
Calendars
Commissioner Samson – Tomorrow, a meeting with Nancy Kramer the gal from tourism that was on the phone with us. I think she will be requesting a date to come before the Board with her full presentation. We have the meeting and for those in the viewing audience, some confusion. The meeting tomorrow with Senator Udall and his contingency is from 2 – 3 at the Sheriff's Annex in Rifle.
Federal Mineral Leasing
Commissioner Samson – Wednesday, Drew and I will be meeting with Mr. Rippy and Mr. Schmela for our first Federal Mineral Leasing District meeting.
Drew – The Federal Mineral Leasing District now that you have created it and appointed a board it is a separate governmental entity and I'm under contract with this Board as an exclusive client so to the extent that I am providing legal advice and legal services to the district; I would need your authority to do that and then going forward the FMLD has to decide how to handle legal advice and all administrative services. They may chose to have an IGA with the County and that may or may not include legal services with us. They may choose to contract for different legal services and I don't think all of that will be sorted out of Wednesday. They will approve their service plan, present back to you for approval and they will receive their first distribution before the end of August. The legal services piece is an open question and I just wanted to make sure it was all right with this Board that until they are up and running it's not a conflict with this Board and that I have your permission to do that.
Chairman Martin – One of the big issues at that meeting will be where are they going to place the money and what guidance. It cannot go directly into the County coffers; they will have to decide what they are going to do with their banking and where they will store their money.
Drew – That will be decided on Wednesday, and we've in touch with DOLA and the accountant handling all of that and I will be presented that on Wednesday.
Motion
Commissioner Samson – I would move that this Board grant our legal staff the authority to act as the FMLD legal counsel until the district decides at the meeting on Wednesday, August 10, 2011.
Commissioner Jankovsky – Second.
Chairman Martin – I am trying to clarify that we are at arm's length in reference to this transaction and the creation of this district. We're trying to establish that this district get on its feet, we give the assistance and at that point they will make their own determination and their own decisions, legal, financial and operational issues as Drew pointed out. We are not controlling them as the Board of County Commissioners because that is not what this district if for. I'm happy with that as long as we have those guidelines.
Drew – Can I get a sense for the board that if they, they will be well funded period and they would be able to hire whatever counsel they wanted. There's enough money to do that.
Chairman Martin – There is and operational items, administration cost are allowed in that legislation - 10% allowed and I expect our representative from this Board to that board to guide them in a positive step to make those decisions.
In favor: Jankovsky – aye Martin – aye Samson - aye
CALENDARS
Commissioner Samson – On August 11, Thursday is the County Picnic and all members of this Board will be cooking for 200 people.
Chairman Martin – We start at 8:30 a.m. and be ready to serve at 11 a.m.

Commissioner Samson – Comment, tomorrow, did we want to send somebody to the Visual Resources in Meeker from 6 – 8 pm.
Commissioner Jankovsky – That's the northern area or our County on the other side of the Roan and I don't see it as a high priority.

Chairman Martin – Perhaps we should sent a message to Rio Blanco Commissioners to represent us.
Commissioner Samson will call and ask him to cover for us.
Commissioner Jankovsky – It's visual impacts on oil and gas rigs, visual corridor and wildlife.
Commissioner Samson –Wednesday meeting at 5 pm with City Council in their building to discuss the 2 parking lots and the issues surrounding them. We hope the City Council will understand what we're doing and work with us.
Jean – Is that a workshop or a Special Meeting.
Chairman Martin – It's a special meeting. We could make decisions.

Commissioner Samson – Friday, August 12 – Grand opening Mountain Valley Health Center, Rifle.

Commissioner Jankovsky – I'm meeting with Scott Balcomb tomorrow for lunch as a concerned citizen on the ULUR, getting his input on that. Senator Udall's meeting we talked about already. Wednesday at 10 am, I am at the Human Service Commission in Glenwood Springs; I was going to the Williams picnic in Parachute on Wednesday but had to cancel because of the City Council meeting. We talked about the County picnic. My oldest daughter is graduating getting her Master's Degree on Friday so I'll be in Denver and there is a solar energy international open house in Carbondale on Saturday, August 13 and I will attend.
Chairman Martin – Saturday, I cannot be with you because at 4 pm at DIA picking up my son, his wife and our brand new granddaughter who is 2 weeks, 3 days old. Sophia Louise she has a passport from Germany and they allowed her out of the country at 2 weeks old. Picnic – we have that going. This last week was extremely long and hard on the Fairboard, out staff and volunteers at the fairgrounds did a fantastic job. I cannot tell you how many thousands and thousands of hours were volunteered for the Fair and everything that took place. Thank you very much. It was for a good purpose. The cookies were great.
Commissioner Samson – I was at the Fair, Rodeo and Parade and I can tell you every event I went to was well attended. The demolition derby I think was the big event, again, both sections of the grandstands were packed and the pro-bull riding wasn't packed but almost.
Jean stated it was a much larger crowd that last year.
Commissioner Samson – That's what they said, it will just continue to grow as the word gets out.
Chairman Martin – The motor cross filled the stands as well.
Commissioner Jankovsky – I was in receipt of you email and we'll discuss that when we meet with the Fairboard.

Approval of Minutes
Commissioner Jankovsky – If we don't approve them they are automatically and one correction and that's was green completion and it stated great completion under the discussion on the Colorado School of Public Health.
Page 9 of June 20 on the 1st section – down 3 sentences at end "closed loop system, green completion.
ADJOURNMENT

PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, AUGUST 15, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 15, 2011 with Chairman John Martin and Commissioners Mike Samson and Tom Jankovsky were present. Also present were Assistant County Manager Dale Hancock, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.
CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION
CITIZENS NOT ON THE AGENDA:
Louis Buettner – A land surveyor and here representing Adrienne Crouch alluded to problems and corrections with the entire four sections of land owned by Ms. Crouch. Louis passed information to the Chairman.
Commissioner Jankovsky– After his meeting with Adrienne he talked with the county surveyor and he felt that everything up there was in accordance and was correct, just for the record.
Chairman Martin – I will be in touch with Louis later today or Tuesday afternoon or evening.
Louis – Best time to contact me is before 9:00 a.m. or after 4:00 p.m.
Chairman Martin – We have a report from Louis as well and he has everything that is documented from the beginning with Louis and Adrienne in a binder, chronologic order etc. and he has forwarded that to Drew as well.
REGULAR WORK SESSION:

1. **TREASURER'S UPDATE:** ***GEORGIA CHAMBERLAIN***

A. **DISCUSSION AND SIGNATURE AUTHORITY ON THE SOFTWARE LICENSE AND SERVICES AGREEMENT BETWEEN GOVERNMENT TECHNOLOGY SYSTEMS, LLC AND THE OFFICE OF THE GARFIELD COUNTY PUBLIC TRUSTEE AND THE BOARD OF COUNTY COMMISSIONERS FOR GARFIELD COUNTY**

Georgia Chamberlain and Carolyn Dahlgren presented the Software License and Service Agreement between the Office of Public Trustee and Government Technology Systems, Inc explaining in detail the license, authorized use, restrictions, ownership, control of documents, license term, renewal periods, fees for use and fees for training, support and other services.
Carolyn – It is an interesting situation. As best we can tell the GTS (Government Technology Systems) has acceptable all the changes that they requested in the document. Including much to their surprise, a promise on their part a willingness not to charge the county any extra money should they have to come up and do any extra training. Their original exhibit had an hourly fee for extra training and they have now said they would not be charging an extra fee; they will charge what they call a click fee.
Georgia – This Company is a software company for foreclosures to do everything electronically. For each foreclosure, they charge $45.00; if the foreclosure needs to be restarted, due to bankruptcy, then there is another $20.00 fee at that time of the restart. That fee is charged to the attorneys; it is part of the foreclosing attorney's fees. The county pays GTS and then they reimburse the county. It is of no cost to the county.
Carolyn – The software contract has what they have come to expect as the usual nonstandard software related contract provisions in it. The one that was more stringent than usual is in Article 10 limitation of liability and pointed it out to the Board referencing the red line version. Jim agreed it more stringent that the board has approved in the past. If we were ever in a contract dispute with these folks the damages we get would be no more than what Georgia paid them in past 6 months. It is not negotiable.
Georgia – We are not sure what the abilities are.
Carolyn – It's hard to imagine because they have excluded everything; like viruses, hacking, all the things we would be concerned about they have already said they will not be responsible for it. She thinks that is the state of the art.

Chairman Martin – How comfortable are you with that?
Georgia - 53 out of 64 counties are using this software package.
Carolyn – It does what it says it will do and allows Georgia an interface with the website.
Georgia – They make it happen so the foreclosure information is on our website and it is accessible, you can search it and currently Bob Slade has been creating the spreadsheet, then IT is updating it on a weekly basis. It's not as searchable as the website is created by GTS. Searchable meaning that you can just put in a name or an address and you can come up with the foreclosure. Now you have to go foreclosure by foreclosure. Although Bob has it set-up that he has separated out the different towns; foreclosures in Glenwood and Carbondale and Silt; but still if you can just put in data and it goes right to it, it is better. The GTS website allows you to see some of the documents creating the foreclosure.
Carolyn – It is more customer friendly.
Chairman Martin – It's all public information at a faster pace.
Carolyn – What they are looking for is the signature authority from the Chairman as written. If it turns out that there is anything that changes radically, we will have to come back to the board. There is a source code escrow document; meaning that should they go out of business or not be able in any way, even if they don't fully go out of business, not be able to support Georgia and Bob's operation the source code for the software would be in an escrow and Georgia would be able to get to it. I have two concerns: one they do charge fees but there are blanks for the fees. The other is that Georgia and Bob can't "give the source code to anybody else." Would Bob be able to do it in-house?
Georgia – No.
Carolyn – That one piece has yet to be negotiated because this just came to them Friday.
Chairman Martin – Well counties are using it so they are obviously able to overcome some of those issues.
Carolyn – If the board is willing to give Georgia that authority to finish negotiating this escrow addendum then they would like signature authority; it is a three party contract; Georgia, on behalf of the public trustee, you on behalf of the county, the Board of County Commissioners and GTS. If there are no major issues, we anticipate installing the software on September 6.
Georgia gave the Commissioners an update on the number of foreclosures. The higher dollar figures are in Carbondale however, the bigger issues are in the western part of the County.
Carolyn – I failed to tell you this organization is a Colorado company. This contract is for the end of 2011, then assuming budgeting and appropriation to occur in the middle of December. At that time, Jim and Georgia will bring the board a renewal.
MOTION:
Commissioner Jankovsky – The way I understand this; the cost to us is only when there is a foreclosure. We don't have a cost for the software other than when the $45.00 and another $20.00 potentially for foreclosure, and then you're receiving that money from the bank, or from the lawyers. It's a pass through. I'll make a motion that we accept the software license and services agreement between GTS LLC and the office of the Garfield County Public Trustee and the Board of County Commissioners and give the chair signature authority.
Commissioner Samson – Second. In favor: Martin – aye Jankovsky – aye Samson – aye

2. CLERK'S UPDATE: *JEAN ALBERICO*

a. APPROVAL OF RESOLUTION RE-ESTABLISHING COMMISSIONER DISTRICTS (MEMORIALIZING JUNE 20 HEARING DECISION)

Jean presented the Resolution re-establishing Commissioner Districts that was discussed during the June 20, 2011 Commissioner meeting. A map of the three (3) districts was included with the Resolution. Commissioner District 1 – 18,214 or 32.30%; District 2 – 19,345 or 34.31%; and District 3 – 18,830 or 33.39%. Jean included Exhibit A – Map and Exhibit B – Requirements under CRS 30-10-306.
Jean – There needs to be formal action taken; you have already had the meeting and the hearing and made a decision. We need to get it formalized as a resolution.
Carolyn – The resolution recites the date of hearing and that you actually voted on that day.
MOTION:
Commissioner Samson – It looks good to me so I will move that we pass the resolution that re-establishes the commissioner district.
Commissioner Jankovsky – Second.
Chairman Martin – That is included within the documents; any discussion?
Commissioner Jankovsky – Jean, are there going to be any changes in precincts?
Jean – Yes, we will have to make some changes in precincts, adjust the boundary line between precincts 2 and 3 and New Castle between 14 and 15 and in Rifle on 22 and 23.We bring it to you; it has to be approved by Board of County Commissioners. At this time, I'm waiting to see what's going to happen with the re-districting of the State House and Senate Districts because that could have impact. The precincts need to be completed by the middle of December. Caucuses are in March. The primary is the last Tuesday in June.
In favor: Martin – aye Jankovsky – aye Samson – aye

B. **PUBLIC HEARING:**

ISSUANCE OF A SPECIAL EVENTS LIQUOR PERMIT FOR HABITAT FOR HUMANITY ROARING FORK VALLEY TO SELL ALCOHOL AT THE NATIONAL SHEEP DOG TRIALS SEPT 15-18 FROM 11 AM TO 7 PM AT THE STRANG RANCH IN CARBONDALE – *JEAN ALBERICO*

Drew Gorgey ascertained that the posting, public notices, mineral owners and leases, and public notice from the Citizens Telegram were adequate and advised the Board they could continues the hearing.
Chairman Martin swore in the speakers.
Jean presented the application for the special event liquor license, including the map of the parking and location of the beer and wine garden, the summary of the registered agent, letter from Kristen Wiles of Habitat for Humanity of the Roaring Fork Valley giving the employer ID number and tax exemption information; letter from IRS regarding the tax exemption; 2011 National Sheepdog Final Information Sheet for September 13-18 at the Strang Ranch in Carbondale; application and checklist. Jean testified that she and Kathi went up on the end of July. We posted on the property at the Strang Ranch off County Road 102; we used about a half a roll of duct tape which was not enough. Our assistant county attorney lives up there and lets us know that the winds blew the sign down. She got hold of Mr. Boas and he went up and secured it; she had pictures. That is the only requirement no necessity for publication.
Drew – Because this is a special events permit, it doesn't have to be published in the paper. This posted notice ten days in advance is sufficient. There are some requirements that are unique to special events; this is a four-day permit and they are actually allowed to be open longer. They are well within the perimeters of the statutory period, the hours of day during which they can serve. The unusual requirement is that they have to have, not prepared food available, but food. In a discussion off the record this morning the applicant assured them, there are 15 food vendors. To his review, they have met all the necessary requirements including providing documentation that they are a nonprofit and affiliated with their local chapter affiliated with a national organization. They provided the appropriate documentation, and they are fine to proceed.
Chairman Martin – Is that accepted to this board, and it was. He accepted notice and he swore in the speakers.
Jean –This is the local chapter of Habitat for Humanity of the Roaring Fork Valley who is requesting this special events liquor permit. They will be serving alcohol at the National Sheepdog finals at the Strang Ranch, which is at 0393 County Road 102in Carbondale.

This is a weeklong event submitted complete but they are only requesting the permit for four days. They submitted a complete application with one of the most detailed side maps she has ever seen. Tom Boas is the representative for Habitat for Humanity.
Mrs. Strang stated the event would start at 7:00 a.m. until about 5:00 to 5:30 p.m. This is the national finals, which you have to qualify for this event. It is called a championship because it's 150 dogs and they pick the best out of those.
Tom Boas – Super bowl for doggies. For those that haven't been to sheep dog trials before; this is not like a rodeo or a concert. The consumption of alcohol is really just there to augment the food and sales will not be approaching whether it is Strawberry Days or Mountain Fair.
Mrs. Strang – The biggest consumers are actually the handlers.
Tom Boas – The City of Carbondale has quite a few ties in events downtown. They are expecting on sales, he originally heard, 10 to 12,000 people for the weeklong event. It doesn't mean certainly that they will be up on the Strang ranch all at one time. He thinks attendance would be 1,000 to up to 3-4,000 on the Saturday as it wraps up and Sunday is a wind down day.
Mrs. Strang – Meeker sells an average of 3,000 to 5,000 tickets on the weekend and they don't have the infrastructure that Carbondale has to put people up.
Tom Boas – It should be a nice boost to the local economy and it is a reoccurring event, every three years.
Fred Jarman – This is typically under the Land Use Code, a public gathering; and it is any group of 200 or more persons assembled for a meeting, festival, social gathering or an assembly for a period of time which exceed 10 hours. It's really a question for the board if you want a permit.
Chairman Martin – Do we wish to have a permit or not?
Fred – The 10 hours is one thing that we struggle with. Is it ten hours for the whole thing; it's not clear and he would leave that to the Board of County Commissioners to decide where the ten hour period is. If you were saying, you would run the dogs from 7:00 a.m. to 5:00 p.m. there's your ten hours. Fred explained the administrative permit as being a minimal thing. The event is September 13 – 18. There is potential of a disgruntled individual saying to the Commissioner saying wait a minute your Land Use Code says you need a permit and you didn't get one. Commissioner Jankovsky – I think it would be a good idea to get a permit just for your own protection.
Chairman Martin – Two separate items; we have the liquor license to approve and then afterwards give direction for a permit because of the size of it.
Mrs. Strang – Clarification - The sheep dog trial starts at 7:00 a.m. and their tent opens at 11:00 a.m.
MOTIONS:
Chairman Martin – I'll need a motion to close the public hearing.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye
Commissioner Samson – I would move that we grant the issuance of a special events liquor permit for Habitat for Humanity Roaring Fork Valley to sell alcohol at the National Sheep Dog Trails September 15th through the 18th from 11:00 a.m. to 7:00 p.m. at the Strang ranch in Carbondale.
Commissioner Jankovsky – Second. In favor: Martin – aye Jankovsky – aye Samson – aye
Chairman Martin – Now the direction is to sit down with Fred for a permit or a review with information that you have here and any other information that is necessary for Fred to issue a permit. It's administrative unless of course they have a call up and that would be before the board between now and; do you need 30 day notice after you get an application?
Fred – It may take 15 days.

3. **CONSENT AGENDA**:

a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. Changes to Prior Warrant List
e. Authorize the Chair to sign a resolution approving the second one-year extension for satisfaction of conditions of approval related to a Special Use Permit for Extraction, Processing, Storage and Material Handling of Natural Resources for the RTZ Gravel Pit. This site is located southwest of Parachute at the intersection of CR 300 and SH 6 and the applicant is 5-Mile Ranch LLC. – *Kathy Eastley*
f. Authorize Chair to sign stipulation of settlement in BOCC v. Rudd, Garfield County District Court case 11 CV 152. – *Cassie Coleman*
g. Authorize the Chair to sign the Resolution for Clifford Cerise Ranch Company, LLLP for the approval of "Extraction" of aggregate (MIPA 6545) on a 97.81 acre parcel (Parcel No. 2393-253-00-158) located at the northeast corner of State Highway 82 and Crystal Spring Creek Road – *Molly Orkild-Larson*
h. Authorize the Chair to sign the mylar for the Amended Final Plat for Quicksilver Court Subdivision. The Director of the Building and Planning Department through an Administrative Review approved this Application. The Applicants are George H. Daniels III and Gregory J. Hasenberg. – *Glenn Hartmann*

Motion
Commissioner Jankovsky made a motion to approve the consent agenda items a – h.
Commissioner Samson – Second. In favor: Martin – aye Jankovsky – aye Samson – aye

4. **COUNTY ATTORNEY UPDATE:** ***ANDREW GORGEY***

A. CONSIDERATION, APPROVAL OF GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT SERVICE PLAN, AUTHORIZE CHAIR TO SIGN.

Drew Gorgey submitted the Federal Mineral Lease District (FMLD) Plan for the review of the Commissioner, explained in entirety and requested the Chair to be authorized to sign the Service Plan for FMLD. The By-Laws would be on the Commissioner's agenda in the future. Drew explained the organizational meeting, how funds are received from DOLA to the FMLA into two separate accounts, administrative and distribution, the time period; the Board is required to have one County Commissioner serve; that previously has been decided as Commissioner Samson. Drew explained the boundaries, how other FMLD districts could become involved into a super district, how this is a separate governmental entity from the County, etc. Drew was asked to let me continue to be the attorney for the FMLD. He requested two motions; one to approve the service plan and the second motion to waive any conflict that the board would have with me continuing to do work on this district until it is reduced to writing. Drew further explained the operation of the FLMD with the controls and in the 2012 county budget not have this reflected. The FMLD has three very important controls; number one they must pass a budget, number two they must have independently audited financial statement annually, and number three they have to submit those audited financial statement to the state treasurer annually. The Federal Mineral Lease District payments have two statutory directions as to how funds are to be spent. The standing statutory directive is in Title 3463-102 section 1a1says that the funding is to be used for planning, construction, and maintenance of public facilities and for public services. . The new Federal Mineral Lease District Act gives some additional guidance to the district board on this point. Drew explained how he would take vacation time to work on the FMLD as their attorney. This needs to be very specific.
Commissioner Jankovsky – For everyone here; why we are doing this.
Chairman Martin – Attempting to preserve the payments that come from the federal government to be used in the proper way; we have several payments from the payment in lieu of taxes, forest service, school resource and also federal mineral leasing. What this does is

preserve payment in lieu of taxes in whole to the county and it does not have the prior year offset from federal mineral leasing to payment in lieu of taxes. Both funds remain whole; if they came directly to the county, the county would lose quite a bit of revenue from payment in lieu of taxes. Setting up a special district the way we did would allow the ability to request grants or projects through the federal mineral district. Chairman Martin continued to explain the concept, how the funds area allocated to the FMLD and how this needs to prove itself.
Commissioner Samson –If this works out down the road we may be forming a regional FML district and then joining forces through all of their funds and create a super fund. At that time, they would have a super district with a super board and they could look at financing regional projects. For example County Road 5, which would immediately help Rio Blanco Countyand Garfield and Mesa County as well.
Drew –The statute as written would allow this and clearly spells out a directive for county federal mineral lease districts to have IGA's with each other and cooperate with each other now. So that County Road 5 or any other regional project that you would identify, you may be able to accomplish now if you have those willing partners. To Dale – Just because PILT has been on the books since 1976 doesn't guarantee that it will stay on the books.
Chairman Martin – Correct. Clarification was made that the County has never used the FML funds to support the County. It may be one of those actions by the federal government to do away with that payment simply because of the budget cuts. He pointed out that both payment in lieu of taxes and federal mineral leasing have not been going to support the entire general fund and all of the activities. For many years, these funds have been placed in the energy mitigation fund. This places those funds under a new governmental entity.
MOTION:
Commissioner Jankovsky – I'll make a motion that we approve the Garfield County Federal Mineral Lease District Service Plan as submitted and authorize the chair to sign. Commissioner Samson – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

B. AUTHORIZATION FOR INTERIM LEGAL SERVICES TO FML DISTRICT

Drew Gorgey submitted a request for authorization to provide interim legal services to the Federal Mineral Leasing District (FMLD). He explained he would do the legal work on his vacation time, bill the district for his time, expenses, etc. He explained fully that this was an entirely separate entity from Garfield County and the FMLD was a separate local governmental entity.
MOTION:
Commissioner Jankovsky – I'll make a motion that we authorize the county attorney to continue interim legal services for the FML district and we'll waive any conflicts. Commissioner Samson – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

C. CONSIDERATION/ APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH BLM REGARDING DEVELOPMENT OF THE ENVIRONMENTAL IMPACT STATEMENT FOR THE WESTERN EXPANSION PROJECT II PIPELINE - TAMRA ALLEN

Tamra submitted the United States Department of the Interior (BLM) application for a right-of-way to construct an approximately 95-mile, 16-inch diameter natural gas pipeline from the Dragon station near Vernal, Utah to the Thompson station near Moab, Utah and extends this initiation to participate in the environmental process as a cooperating agency. This is the Enterprise Mid-American Pipeline will impact Garfield County approximately 25-miles from I-70 going north to the border of Utah in the most western portion of the County. The letter was originally submitted to Molly Larson; however, I am the one that usually handles these matters. I would suggest my name be substituted for Molly.
Commissioner Jankovsky volunteered to be the Commissioner who serves for the EA process.
Chairman Martin favored having both a staff member and a Commissioner to work with BLM.
MOTION:
Commissioner Samson – I would move that we appoint Tom as our commissioner representative and Tamra as office staff in building and planning to be appointed to the cooperating agency with the BLM concerning the pipeline from Vernal, Utah to Moab, Utah to Garfield County. Commissioner Jankovsky – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye
Carolyn – Early in the year you adopted a resolution with a spreadsheet attached that laid out your responsibilities as individuals on different boards and committees and that resolution allows you to change it by what you just did this morning by motion. She would ask Ed to let Dawn know as she keeps the spreadsheet up to date.

5. COUNTY MANAGER UPDATE: ED GREEN

a. **HUMAN SERVICES COMMISSION**:

i. **2012 HUMAN SERVICE GRANT AWARD APPROVAL** – *Dustin Dodson*

Dustin Dodson presented two spreadsheets to the Commissioners containing the name of the agency and the 2012 the 2012 Human Service Grants. A list of those receiving funds was submitted.
MOTION:
Commissioner Samson – I would move that we grant the Human Services grants for 2012 to the organizations listed for a total of $469,000.00. Commissioner Jankovsky – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

a. **BOARD OF HUMAN SERVICES**:

I. EFT/EBT DISBURSEMENTS

Mary Baydarian submitted the EFT disbursements including food assistance and leap for a total of $961,943.40. She requested the chair be authorized to sign the disbursements. This is for June and July. The disbursements in the allocated programs in July total $299,709.45 and for food assistance, they were at $662,233.95 for a total of, for the first time under a million of $961,943.40.
MOTION:
Commissioner Martin – I'll make a motion that we approve the EFT/EBT disbursements for June of $1,015,036.38 and for July at $961,943.40. Commissioner Samson – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

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 submitted the revised grant award for $95,514.00 representing a reduction of $1,698. The notification of grant award and agreement was included in the Board's packet. Mary requested the Board's approve and signature on the revised grant.
MOTION:
Commissioner Samson – I move that we approve and authorize the chair to sign the Northwest Area Agency revised grant for a total of $95,514.00. Commissioner Jankovsky – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

III. CONSIDERATION AND APPROVAL OF NOTICE OF GRANT AWARD WITH THE AREA ON AGING OF NORTHWEST COLORADO FOR CONGREGATE NUTRITION SERVICES

Mary Baydarian submitted the notice of revised grant award representing a reduction of $5,369.00. The total grant is for $123,497.00. The grant was included in the Board's packet.

MOTION:
Commissioner Samson – I would move that we would grant the approval and authorize the chair to sign to sign the Northwest Area Agency on Aging revised grant for congregate nutrition services for a total of $123,497.00.
Commissioner Jankovsky – Second. In favor: Martin – aye Jankovsky – aye Samson – aye

IV. CONSIDERATION AND APPROVAL OF THE SFY12 CORE SERVICES PROGRAM PLAN

Mary Baydarian submitted the Core Services Program Plan for 2012, which she included in the Board's packet. There is an increase in combined 80/20 and 100% of $16,200.00. Garfield County will continue to be the fiscal agent for the regional plan that includes Eagle, Pitkin and Summit Counties. The significant change was explained fully.
Commissioner Samson – This is for a total of $454,682.00.
Mary – Correct. .
MOTION:
Commissioner Samson – I so move. Commissioner Jankovsky – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

V. REQUEST SIGNATURE FOR ELIGIBILITY POLICIES AND PROCEDURES FOR COMMUNITY SERVICES BLOCK GRANT COVERAGE OF TRAVELER RIDERS

Mary Baydarian submitted the Policies and Procedures for the Block Grant for coverage of the Traveler program, Traveler Riders. A copy is included in the Board's packet for review and outlines eligibility requirements and age requirements.
MOTION:
Commissioner Samson – I would move that we approve the eligibility policy and procedures for community services block grant coverage of our traveler riders.
Commissioner Jankovsky – Second. In favor: Martin – aye Jankovsky – aye Samson – aye

VI. PROGRAM UPDATES

Submitted in the packets the program updates.

BOARD OF HEALTH:

I. IMMUNIZATION CONTRACT AMENDMENT – MARY MEISNER

Mary Meisner submitted the amendment to the Immunization Services Agreement with Rocky Mountain stating the compensation of $9.01 for the serum would be paid. The CHP will provide coverage in full for immunizations.
Mary – There is no dollar amount in this contract it is just going over the terms of the contract and allows them to bill Medicaid recipients.
MOTION:
Commissioner Jankovsky – I make a motion that we approve the immunization contract amendment with Rocky Mountain Health and Maintenance Organization. Commissioner Samson – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

II. POSITION RE-INSTATEMENT REQUEST – MARY MEISNER

Mary Meisner requested a position to be re-instated and explained her reasons as being an impact to current staff.
Mary – This is for a reactivation of the PHNIII position. Her reasons for the reactivation; the position was vacated. This has been an overwhelming task over the past year in addition to their additional duties. Additionally, we had the 2011 flu season starting in full swing in October adding another dimension to their jobs. All the community flu clinics need to be planned and carried out. In 2012, it will be a busy year for public health. The agency will begin their community health assessment process required by the local public health agency contract with the Colorado Department of Public Health and Environment. I would really like to begin this in October when they are seeing this push with the flu vaccinations clinics would be a total of $14,085.00 for the next three months. The cost for 2012 would be $56,340.00 not including benefits. She requested the Board's thoughtful consideration of her request and their approval to reinstate the PHNII position.
Commissioner Jankovsky – It will probably be $76,000.00.
Commissioner Samson – We need to decide if we are going to reinstate for October, November, December of this year for a total cost of $14,085.00.
Mary – Yes and we lost our environmental specialists the end of July, so there will be some wage savings until they fill that position.
MOTION:
Commissioner Samson – I would so move that we reinstate that position for October, November, and December for a total cost of $14,085.00 for the PHNIII position.
Commissioner Jankovsky – Second. I have concerns about us growing government, so I don't know that I will vote in favor.
Mary – I will have the caveat that if we have any resignations in our lower level position I will not come forward and request those to be filled.
Commissioner Jankovsky – Once you put this in here it's really tough to eliminate a postion. I would just ask if we do this, could you figure somewhere else in the 2012 to make up the $76,000.00 in your overall budget.
Mary – Okay.
In favor: Martin – aye Jankovsky – aye Samson – aye

- **ENVIRONMENTAL HEALTH PROGRAM UPDATE AND UPDATE ON ENVIRONMENTAL HEALTH ACTIVITIES – JIM RADA AND PAUL REASER**

Jim and Paul explained they were before the Commissioners today to update them on several programs such as the Oil and Gas related Air Quality Issues, Roaring Fork Valley Air Quality Monitoring site; Environmental Health and Monitoring Study (EHMS) Design; Garfield Clean Energy Initiative; Radon Outreach; Vehicle Idling Reduction Project; Wildfire Smoke Awareness; West Nile Virus Outreach; Air Quality Management Plan and the Pilot Woodstove Exchange Program highlighting the reports. Included were the Oil and Gas related Air Quality Issues, Roaring Fork Valley air quality monitoring site, Environmental Health and Monitoring Study Design, Garfield Clean Energy Initiative, Radon outreach, Vehicle Idling Reduction Project, Wildfire Smoke Awareness, and West Nile Virus Outreach.

- **UPDATE: GARFIELD COUNTY PILOT WOODSTOVE EXCHANGE PROGRAM - PAUL REASER**

Paul Reaser presented and included a memorandum in the Commissioner's Packet explaining the pilot program, benefits including environmental, health, economic and safety.
Commissioner Jankovsky – Who makes the distinction on who is eligible?
Paul – They have set some income guidelines; obviously, the applicants would have to go through a process, and meet them. This is a pilot program and the first attempt to see if this can be sustained and work toward changing all of the old wood stoves in county at some point. Presently, we are focusing on low income households.
Jim Rada– He has been collaborating with a couple of different agencies on getting some guidance in terms of what constituents a low or very low-income household. They have been doing research.

- **UPDATE: GARFIELD COUNTY AIR QUALITY MANAGEMENT PLANNING PROCESS – PAUL REASER**

Paul Reaser presented and included a memorandum in the Commissioner's packet saying over 6 years, the Garfield County Public Health has been working to better understand air quality issues in our County. This department is committed to ongoing air quality improvement initiatives that will ensure clean air regardless of future growth and development in our communities.

One very critical missing piece to our existing program is an air quality management plan (AQMP). We envision this management plan to serve as a framework for how Garfield County will manage short term, intermediate, and long-term air quality issues. Our goal is to seek out "community champions" to help us carry out a process for developing such a plan. The following should begin to address the goal by asking from our stakeholders, who, what, where, when, why and how.
Commissioner Jankovsky – Is this an in house project or will you bring in a consultant for this? How does this process move forward?
Paul explained a facilitator would come from the State of Colorado through the Human Resources Department and not necessarily CDPHE. This facilitator was very effective of getting a diverse group of people together on a consensus, teamwork, collaborative effort, and he is anticipating this person will be able to do that for us. He is hoping to come to Garfield County and go through the facilitation process, free of charge, up to about a 16 to 20-hour process over the course of maybe two workdays sometime in September. Then the next step would be to draft a management plan by the end of September, early October. Then go through an editing process after that and have a final document for the board by the end of the year.
Dale – Which Human Resource department are you referring to?
Paul – I think the administration.
Dale – Department of Personnel Administration?
Paul – Yes.
Commissioner Jankovsky – Thank you for doing that in house. It seems like we get one consultant after another in front of us.
Jim Rada – This is the first attempt to do something like this in Garfield County. All the work we have done with the stakeholders and team partners established over the years; they feel it is worth the effort and they should be able to do a fairly effective job to create this first cut at an air quality management plan. Depending on how issues go in the future it may have to become something bigger but they hope they can get established and get moving on a strategic approach to dealing with some of these issues in the community. Commissioner Jankovsky said he might have a few names for them.

d. **PUBLIC MEETINGS**:

i. **CONTINUED DISCUSSION AND APPROVAL OF DEVELOPMENT AGREEMENT(S) WITH AUTHORITY FOR CHAIR TO SIGN ALL NEEDED DOCUMENTS – CITY OF GLENWOOD SPRINGS PARKING 7TH AND COLORADO** – *Betsy Suerth*

Drew Gorgey and Betsy Suerth explained the meeting held with the City of Glenwood Springs Council and the Commissioners with the only topic of discussion being the parking lot at 7th and Colorado. There are two lots and the City/County own one and the County owns the other. The approval for the maintenance handled by the County was approved but as to now, there hasn't been an official approval therefore awaiting a response.
The contract for paving has been awarded to Gould Construction. Drew explained in detail the joint meeting.
A key feature for the public is that the access to 7th Street is going away and instead of that access, that driveway will now be two additional parking spaces. This is all happening as we speak and I would simply ask that the Board approve that in principle and let them bring the actual maintenance agreement back one week from now. Ms. Dahlgren may have some questions for the board on that agreement. The last two pieces have to do with the scope of services for the contractor. Again, he will defer to the experts on what those expansions to the project are and ask to give as much approval as they can this morning so that work can being immediately and they will bring all the paperwork back to the board a week from today for approval.
Betsy –We do have a drawing to submit to the board. You have seen very similar versions at the joint meeting with the City and the board last week. We do have a change order, in concept approval for the board today and ask for a motion for that change order so they have pricing on that.
Chairman Martin – The change order is between $55,000 and $65,000.
Randy – After this morning's e-mail from Gould the change order is $62,523.50.
Chairman Martin – That's for the extra concrete work, the leveling, the compacting and repaving. Are signs included in that?
Randy – Signs, landscaping, curb, gutter, and asphalt. The access will be off Colorado, not 7th Street.
Betsy – That does include some minor adjustments for the DBA plaza area on the northeast corner of the lot.
Chairman Martin – We will need to take some action.
Betsy clarified the signage.
Chairman Martin – The signage will take place after the completion of this lot. Then we will make that one the employees and sign it correctly. We'll open that up to the public after 5:00 p.m. and on weekends.
Commissioner Jankovsky – This lot is an 8-hour lot.
Randy – One other statement regarding the change order, you are still working within the budget.
Carey – One point of clarification in addition to what Mr. Gorgey has already requested, I would request that the board approve the development agreement and development permit as well and authorize the chair to sign.

MOTION:
Commissioner Jankovsky – I'll make a motion that we approve the development agreement and development permit with Glenwood Springs for the eastern portion I believe of the parking lot at 7th and Colorado and authorize the chair to sign. Commissioner Samson – Second. In favor: Martin – aye Jankovsky – aye Samson – aye
Commissioner Jankovsky – That's for $62,523.50.

MOTION:
Commissioner Jankovsky – I'll make a motion that we approve the change order for the western portion of the parking lot at 7th and Colorado and we approve the change order for $62,523.50 and allow the chair to sign.
Commissioner Samson – Second. In favor: Martin – aye Jankovsky – aye Samson – aye
Chairman Martin – Ms. Dahlgren in reference to the maintenance agreement.
Carolyn has not seen the drawings and asked if there were separate drawings for the eastern part or is it combined?
Randy – It is combined and preliminary right now.
Carolyn – But it's engineered and stamped and our contractor is doing the striping and signage?
Randy – It will be part of this change order.
Other issues discussed were landscaping, use of the DBA plaza by the public, handicapped spaces, no parking restrictions and snow removal responsibilities.
Drew clarified the maintenance agreement that is being drafted right now is the construction of the western lot. Issues about snow removal will and maintenance going forward we are advising that be in a separate agreement. We can do it in this one if you want.
Chairman Martin confirmed with Dale that we do not have formal agreement presently regarding maintenance.
Carolyn – Do you think the city will want a drop-dead date to put in this maintenance agreement versus the development agreement?
Betsy couldn't speak for the city but they know we are trying to finish this as quickly as possible.
Chairman Martin – We want to finish before the end of September.
Betsy had a question about the signage. The commissioners have indicated that you want to know hour or day limits; however, she might advise that a 24-hour limit would be appropriate. Beyond 24 hours it is close to the rail and you may have people who park there and leave for 10 days. We may want 24-hour limit and have it monitored.
Chairman Martin thinks that the city has an ordinance you could follow and we can comply with the ordinance they have in place. When it's completed and open they will move everyone from the 7th and Colorado lot and do the construction at that time. When 7th is

done they will invoke the permit process on the 8th and Pitkin lot. The signs will also change at that time, which will be open after 5:00 for general public parking.
Carolyn – Is the city at all involved in any kind of construction observation of this is all on the county's shoulders?
Randy – It is all on the county.
Chairman Martin – Do we need to take any other action on your maintenance agreement.
Drew – We will bring it back on Monday and if they are able to do the second maintenance agreement for the ongoing maintenance, we will.

ii. **AWARD OF COMMUNITY WILDFIRE PROTECTION PLAN TO WALSH**- *Jim Hackett and Chris Bornholdt*

Jim Hackett and Chris Bornholdt presented the Award of Community Wildfire Protection Plan to Walsh Environmental Scientists and Engineers in the award in the not-to-exceed amount of $50,025.00. There were four respondents; however, based on the score criteria Walsh was the highest rated score. Staff recommends approval of this award.
Commissioner Jankovsky – My question is we don't run the fire districts; we don't have a fire department. Why is this important for the county and how does it tie in with the local fire districts? I mentioned earlier that it seems like all they see are bids in front of them for consultants etc. I have a concern that these end up on the shelf, not used and would like to have a good explanation on why you would like to see this approved.
Chris – The state highly suggests that the counties all have a CWPP countywide. He explained how the fire chiefs got together, scored the applicants and are highly involved. They will be involved with it from here on because the vendor will have to get with each fire district, get their concerns and let them know what they have in their areas. It's an easier process for them and for the fire districts if everybody's is the same instead of one department. The fire chiefs and he thought this would be a good idea to do as a countywide deal. They have all pitched in grant money to help pay for this project. The fire departments have come up with $16,000.00 and he has a grant for $20,000.00 and possibly another grant for another $5,000 or $6,000.00 to help pay. It is a county project; all the fire districts are involved and t will look better as a county project versus a fire district project for mitigation money later.
Chairman Martin – About 2/3 of the county is under the wildfire plan with the sheriff because it is not within a fire district. Even though he is responsible by statute to maintain and to control a contract, or get some hold on the wild land fire issue as well as they also receive from the forest service and BLM in reference to making sure there's a plan in place. We have to report back to the treasurer that the county has used these funds for this specific reason of fire plan and that's the mitigation plan that we need to have in place.
Commissioner Jankovsky – Additional funds are budgeted? It sounds like you have most of it covered.
Chris – $9000.00 to $15,000.00 is what they have to come up with and he was going to use his contingency fund for that since he didn't use it this year, whatever the difference.
Chairman Martin – They identified $36,000 or $37,000.00 from the secure rules schools act of the payment from the forest service to go to this plan. I hope they still have those available to cover the added cost; that's what that money was to be used for and we have to make sure that we report that properly and it goes to the finance department to report to the treasurer or the state that we have used those. Otherwise, they are subject to return to the federal government.
MOTION:
Commissioner Jankovsky – Good explanation. I would make a motion that we approve the contract to Walsh Environmental Scientists and Engineers LLC in the amount of $50,025.00 for the development of a community wildfire protection plan.
Commissioner Samson- Second.
In favor: Martin – aye Jankovsky – aye Samson – aye

iii. **RENEWAL OF SOFTWARE MAINTENANCE AGREEMENT FOR "SMARTNET" WITH INFORMATION SYSTEMS CONSULTING INC (SCI)** - *Jim Hackett*

Jim Hackett submitted the extension of warranty on Smartnet equipment purchased through the Information Systems Consulting, Inc. in an amount not-to-exceed $62,226.36 for Cisco products.
Jim – It is his intent to use a purchase order for this one and give it to Chairman Martin for signature after approval instead of using a professional services agreement since this is nothing more than an extension of a warranty on product. It's in the IT's budget.
MOTION:
Commissioner Jankovsky – I'll make a motion to award a purchase order to the Information System Consultants Inc. in the amount not-to-exceed $62,226.36 for the extension of the maintenance and warranty services for Cisco products and authorize the chair to sign. Commissioner Samson – Second.
Drew met with Jim and this issue last week and he is comfortable with it. IFC is the contract representative for Cisco. We deal with IFC instead of Cisco.
In favor: Martin – aye Jankovsky – aye Samson – aye

iv. **ADOPTION OF FINAL CLOSEOUT PROCESSES FOR PROCUREMENT DEPARTMENT**- *Jim Hackett*

Garfield County Procurement
Process Number: 27
Process Name: Disposal of Surplus Garfield County Property
Overview: Property disposal is an essential element of the property life cycle. If County property has no practical, efficient, or appropriate use or if property has been used for a period equal to its useful life, the County must dispose of the property in an equitable, efficient, and consistent manner. Jim continued with the purpose, process, responsible parties and affected parties referring to specifics.
Jim – Procedure 27 is the only one that really had substantial changes to it. Today, he is asking the board to adopt those three procedures. Those will be the final procedures and then they will move into the next steps, which is redevelopment of the county code.
MOTION:
Commissioner Jankovsky – I'll make a motion that we adopt process number 27 disposal of surplus Garfield County property for the procurement department, processes for the procurement department.
Commissioner Samson – Second.
Carolyn – Before you vote on that I just want to make sure that motion is clear that you are not in any way amending your Procurement Code or approving these processes and procedures as the law of Garfield County. Rather you are essentially blessing an administrative procedure.
Commissioner Jankovsky – We did accept them by motion and then you will get the entire packet back to us for final.
Chairman Martin – That's a public meeting as well.
Drew – There is a work session on September 7th on the code, procedures, drawing a line between your code and these procedures. This is an important point that Carolyn is making. You have to read them together and we want to make sure that they say what you want them to say.
Jim – One final thing just for your note; I did receive an e-mail on Friday from Mesa County on the regional, and they are in the midst of having their attorneys draft the policy so it will be reciprocity as it stands.
Commissioner Jankovsky – We were going to have a discussion somewhere.
Chairman Martin – We are about to do that at the western district; that didn't happen.

Commissioner Jankovsky – No it was the western contractors; he saw that somewhere.
In favor: Martin – aye Jankovsky – aye Samson – aye

EXECUTIVE SESSION:

Drew – As noticed on the printed agenda in advance of today's meeting, the executive session is announced for these purposes:

a) Pursuant to §24-6-402 (a), (b), and (e) C.R.S. (Legal advice; negotiating strategy, positions, and instructions) regarding the potential purchase or acquisition of real property. Possible public action to follow.

Motions

Commissioner Jankovsky- I'll move we go into an executive session. Commissioner Samson seconded.
Chairman Martin had one added item in reference to review of a legal status and auctions in reference to potential action with the US Government, Department of Ag in reference to their letter and their appeals process. Can I include with that one to get strategy or direction?
Carolyn – County Road 241 or the multiple roads?
Chairman Martin – The multiple Travel Management Plan.
Commissioner Jankovsky – I would like to see that as part of executive session if that is appropriate.
Chairman Martin – Again, if there is any public action to be taken, we would do that after executive session; but he wanted to bring that to every ones attention and see what the legal options are.
Drew – You are asking for an executive session pursuant to 24-6-402 (b) receiving legal advice on a specific legal matter specifically the Forest Service Travel Management Plan?
Chairman Martin – Correct.
In favor: Martin – aye Jankovsky – aye Samson – aye
Commissioner Samson moved to come out of executive session and Commissioner Jankovsky seconded the motion
In favor: Martin – aye Jankovsky – aye Samson – aye
Chairman Martin believes everything is contingent until next Monday, no public action.
Drew – Both items for executive session was held on both items, discussion was limited to those announced on the record; no public action will be taken today. Both executive session items will appear next Monday at a special meeting of the board.

REGULAR AGENDA: BUILDING & PLANNING ISSUES

1. **COUNTY ATTORNEY UPDATE – LAND USE ISSUES: ANDREW GORGEY**
2. **PUBLIC MEETINGS:**
3. **PUBLIC HEARINGS:**

I. **CONSIDERATION OF A TEXT AMENDMENT TO AMEND OR MODIFY THOSE SECTIONS OF THE UNIFIED LAND USE RESOLUTION THAT SPECIFICALLY REFERENCE HOW THE COMPREHENSIVE PLAN SHOULD BE ADDRESSED IN MAKING LAND USE DECISIONS. APPLICANT IS THE BOARD OF COUNTY COMMISSIONERS – TAMRA ALLEN**

Tamra Allen submitted the Text Amendment to the Unified Land Use Resolution (ULUR) of 2008, as amended. She entered Exhibits A – F.
Chairman Martin entered Exhibits A – F into the record.
Carey clarified the only requirement is notice by publication and the Board could proceed.
Chairman Martin swore in the speakers.
Tamra went over the exhibits and explained the background and description of the proposal. The Board of County Commissioners (BOCC) requested on February 22, 2011, an amendment to the Unified Land Use Resolution of 2008, as amended (ULUR) for all areas of the ULUR that ask for a Land Use Change Permit to demonstrate a level of compliance with the adopted Comprehensive Plan. At that time, the BOCC expressed a desire to preserve sufficient flexibility in the decision-making process by modifying or removing specific references to the Comprehensive Plan. The Garfield County Comprehensive Plan 2030, adopted by the Planning Commission on November 10, 2010 states "[t]he Plan has been developed to provide a general statement of direction for land use planning in unincorporated Garfield County. The Plan provides a foundation for decisions and policies that guide and direct the physical, social and economic development for the unincorporated portions of the county." In addition, the Plan notes that it is long-term in nature and the "goals, policies and strategies of the plan are intended to provide a steady, predictable direction of the next 20 years." The Plan also states that "as needs and issues continue to change in the County, the Plan will need to be revisited and updated to be sure that it continues to reflect the public vision and the plan's realistic implementation." Unified Land Use Code Resolution requires for over 41 years that land use decisions to be consistent with the adopted Comprehensive Plan. In both the 1970 and1978 zoning resolutions, the code required land use decisions to be "in accordance with" the adopted Comprehensive Plan. In the 1984 revised code, the language continued to require "conformity or compatibility" with the Plan. The ULUR adopted in 2008 states: "Enactment, amendment and administration of this Land Use Code shall be ***in accordance with and shall serve to implement the goals and policies of the Garfield County Comprehensive Plan."*** Neither the Plan nor the Unified Land Use Resolution (ULUR) currently requires compliance with the Plan to be verbatim "mandatory." The ULUR uses a variety of phrases to describe the required adherence. The Colorado Revised Statutes – Article 30-28-106(3)(a) of the C.R.S. states "the master plan of a county shall be an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the county's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements…" thus leaving it to each county to determine how to appropriately use their adopted comprehensive plan during the land use review process, excluding three land uses for which the Colorado State Law explicitly requires general conformity with the comprehensive plan. These land uses are: Location and Extent review (C.R.S § 30-28-110(1) (a)); PUDs (C.R.S. § 24-67-104); and 1041Transit Facilities (C.R.S. §§ 24-65.1-202(5)(d) and 204-(4)(a)). For context, Staff researched the current language in the County's adopted ULUR as well as the language that is used in the land use codes for various municipalities and counties. In sum, all municipalities within the County as well as similar counties have language in their land use code that requires staff, applicants, planning commissions and councils/trustees/boards to evaluate the consistency of a land use application/decision with their adopted Comprehensive Plan.

RECOMMENDATIONS

The following options were outlined by the Applicant (BOCC) for the Planning Commission to consider in this Text Amendment request. The Planning Commission reviewed the following text amendment options at a May 18, 2011 public hearing. She explained and noted these were included in the Board's packet.

PLANNING COMMISSION RECOMMENDATION

At the May 18, 2011 Planning Commission meeting, the Commission reviewed the request made by the applicant, took testimony from the public and voted unanimously to retain the current code language that states: "Enactment, amendment and administration of this Land Use Code shall be in accordance with and shall serve to implement the goals and policies of the Garfield County Comprehensive Plan." Planning Commissioners present for the public hearing included Phil Vaughn, Cheryl Chandler, Greg McKennis, John Kuersten, Michael Sullivan and Jock Jacober.

Board of County Commissioner Action

The Board should review the Planning Commission recommendation, take public and comment and make a final action to either retain, remove or modify the text of the ULUR in regards to the Comprehensive Plan.

Discussion:
Michael Sullivan supported the existing language in the Code as mandatory saying this plan reflects the wishes of the residents of Garfield County. He elaborated going into detail for his reasons.
Susie Ellison urged the Commissioners not to change the language in the comprehensive plan. It is a plan to implement citizen's vision for where the county is going. This was created by citizens. People need clear guidelines to plan for the future. She explained in detail her reasons for keeping the Comp Plan as mandatory.
Jack Pretti speaking on behalf of the Glenwood Springs Association of Realtors saying this document needs to be flexible and used as a guiding tool for future planning and its residents. It is a document that is put together for the planning concepts for the next 20 years. It ties your hands as the decision makers of this county as to how you go about and what flexibilities you do have to determine the outcome of development plans that may have a lot of merit to it; but does not maybe meet the exact requirements of the comprehensive plan. Without short of going through an extended process in a text amendment application, he would encourage the board to follow along the lines of implementing this as an advisory tool, advisory document to be used as a guiding tool for the future growth of Garfield County.
Rockward Sheppard - His thought is a basic belief that elected officials should be making the rules and advisory committees should be advising. Going through a PUD process or any type of development process, you go to planning commission and they make recommendation to the commissioners. It's advisory whether to approve or disapprove something but you are not required to follow what the planning commission said. We started trying to get a simple text amendment and they spend about $40,000.00 on attorneys, civil engineering and going back and forth to try and get the language right to make the amendment. It is not an easy a process as some people seem to think it is in order to get an amendment. With an advisory document, they can meet the needs of the times.
Mary Russell – She would like to address the fact that the ULUR is a public document and as commissioners and leaders, she believes she is a leader in adaptable leadership skills, which pretty much is the premises of adapting to current changes in our economic, social, and environmental condition use. The ULUR is the public's plan and as elected county officials, you have been given authorization by the public of Garfield County to make and carry out decisions and policies that address the health and welfare of all natural and built environments at any moment in time. The board has the same integrity around addressing the public's needs. The current plan, as it is written, addresses the needs of the full county.
Chairman Martin – We are talking about two separate things. The Comprehensive Plan is a document by the planning and zoning and the community; P&A worked with the people and made recommendations. The Unified Land Use Code and Regulations were adopted and put in place by the Board of County Commissioners, handed down to follow rules and regulations; guiding rules. We are trying to compliment each side in reference to the comprehensive plan, the rules and regulations, how they apply the rules and regulations to the compounds, that's what we are really talking about. We are not trying to change the comprehensive plan. We are just trying to understand, apply fair and equally to the staff as well as to everybody else.
Dave Smith is here on behalf of the Town of New Castle. We submitted some referral comments. This Board is talking about how you take that macro document, the comprehensive plan, and bring it to the micro land use level through regulatory enactment. That is a very difficult thing to do and every local government struggles. I don't think the land use code or the comprehensive plan is broken and needs fixing. There is a history with this document and some private developers have had unfortunate scenarios; I have personally experienced some of it. He disagrees with everyone that says the comp plan amendments are easy and should be undertaken; they should never happen unless it is the absolute an exception to the rule. In this case, the comprehensive plan probably does fall down a little bit for this particular applicant. Towns like New Castle is coming from this point of view; we were a stakeholder in the process of getting this new comp plan updated mostly because they were concerned about what happens outside the borders of the town. The message he has heard consistently from both his council and people he has talked to is the baseline. Should we have a comp plan, that's where the conversation starts. If you need to deviate from that because you have a compelling development then it is incumbent upon staff and ultimately the commissioners to say you know what, the comprehensive plan may fall down here. That doesn't mandate an amendment to the comprehensive plan. I think the language in the code as written gives you that baseline and gives you the flexibility to interpret it. It really is an advisory document. Our comp plans overlaps and sometimes there may be conflict. At that time, it is important to have dialogue and discussion.
David Harris – It comes down to trust, it isn't a big technical thing. The commissioners are elected officials. The P&Z are appointed and they should not be setting legislative policy. I would strongly encourage this Board to go forward with the amendment and make sure it is with a capital A.
Roger Eshelmen –I successfully navigated the comp plan amendment process; it was not easy. It uses a very broad brush to paint where 6 acres and where 10 acres should go. It is a very broad brush that should be challengeable and it should be negotiable and not set in stone. I appreciate what the Board's position is of keeping the document flexible.
Chairman Martin – No. We are just trying to make sure that they have the corresponding interpretation between comp plan, what it means and how we apply those regulations. We are trying to put that bridge together.
Roger – I realize managing growth is an issue on one hand, on the other hand I resent anybody trying to tell me within reason, how to develop my property. This offends me as a private property owner. I had a real simple project that cost so much money that it is ridiculous. It doesn't encourage development, people that are against development he would encourage them to sell their house and give somebody else a chance to live here. In my opinion, the comp plan has attacked ARRD zoning. I have a place that is no less than 2 acres. The comp plan came along and changed that. If it is not something that the board can work with and be flexible it is limiting possibilities.
George Ware – I am here to echo the folks before him. Retain the current code language. He thinks the comprehensive plan is a real important future look for our county and he thinks to change the current code language would tend to minimize the importance of all the work that went into to looking towards our future.
Eric McCafferty – I have been on both sides of this issue, the very first comprehensive plan amendment was done with the very first irritation of Sanders Ranch. At that time, I was working for the county and that was not easy. Comprehensive plan amendments should never happen. It is his opinion that the Board of County Commissioners should keep the comprehensive plan as advisory. I think in Mr. Eshelmen's case the plan provides a broad brush over all the lands in the planning area. What his problem was is that he had a small amount of acreage and probably the comprehensive plan said no, you should be in this proposed zone district, which is probably 10 acres or something greater and bam immediately you're thrown out because you can't comply with the comprehensive plan. That should not happen. I want to stress that it is not easy to amend the plan; it is that bureaucratic step to go through. If you're trying to encourage development in the future and someone has a good idea that on first read of de-comp plan, hey it's not going to comply, he or she may not want to put out the funds necessary to go through the plan amendment only to get shot down at that time. A number of speakers have said the comprehensive plan has a lot of very subjective language and making these evaluations depends on who is doing the evaluation. It is an over my dead body approach. You are not in compliance with the comprehensive plan so because of the subjectivity which is inherent in the plan, he thinks the comprehensive plan should be advisory only.
Philip Vaughn – I will limit my comments to the Unified Land Use Code (ULUR) amendment. We are not discussing the value of the comp plan today. Earlier, the P&Z was asked to have unanimity amongst the members. Section 1-107 - An implementation of comprehensive plan enactment amendment and administration to code shall be in accordance with and shall serve to implement the goals and polices of the Garfield County comprehensive plan. Unfortunately, the language is not advisory, is not mandatory. This is not what the current language says in the code; it says shall be in accordance with. Many of the municipalities have conformance in

compliance with very similar language to what the Garfield County code calls for. P&Z spent about 1 ½ years, 18 plus meetings, citizens advisory committee, planning commission and the consultant involved in this process and over $300,000 taxpayer dollars involved in this comprehensive plan process. We arrived at the end to a general concept about what can occur in Garfield County. When you look at the comprehensive plan, you say okay how my plan fits with the urban growth boundaries. How does my plan fit with housing, recreation, open space and with economic development? What you can do is be in general compliance with those concepts. That is the important thing to look at in this plan. The comprehensive plan is not some form of mandatory document and I'm sorry that it has been characterized in that fashion. In my tenure on the P&Z of 22 years, we have been through the code rewrite, the comprehensive plan rewrites twice. Thousands of applications have come before the planning commission. At no time have I ever seen anyone's hands be tied. I think the largest issue we face today in Garfield County and ultimately Western Colorado is this issue of economic development. This is an issue that is near and dear to my heart; I feel it is extremely important for everyone to understand whether the issue is the Unified Land Use Resolution or whether it's the Comprehensive Plan. And what are we doing and how we are impacting businesses that want to come to Garfield County or expand in Garfield County. The key word is predictability. People need to know the expectation of whatever community they chose. There's must be a partnership between government and business. When as much time was spent on this 2030 Comprehensive Plan, people need to understand it is a guiding document. These regional job centers we have set-up around the county was in to request businesses to come here, whether it's at Garfield County Airport, Anvil Points or Parachute/Craig. It's important to let businesses know here's the areas they are taking a look at for that investment. Folks like to know where growth is likely to occur. I do not feel this document ties the commissioner's hands because there is predictability and a good middle ground. Therefore, I would urge the commissioners to retain the language of the code.
Commissioner Samson – Phil, would you say the arguments you presented today are basically the basis of the argument that would be presented by all six of the planning commissioners that voted?
Philip - No sir. The only thing I am representing today is as chairman of the planning commission, on May 18th there was a vote and unanimity to maintain the current language.
Commissioner Samson – Point number two, what are you asking this board to do?
Philip – To retain the current language of the code.
Commissioner Samson – And not change the land use code as well as the comp plan?
Philip – Today, understanding the only issue before us is just simply Section 1.107 A, I am recommending the Board maintain that language in regards to whether there's revisions needed in the comprehensive plan. This is a separate and distinct discussion.
Commissioner Samson – So you are only addressing ULUR?
Philip – Yes sir.
Chairman Martin – The comp plan revisal would be totally different than what we are doing today.
Commissioner Samson – Whatever happens today is going to happen. Some people are going to be mad and some aren't. Regardless of that, thank you Philip and the P&Z commission for the countless hours. Whatever happens here it is not personal. If we don't see it your way, or his way, or her way, or whatever; we are still very thankful for the countless hours.
Philip – I would hate to count the hundreds if not thousands of times I have disagreed with county commissioners and its okay. It is a respectful disagreement and we move forward as a team. Members of the P&Z may disagree on certain issues but we come together as a group with appreciation and respect for everyone on the commission.
Bob Fullerton – Serves on the Planning Commission, we put together the consultants, staff's time, the citizen advisory group and that's really how it needs to be done. The plan was identified as mandatory; however, this mandatory statement wasn't in the comp plan, actually the land use code indicated it was. That's the bottom line and a process of clarifying how we are going forward. We did our best, but ultimately the board as elected officials makes that decision.
Cheryl Chandler –I am a 19-year member of the planning commission. Staff's recommendation was that we did not want to do comp plan amendments. I feel we were guided more by the consultants than I really wanted to be I voiced this to all of the commissioners and to staff. I have been involved in a prior comp plan in Garfield County. I did not want the consultants to tell her what to do. We do try to be unified as a planning commission and come to the board with a vote of confidence from the planning commission. I still think it is an advisory document. All of this has been said that it would ride on the backs of the IGAs; we don't have any new IGA's so if this is all riding on everything we received from the six towns, there hasn't been any changes. As a citizen I think it is an advisory document; we are listening to people that only advise the commissioners, this Board votes. I worked on the ULUR rewrite and I would like it to go back to an advisory document.
Drew –Ms Gagnon and I have some comments for the commissioners. The first is just a general statement about the differences in the roles between the planning commission and the Board of County Commissioners. The zoning laws in the United States go back more or less to the 1920's. Zoning came about because Manhattan was a small piece of real estate and the commercial districts were coming up against the residential districts, and someone said do something and so they did. This is the seminal case for zoning is Village of Euclid vs Ambler in about 1926. From those origins in Manhattan from Euclid is the structure you have to this day of planning commission and elected officials. Every planning commission every planning commissioner everywhere is appointed to serve as citizen volunteers to give through, rigorous comment and review to every application that comes through there. Their work then is advisory. The elected officials have a different job, which is to give the final approval or disapproval with or without conditions for every land use application. These two are separate and distinct roles by design. So that the planning commission who are not responsible to the elector can speak freely, advise freely, openly, give all that advice; however, in every case the board has the power to accept it, reject it, do whatever you want with it. This process has been in the United States for 75 years and there is no real reason to change it. Two other important points: The first is that all of the work that was described on the specific planning commission, all the hours that you have been giving for 22 years and the others on your commission have been giving for a very long time is always extremely valuable. We were talking about other consultants earlier this morning; this is not a plan that will sit on the shelf. The comprehensive plan is there and will be used. It must be used statutorily in some cases regardless of what you do today with this text amendment. Legislation says a planned unit development application shall show general conformity with the master plan. That is not a power this Board has been awarded. That being said you do get to choose whether this is advisory or mandatory. I won't advise you either way, just tell you, you have that power. The legislature gave vested with the planning commission the exclusive jurisdiction over the comprehensive plan. This is probably for the same reasons that those roles were separated from the beginning. We want unfiltered through review; we want you to give us long range advice on how to use our land. The Board of Commissioners cannot change the master plan but they can decide what role it will have. The citizen volunteers are the only ones who can change it by design. The elected officials, who are responsible to the elect, choose whether it is binding or advisory. One other thing was mentioned, if you make the comprehensive plan an advisory document that somehow you would be exposing a charge of being arbitrary and cupreous. I reject that outright. The Board of Commissioners sitting in a quasi-judicial role with these land use applications has every one of its decision reviewed under the rules of Civil Procedure Rule 106. I cannot think of a set of facts under which they would ever get that finding. The last thing; should you refer this issue of mandatory verses binding versus advisory to the electrets, my initial question is whether that is even lawful. I would reserve the right to research that; but the two ways that things generally get on the ballot are if the board refers it and second is through citizen initiative; however, there is no power of citizen initiatives at the county level. There is no way for the citizens to petition to put this issue on the local ballot. The second power would be; can you refer it? Could you refer this question to the ballot? Again, I am not so sure you can and my initial sense is that you

cannot. I think that requires statutory authority. As an example, the medical marijuana ban is clearly written in statute term limits. It's the same thing. In this case, the legislature has vested in the County Commissioners land use approval authority including how you treat the comprehensive plan; I am not sure that they can divest yourself of that through the process.
Carey – I wanted to highlight attachment A in Tamara's Exhibit C. It is a comprehensive list of all the references to the comprehensive plan and the code. It is inclusive; these are all the ways in which the Comprehensive Plan is referenced in the Land Use Code currently. Then just to underscore again that the PUD process whether you remove reference to the Comprehensive Plan and the Unified Land Use Resolution or not, applicants will still be required to demonstrate general conformity with our comprehensive plan as they go through that application process. It may be beneficial for staff and for your legal department to have some guidance on what those applications should include as far as a narrative. Removal completely may present some additional questions from your planning department as to how to demonstrate that compliance. The other two areas Tamra has mentioned is location, expense and 1041 regulations as they apply to Rapid and Mass Transit Terminals. Those, even if you remove them from reference in the land use code, would still need some required compliance and general conformity with the comprehensive plan in reviewing those applications.
Commissioner Jankovsky to Carey; even with PUDs, transit facilities etc says here that Colorado law explicitly requires general conformity with the comprehensive plan. Even that is not 100% clear it would be in general conformance.
Carey – Agreed with him and general conformity is not the same as shall conform.
Mary Russell – I have four points based on what I heard other people say. 1) Government has a duty to partner with business but it's just not business, government has a duty to partner with the social factors of the community as well as the environmental considerations of the community social equity as well as environmental. 2) The members of the planning commission who created this document through a long and difficult process could not have done this individually. It is a hard hearing the members negate their importance and ability to create such a document. I want to applaud them. Predictability to her is a myth and there is nothing predictable. The term bifurcation is one of her favorite word because it happens all the time. Encourages them to really see that people who live in this county whether they were born here or not; we love it. I am a new Englander and hears all the time native, native but we who moved here can love this land just as much as anyone who's been born here..
Chairman Martin – We as the board took part in developing parts of the comprehensive plan. We collaborated with the planning commission. We believe the comprehensive plan is the future direction in which they wish to take the county. We are not trying to change the comprehensive plan in anyway. If everyone got equal say we would have a true democracy; however, we don't have a true democracy, we have a representational government, which means that that falls upon the three sitting here to make that decision for those that elected us and even those that did elect us in one way or another. As to being native, my family has been here since before this was even a state. My family was when it was a territory. Yes, we have lots of roots; I believe in protecting and cherishing this land. Mr. Samson was born here in this very town and has lived here all his life. Tom is the only immigrant on this Board but he has a tie to this land in many ways. Do I have a motion to close the public hearing?
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Martin – aye Jankovsky – aye Samson – aye
Chairman Martin – We have asked for a change. We heard testimony, communities, other groups and had comparison. What is the direction this board wishes to take in reference to the language of the unified land use code?
DISCUSSION AND MOTION:
Commissioner Jankovsky – I'll make a motion to change in the ULUR 1-107A to modify the language to read the Comprehensive Plan serves as a guide and is advisory to goals of the land use in Garfield County, which the Board of County Commissioners has determined appropriate. Commissioner Samson – Second.
Commissioner Jankovsky – I too sat through most of the comp plan rewrite and I would like to compliment Chairman Vaughn on his ability to really listen to everybody, I mean really listen and to include everybody. I think job that was done on the comp plan was very good. It's a good document, it's a strong document. The things that really stick out for me and for the comp plan, it is a some say 10,000-foot view, I'd say a 30,000-foot view. It's a broad view of the entire county and this is a large county. This County is 3,000 square miles and the plan goes for 20 years; it's good for at least 10 to 20 years. It ranges out there for a long time. How you can look from a macro view and look out for 30 years, expect people to do everything that comes in front of the planning and zoning commission and in front of this board and boards in the future to match that. You can't be that much of a visionary to be able to do that. In fact, we were going through the plan and down to the last minute almost and here come the folks from Sweetwater. Which were way out in the northeastern end of the county and they're going hey, what about us? We are trying to do a development up here and if you guys change, if you don't have us included correctly in here we are pretty much in a real pickle. Which gets to the amendments to the comp plan, what Mr. Eshelmen said and what Rocky had to say. I think it cost almost hundreds of thousands dollars to amend the comp plan in some cases. If you don't get the comp plan amended you don't even get in front of P & Z to present your regular plan let alone the opportunity to get in front of the Board of County Commissioners. What counselors had to say about the planning and zoning commission is advisory to the Board of County Commissioners. We are the ones that are elected and we are the ones, if you don't like what we are doing then you can vote us out and have another group here. I think that's important in how I look at that as well. The comp plan is a great document and every time something comes in front of me that's one of the things I read; it meets the comp plan. I know if it didn't meet the comp plan that planning and zoning staff would tell us it doesn't meet the comp plan. I also look at how planning and zoning voted on different issues. I feel advisory needs to be in here because we need more clarity. I heard what Mr. Smith had to say and Phil; you can use it like it is now, it would be advisory but the fact is at least from my own personal experience it was definitely mandatory and you had to change; you had to make an amendment to the comp plan. If you didn't you were dead in the water right there. So I really feel there needs to be more clarity. I think we really tie back into state laws, which say that the master plan of the county shall be an advisory document to guide land development decisions. That's Colorado's law and those are the reason for my decision.
Commissioner Samson – There's two words that stuck out in his mind today. One is predictability that Chairman Vaughn talked about. Coming from my angle, predictability is of things can always change. The two of us might not be here in year, year and a half whatever. I may not be here in a two years that can be unpredictable. The reason I bring that point up is you try to be as predictable so that people that want to come into the county and make a financial investment etc. That is important if I'm going to come in and invest hundreds of thousands, millions of dollars I want to know what's happening here before I start throwing that money around. That's something that the three of us or whoever sits on this board will have to weigh that very heavily. But my point is there is only so much you can do and that can change in the next election in about a year. I don't think it will, I hope it doesn't; but it could. Point number two is the word trust, that's what it boils down to. Who do you trust; do you trust us as the Board of County Commissioners to make the right decisions in our mind after we evaluated and listened to everything to make the best decisions that we think are the best decisions for Garfield County? And, that's where the trust comes in and you have to elect people and the buck stops here. The three of us have to make a decision taking all of that information and we have to be the final say on what will happen. If we don't do that, if we don't safeguard that then I don't think we're doing our job as county commissioners. I have people asking me every day; what does a county commissioner do? That's one of the big things a county commissioner does is land use and what is best for Garfield County.
CLARIFY MOTION:

Carey – I do have a series of questions that are points of clarification in regard to the motion. I just want to make sure I am clear. The motion is to amend the language in section 1-107 A to use the sentence that is provided in option D (yes); is that correct?
Commissioner Jankovsky – That's correct, yes.
Carey – Part of that we now have additional references to the comp plan throughout the rest of the code. I heard you say that you were interested in also revising those additional provisions so that they reflected the advisory nature of the code as well, or are you interested in removing all of the other references so there is no inconsistency between different provisions of the code.
Commissioner Jankovsky – I definitely want to have consistency in the provisions of the code. I don't know that I want to remove all those. I'd have to go through them one by one and otherwise, I would rather have that state advisory.
Commissioner Samson – You would have to look at each and every one. You were referring to page 2, the list. Look at for example, one, two, three, four, five, six, the 6th one there, Carey. It says achieve conformity with… Am I on the wrong page? And he was.
Carey – One way we can approach this is if the intent is to revise all of these additional provisions to reflect the advisory nature of the comp plan if you would allow us to come back with those revisions for your final approval that would expedite the process. I would also insure you that we have reflected your true intent in the final revision.
Commissioner Jankovsky – Or, in 1-107 A, if there is some way you can reference all the other, everything else that's in here as advisory then that might be an option.
Commissioner Samson – That language is in that table; the point I was trying to make is that some of those terms used in table are not compatible with each other.
Carey – Exactly!
Chairman Martin – That's the point we are trying to achieve.
Carey – We want to make sure that all references in the land use code reflect your true intent of making this an advisory document.
Chairman Martin - Based upon the statement that he had on his motion, which is the language in option D that he has suggested to remain consistent throughout the land use code.
Amended Motion
Drew – The motion as stated can stand with direction to staff to represent the rest of the code sections to be consistent with the motion you're passing today.
Commissioner Jankovsky – I concur with that in my motion.
Commissioner Samson – Second.

Carey – One additional question about proper interpretation of the proposed language for 1-107 A; if I were to approach this as a matter of statutory interpretation, I would read it as being that the Board of County Commissioners has deemed appropriate that phrase modifies the term goals. So it's the goals that the Board of County Commissioners has determined to be appropriate. I'm not sure that staff can read your mind in determining which goals are of importance to you in the comprehensive plan. I wonder if you would be open to considering language that read simply the comprehensive plan serves as a guide and is advisory to the goals of land use in Garfield County. I don't intend to put words into your mouth.
Chairman Martin – I think that the intent was there; it's the changing of the guard of the Board of County Commissioners no matter how long it lasts. To have the ability to establish those goals; but I still think that it's implied with your language. This would just specifically say the Board of County Commissioners are the ones that determine that particular goal. Is it again being ambiguous and not actually to the point on how you're establishing those goals or not? The authority, the responsibility and the accountability are for the Board of County Commissioners to make those determinations and have the direct responsibility to the citizens. Is it necessary to have the Board of County Commissioners in there or the language that you had; but the intent was to make sure that the Board of County Commissioners sits on the hot seat is what it amounts too.
Tamra – As a matter of implementation if I were to write a staff report I would wonder, what are the goals the Board of County Commissioners. They might be separate from the comprehensive plan, which is not a board document; so my question is, where is staff or where is an applicant to go to find out what those goals are so that we can determine as appropriate whether an application is in compliance. I think it is important that we focus on this again, as we look at implementing this section of the code.
Commissioner Jankovsky – I think you would come back in front of us and say this application does meet the goals and so forth of the comp plan; however, the comp plan is an advisory document and serves as a guide.
Chairman Martin – It's a Catch 22! What are the goals of the commission; they change and we recognize that they change. The citizens recognize they change and when you put new commissioners in, those general goals change. What you are looking for is consistency within rules and regulations and that's good for your world but it is not good for our world. That's the reality; the goals have to be established by the rules and regulations that are approved by Board of County Commissioners. The goals are the rules and regulations that are bound to the comprehensive plan. We are going through the revision of rules and regulations not the polishing but the full rewrite based upon our goals and vision of Garfield County and that's how I would say you have to interpret what our goals are.
Fred Jarman – Let me see…
Chairman Martin – We will have to open the public hearing again to take the testimony. Is it the desire of the Board of County Commissioners to reopen the hearing?
Motion to Open the Public Hearing
Commissioner Samson – I so move. Commissioner Jankovsky – I second that.
In favor: Martin – aye Jankovsky – aye Samson – aye
Fred Jarman – As I'm trying to think about how an applicant would look at this, not even talking from the staff perspective yet. But let's say there is someone in the county who has 100 acres and they want to come develop that and get an approval from Garfield County. I'm looking at the language in D, I'm putting myself in the applicant's shoes, and thinking what are those goals? So how do I best craft my application to Garfield County so they meet those goals. Right now as this is drafted, I'm trying to get to where you want to go; but where this is drafted there is nothing in here to tell them what those goals are. The comprehensive plan document has a set of goals; is it your desire to keep the goals that are already in the comprehensive plan as the goals, making it only advisory, is it that the goal or is it a whole different set of goals that we haven't seen yet? Because the applicant is going to want to know when they come to you what are those goals so they can say Chairman I have met your goals, I would like an approval; or you could say you haven't met my goals I can't approve you. How does anybody know what those are?
Chairman Martin – They are in the rules and regulations that are approved by Board of County Commissioners that dictate exactly what can be used in your decision making matrix as well as the individual rules and regulations of the code. That's what your goals are.
Fred – I'm trying to understand where you are headed with this Chairman. What I heard you just say then the goals are the ULUR
Chairman Martin – Yes.
Fred – That's what you're saying; not the comprehensive plan, what you are saying is your application needs to be meet the ULUR and that's it right?
Chairman Martin – That's right and those are the guidelines of the comprehensive plan which again are recognized by the Board of County Commissioners, which has been advised through the planning and zoning up through as a guideline.
Fred – I would suggest we say that in here because it's not clear; if you want to say that, I would just say it.

Commissioner Jankovsky – If we change this to say the comprehensive plan serves as a guide and is advisory to land use in Garfield County and take goals out of there completely.
Chairman Martin – At which time again rules and regulations are open for change, adjustments, zone text amendments, regulations and also the ability for this board to see if it does benefit the county and be able to either apply them or to tweak them in your world. At that time, you have the flexibility; you have again the guidelines and recommendations of the P & Z and we're not undermining them at all. The reality is this board has to make the final decision based upon those rules and regulations and how we interpret the rules and regulations; then be held accountable to the general public. I think at that point, you achieved the goal. That's the way I see it.
Fred – That's helpful Chairman; I'm just trying to make sure that anybody who owns property and wants to build in Garfield County has a clear voice from you all on what they need to do. However, we need to get them there I think is really what your intent is.
Chairman Martin – That's the whole idea to go behind and rewrite the rules and regulations to establish those which is open to every Board of County Commissioners. This board cannot dictate into the future and other boards what the rules and regulations would be. However, they would still adhere to and be guided by the comprehensive plan, which is citizens from this point forward and compliment both of them and deal with reality.
Commissioner Jankovsky - I would just like somebody who is making an application to be able to know if they need to they can get through planning and zoning; if they get turned down by planning and zoning they can still come in front of us. No guarantees whatsoever; we are going to look if they have been denied by planning and zoning and they don't met the comp plan then that's some red flags for us to look at. But at the same time sometime in 10 or 15 years there may be some idea out there that none of us have even thought about today that's great for the county. But it doesn't meet the comp plan and they still need to be able to process; they need to go through the process and get a final decision.
Commissioner Samson – I just think to clarify for them it should read; "the Comprehensive Plan serves as a guide and is advisory to the Unified Land Use Resolution of 2008 as amended.
Drew – As to the phrase regarding goals; what we had suggested is the Comprehensive Plan serves as a guide and is advisory regarding land use in Garfield County, which the Board of County Commissioners has determined appropriate. So that is the immediate issue. You just want to strike that and stop it right there (speaking to Carey). Stop the sentence after Garfield County. The other piece to address so that you are not creating any confusion with those specific statutory instances is where an applicant by statute has to show general conformity. You could also add at the beginning of the sentence, except as otherwise provided by law, the comprehensive plan serves as a guide and is advisory regarding land use in Garfield County.
Chairman Martin – I think that's a good distinction; it covers all aspects.
Commissioner Jankovsky – I think it's great to have Colorado law in there.
Drew – To the extent this makes its way to an amended motion; our recommendation is the modified language read, "except as otherwise provided by law, the Comprehensive Plan servers as a guide and is advisory regarding land use in Garfield County."
Commissioner Samson – I'm curious; why would you not specify the Unified Land Use Resolution of 2008 as amended?
Drew – That would be sort of self referential; this is a term within the land use code.
Chairman Martin – The one that was approved by resolution.
Drew – I think that it is a guide to how the code itself should be interpreted; so it is within the code.
Commissioner Samson – I understand.
Chairman Martin – The code was created through the resolution adopted and then we are just clarifying how it is to be applied. We are still open and we also allow public comment; is there public comment on this issue we are debating.
ADDITIONAL PUBLIC COMMENT:
Roger – What Fred pointed out is critical and you are alluding to it too Mike. When I first tried to deal with this the word was subjective. I said here's what I want to do; your office told me well that subjective. And I'm like okay, subject to what exactly? It's very gray, I realize I actually support flexibility and that's what we are talking about but initially you have to be able to come and get some predictability. Find out what you're up against and then I'm a man, I'm a conqueror, I like to do number one, do number two, do number three, give it to me a little bit in black and white so that I can handle that, then I can achieve it. I can so okay I did that, I did that and subjectivity has to have some clarification. It makes it very tough, there's the gray areas you have to get through and that's are you holding your mouth right, are you saying the right things, are you wearing your hat right and then there's the black and white. This is the marriage between government and the people; I really feel like it's the job of you guys to streamline with these guys (Fred Jarman) how to make my life easier in all of this. It's incredibly complex and you don't necessarily want an attorney for it because, especially on a small scale it's cost prohibited. But it also gives the appearance of development. I'm just some dirt farmer trying to get a couple of lots for my family and there is a little bit of a difference. What I think your job is, since I heard somebody you tell them what their job is; I'm gonna tell you what I think your job is. I think your job is to guide me through the process and be as helpful, as amiable, as pleasant and help me to overcome the obstacles; don't become an obstacle. When you become the obstacle then its us and them thing and we all know that doesn't work. I know we're not there but I can tell you initially I felt like we were there. There's a way to work with people.
Michael Sullivan – From a planning and zoning commission standpoint then, if an application is in violation or in violation of the comprehensive plan, would that be a criteria that we would use or not use then?
Chairman Martin – As a planning and zoning commissioner if you felt that it was non-compliant to the comprehensive plan, which again you have the authorship of; you would put down non compliant to this item within the comprehensive plan and referral back to the board. Again, the Board of County Commissioners then have to make a determination and are accountable to the final decision. They are accountable not only to the applicant but to the rest of the community, which is Garfield County. We have to stand on that; that's our job.
Michael – Then could you use that comprehensive plan infringement as a reason for denial?
Chairman Martin – We could.
Michael – Doesn't that create confusion that it may or may not…
Chairman Martin – Because it's advisory; it is not mandatory that we have to follow it.
Michael - Would the applicant then have to be in compliance to ensure approval, that it be in compliance with the comprehensive plan?
Chairman Martin – No, what it amounts to is that we would be able to listen to the argument to see if that risk of that noncompliance is acceptable to the whole. In other words, is it acceptable to that case-by-case basis to hold them accountable to that comprehensive plan item or not. Do we give them relief or not? For whatever reason; we listen to that, it doesn't mean there's a guarantee they get approval or denial. We just give them a platform to make that comment and to give the justification of why to the final body that makes the decision.
Commissioner Samson – Let me put it this way; they know that they have to come before the planning commission and they present their application and there is a big red flag that says this is not in compliance with the comp plan. Now, you as a commission spend a lot of time going over these things so the three of us, when we see that big flag we pay attention to that closely. But you are an advisory group and Mr. Applicant out there says you know what, I still think I'm right, I still want a shot, I still want an answer from the people who I elected. So he comes before us. I'm not going to say he has a strike against him; but I am going to say the three of us are going to look at that and say the planning commission, especially if it's 6-0 or 10-0, then I'm really going to be looking at this.

Because those ten people have gone over this with a fine toothcomb and know that comprehensive plan, I dare say even better than I do. So with that in mind I'm going to be looking at that. But Roger has his day in court and if he convinces the three of us that look, this is a good thing etc… then he might pass that. That's where we're coming from.
Chairman Martin – Motion to close the public hearing? Commissioner Samson – So moved. Commissioner Jankovsky – Second. In favor: Martin – aye Jankovsky – aye Samson – aye
Chairman Martin – We still have a motion pending.
Commissioner Jankovsky – I would like to drop that motion; withdraw.
SECOND MOTION – ADDITION
Commissioner Jankovsky – …."Except as otherwise provided by Colorado law the Comprehensive Plan services as guide in as advisory regarding land use in Garfield County." Commissioner Samson – Second.
Chairman Martin – And that is to modify what is in presently the Unified Land Use Code.
Commissioner Jankovsky – Yes, and that is to modify 1-107A.
Chairman Martin – And to adhere to the rest of the other items underneath the land use code.
Commissioner Jankovsky – Yes, and I would refer back to counsel and the planning commission to come back, go through these items and put that in front of us at another meeting.
Drew - Planning staff.
Commissioner Jankovsky – Yes, planning staff.
Drew – I just want to know if we can commit to one week from today.
Fred Jarman – Is there a board meeting?
Drew – There is a special meeting. On those changes, I simply say that because if you continue this to that date certain I don't think you have to re-notice this. This is all part of the same notice and process. Any reason we can't?
Tamara - I won't be here but Fred can carry it.
Fred – I can do that.
In favor: Martin – aye Jankovsky – aye Samson – aye
Chairman Martin – It will be 3-0 and we will have the continuation of this meeting for the final product on the 22nd at 8:00 a.m.
Commissioner Samson – I may or may not be here.
Chairman Martin – Again, we take everyone very seriously, we don't undermine or take anything lightly in reference to the comp plan.
Tamara – Wanted to remind everyone that they had the affordable housing work session scheduled for Wednesday from 9:00 to noon. Chairman Martin was able to contact the assistant to the district range who will have an answer for them tomorrow in reference to their request and interpretation of the appeal. He will bring it forward for next Monday.
COMMISSIONER ISSUES:

a. Commissioner Reports – Commissioner Samson – Did you all receive an invitation for Rocky Mountain something on the 19th.

Commissioner Jankovsky – Natural soda tour and he will try to make that. He potentially has a conflict. They are one of the companies that are requesting a lease for R&D on oil shale on the Piceance and that is in Rio Blanco County.
Commissioner Samson doesn't think he will make that and wanted to see if one of them or both were going.
Chairman Martin is not sure yet he has a Thursday meeting and then Friday is the 19th.
Commissioner Jankovsky is meeting with the Glenwood Springs Chamber with Ed tomorrow to talk about economic development. He is meeting with Gene Hilton on the 18th; he is a major landowner up Garfield Creek. He owns quite a bit of land in Garfield County.
Chairman Martin – He has a development right next to Ross Talbot and he also owns the hillside which is under development by Barrett Oil.
Commissioner Samson – On the 18th there will be three of us as board members of the AGNC for a budget meeting. He doesn't know how that will shake down; but last year we were the only county that paid the full dues out of five counties we paid $25,000.00. The other four counties paid $7,500.00. To the best of his knowledge that is the first time that ever happened. All counties previous to that paid equally. He made a plea for AGNC so that agency could stay afloat. Of course, we cut the budget severely and they no longer have an executive director because of these cuts. If that is the case, again he may be coming before them again. Just a heads up on this and he is hoping the other four say things are better and they can pay.
Chairman Martin – That would be an item in reference to budget and organizational fees etc and there is a line item for that. You may submit after that what the thinking is going to be and how they can recommend to amend…
Commissioner Samson will report back he gets back.
Commissioner Jankovsky will be meeting with Senator Bennett in Rifle at 3:50 to talk about condensed natural gas.
Commissioner Samson – Hopefully Commissioner Jankovsky will echo what he said to Senator Udall. Basically please, let's develop our natural resources here and get people back to work and export energy instead of import energy.
Chairman Martin thinks the first sign of being self-sufficient will be allowing and actually creating refineries within the United States to take care of our domestic youth. But we haven't seen that happen for many many years and otherwise we just have hollow promises and hot air that we are not going to be energy efficient. We will continue to import, let's make the commitment and infrastructure and building again refineries.

ADJOURNMENT

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING
MONDAY, AUGUST 22, 2011

The Special meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 22, 2011 with Chairman John Martin and Commissioner Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Andrew Gorgey and Jean Alberico Clerk & Recorder. Commissioner Mike Samson was absent.

Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
Comments of Citizens not on the Agenda

Good News – Government Finance Review – Lisa Dawson
The Governor's Finance Officers Association, is the professional organization for governmental finance in the United States and in Canada. Every month they do this magazine and do a different theme every month. The theme for June was public/private partnerships

so they had contacted me previously and asked me if I'd like to speak on a panel at one of their conferences about public/private partnerships in Garfield County. I didn't have the time to go to this conference so they asked instead if I would write an article for this magazine. I wrote it on Garfield County and some of the innovative public/private partnerships that we have done with solar power, but one of our goals was economic development to put the positive word out there on what a great place Garfield County is. I was able to weave in some of that information about our economic development efforts. I wanted to present the magazine to you and let you know Garfield County is in the news. May 27 publication.
Commissioner Jankovsky – Good job, Lisa. Thanks, it is a wonderful article.
Chairman Martin extended his thanks to Lisa.
Commissioner Jankovsky – We got four pages.

REGULAR WORK SESSION:

1. **LIQUOR LICENSE RENEWAL: RAINBOW HOSPITALITY INC., SUNLIGHT MOUNTAIN INN, GLENWOOD SPRINGS**

Jean Alberico submitted the renewal liquor license for Rainbow Hospitality Inc at the Sunlight Mountain Inn in Glenwood Springs submitted by Pierre Dubois, Vice President and Treasurer. Jean stated she had checked with the Sheriff's office and there have been no reports of any problems with this liquor license.
There folks are very fortunate that the BOCC is having this special meeting today. I was in contact with the office last Monday and Gretchen Dubois was in wanting to know if it was too late to turn this in. As you can see, the expiration date on their license was last Monday. I did check with the Department of Revenue and there's a 90-day grace period. I asked Gretchen if you're late there's an additional $500.00 application fee and I had her write the check to me for that additional $500.00 but the more I thought about it, I would like to ask the BOCC's opinion since this is your decision to make. Since she did turn it in on the last that she could for it to be a current application or renewal, that maybe I should just charge her the $100.00 application rather than the $500.00 application fee.
Chairman Martin – It is always nice to say we accepted in on the very last day even thought it might be a weekend. I know we have experienced that before.
Jean – It was hand delivered.
Chairman Martin and Commissioner Jankovsky had no objections to charging on the $100 application fee.
Motion
Commissioner Jankovsky – I'd make a motion that we approve this liquor license for Sunlight Mountain Inn, Rainbow Hospitality Inc. Commissioner Martin – Second.
In favor: Jankovsky – aye Martin – aye Samson – absent
Chairman Martin – We'll direct you then not to accept the late fee and return it, regular fee is fine.

2. **CONSIDERATION, APPROVAL AND AUTHORITY TO CHAIR TO SIGN MAINTENANCE AGREEMENT(S) WITH CITY OF GLENWOOD SPRINGS, COLORADO AND 7TH PARKING, RELATED WORK CHANGE ORDER.**

Carolyn Dahlgren and Betsy Suerth were present.
Carolyn submitted the IGA for the Parking Lot Maintenance as stated above. The Board had an opportunity to review this prior to today, as it was included in their materials Exhibits A – E. The completion date is October 14, 2011 and the increase in contract price to Gould Construction was an increase of $62,523.50 bringing the total project cost to $233,126.50.
Carolyn Dahlgren – When we left your last BOCC meeting, Commissioners you instructed me to divide the maintenance agreement into two agreements, one for the work that work needs right now to get the lot that you have joint ownership with the City; and then later the staff or the BOCC would negotiate a long term maintenance agreement for the combined lot. That is what I did. We are missing some of the attachments and we need an end date. The County Engineer suggested that the end date should be just the fall of 2011. I do not know the end date for Gould Construction.
Betsy – We don't have an end date at the present time because of the change order.
Chairman Martin suggested October 1, 2011.
Betsy – What we would like to do is have it flexible so that we're able to have a punch list. Obviously, we want the parking lot in that time frame; however, as you are aware of many construction projects it there's a small thing that's not quite right, we want to have the time for the contractor to come back weather permitting to fix any small punch list items. That's why we're asking for a general statement for fall to in that letter.
Commissioner Jankovsky – November 15, 2011, that's the very end of construction but John wants October 1, he wants to get that done as quickly as possible.
Chairman Martin – That's what we said we would do.
Betsy – We just don't want to have to go back to the City or the contractor if we go beyond that date with the punch list.
Carolyn – Andrew didn't have an update as of Friday but he will have it later today.
Chariman Martin – I spoke to Andrew McGregor and he had one or two small changes. That was prior to this sketch. He seemed to be very happy with the progress.
Carolyn – What we're looking for is signature authority of the Chair assuming we get all the necessary approvals from the City and all the updated exhibits. Friday afternoon we did get the Development Agreement not only signed by recorded. We walked it through. If the City makes any huge changes in it, we will bring it back.
Motion
Commissioner Jankovsky – I'll make a motion that we approve this Intergovernmental Agreement for the parking lot at 7th and Colorado, west lot with the City of Glenwood Springs and with the chair's signature authority and also signature authority for any other changes that might come forward.
Chairman Martin – Second.
Carolyn – I actually put that in the IGA, so I needed to make sure that was okay with this Board. Who knows if there are any other documents that the City wants you to sign.
Drew –You're modifying the date and sub-paragraph 3H from October 1 to November 15 and the modified Exhibit A will be the updated signed engineers drawing with the engineer's stamp. Exhibit B and C are the Development Agreement D and the permit. Exhibit D is the letter from City Planning that confirms this was approved by land administrative process and Exhibit E is the draft of the change order. The public record is complete, as you will see.
In favor: Jankovsky – aye Martin – aye Samson – absent

3. **CONSIDERATION OF A TEXT AMENDMENT TO AMEND OR MODIFY THOSE SECTIONS OF THE UNIFIED LAND USE RESOLUTION THAT SPECIFICALLY REFERENCE HOW THE COMPREHENSIVE PLAN SHOULD BE ADDRESSED IN MAKING LAND USE DECISIONS. APPLICANT IS THE BOARD OF COUNTY COMMISSIONERS. CONTINUED PUBLIC HEARING FROM AUGUST 15, 2011 – FRED JARMAN**

Chairman Martin – This is a continued hearing from August 15, 2011 and the Comprehensive Plan addressing the land use decisions made by the Board.

Tamra Allen and Fred Jarman submitted the text amendment and Exhibits A – G formerly submitted on August 15, 2011 with additional ones Exhibits H – I today.
Fred submitted a matrix showing the strike through and the new language showing it is advisory and went though the handout.

Background

Fred gave the background saying the BOCC voted on Monday, August 15, 2011 to modify Section 1-107A of the ULUR in regards to the advisory nature of the Comprehensive Plan. Multiple other sections of the ULUR also referenced the need for compliance, conformance, adherence, etc to the Plan. Staff has prepared a table constructed from the original Exhibit C with draft revisions to consider for the remaining sections of the ULUR. These draft revisions attempt to reflect the intent of the BOCC direction from the August 15 meeting by acknowledging the Plan is only an advisory document.

Recommendations

Staff recommends the BOCC review each code section, as provided in the Table (Exhibit H), and decide if the draft language is acceptable in meeting the intent of the proposed text amendment. Upon review, the BOCC should motion to approve or approve with modifications the changes to the ULUR as provided in the table. In addition, the BOCC should motion to approve any code reformatting that will be resultant and necessary,

Subsequent Action

Pending approval of the text amendment via a motion, staff will prepare a Resolution with all accepted text changes and place the Resolution on the forthcoming public meeting agenda for final adoption and incorporation in the ULUR 2008, as amended.
Fred added in Section 1-107-A – "except as provided by law, the Comprehensive Plan serves as guide as an advisory, when land use in Garfield County." That's what we heard as your motion. The way we've looked at this is that was the overarching umbrella language and from there then try to change the text to implement that for you and give you some language to work with. The matrix is 5 pages, which Fred explained. Under conformity this notion of general conformance with the Comprehensive Plan. It's basically omit and modify. If it's the pleasure of the Board we can work thought these individually or if you have read them and perhaps your own comments.

Comments:

Commissioner Jankovsky – I have my own comments, on 1-107-A – I don't know what the "accept" has to do and wondered if we could change "as otherwise provided by law the Comprehensive Plan serves as a guide in this advisory regarding land use in Garfield County". I don't know why we have the term accept in there because there is nothing to accept prior to that.
Carey – The purpose of keeping in the "accept as provided by law" is because there are certain areas where conformance with the Comprehensive Plan is required by law. General conformance in the PUD only. There are areas where actually compliance is required. Those would be in location and extent and 1041 powers. That's the reason it's worded that way. It is advisory except in those few instances where it's actually required by law.
Commissioner Jankovsky – My other big thing is a number of spots in here where it says conformance and I would like general conformance and the first on is 1-302B2, it says, even with the Planning Commission, I know they will always go back and look at the conformance and I would like to have it say general compliance, that is in.
Carey – In 1-302B2, this is the location and extent provision that state law and one of the reasons why the language is kept out of this because they do have to look at actual conformance.
Commissioner Jankovsky – How about everything that falls under "areas and activities of state interest" is that conformance as opposed to general conformance.
Carey – It is and this is one section that it only applies to one specific type of state interest that's identified in the statute, the struggle that Tamra and I had in working through this is the inner relationship between the application requirements and then the state law requirement for this one issue. We opted to go with conformance language throughout this particular section so we don't have a conflict between application requirement and then what you what you actually have to demonstrate under this one power. Alternatively, we just did that because it was the path of least resistance and would require a lot less drafted to modify that application requirements and modify the criteria for this one specific area. That's why we took the route that we did. Conformance is required for Rapid and Mass Transit facilities if you're preference it to limit it to that, then I would request additional time to redraft that section so that…
Chairman Martin – It's in the 1041 powers dealing with the location of mass transit and facilities. So it would be required. This is the only one we have. That was to make sure that everyone knew that mass transit would meet certain guidelines set down by the Board of County Commissioner, not just by the applicant.
Commissioner Jankovsky – Those were my questions and one spot that I just wanted to go through, on Density and if just wanted to know if you guys take in section 107.5a and I don't have any changes just discuss the draft.
Fred – Tom, the only piece in the modified draft, it's still there, relates to teams that are the density neutral development, those are concepts related to the conservation subdivision which is an option, an incentive regulations. If someone wants to craft a subdivision that leaves a lot of land open then there is a mechanism to get added bonus lots that they would otherwise not be able to get. This still relates to underlying zoning in this case.
Commissioner Jankovsky– This is basically talking about how to increase your density if you cluster, etc.
Fred – It's very specific to that one incentive regulation.
Chairman Martin – It's to save about 80% of developable land on Ag and to cluster it so that it's was closer to infrastructure and not have it stretch across the entire Ag development.
Fred – Preserve a lot of Ag land and give the developer added incentive by way of additional… there is no requirement to do it.
Commissioner Jankovsky – Those are the only items I had, sounds like you've answered all of my questions. Chairman Martin – We can always come back and review in the process. It's never an open and shut, never able to revisit it when everyone has a concern and open it up, we can schedule it.

Motions

Commissioner Jankovsky – I will make a motion that we close public hearing. Chairman Martin - Second
In favor: Jankovsky – aye Martin – aye Samson – absent
Drew Gorgey – This meeting has already been noticed, Agenda Item 3, the Board can vote to approve it today and it doesn't have to come back on a consent agenda and I'll tell you why, the original subject of the hearing was modification of 1-107a that went through all the notice requirements for your meeting on August 15, this is a continuation, you passed the change on that day and this is a continuation simply to make the rest of your code consistent with that change, it's been properly noticed and before you, the meeting has been noticed and there's no reason to not approve it today but it is the Board's pleasure.
Commissioner Jankovsky – I would like to approve it.
Chairman Martin – I feel comfortable with that.
Commissioner Jankovsky – I'll make a motion that we approve the text amendment to amend, re-modify sections of the Land Use Resolution that specifically references how the Comprehensive Plan should be addressed in making land use decision and use Attachment A which reflects the proposed revisions to the ULUR of 2008 and authority of the Chair to sign. Chairman Martin – Second.
Chairman Martin – Mr. Samson will not his say but we'll let him come back and review it and if he has a concern we can readdress. In favor: Jankovsky – aye Martin – aye Samson – absent

4. **EXECUTIVE SESSION**
   A. **PURSUANT TO §24-6-402 (A),(B), AND (E) C.R.S. (LEGAL ADVICE; NEGOTIATING STRATEGY, POSITIONS, AND INSTRUCTIONS) REGARDING THE POTENTIAL PURCHASE OR ACQUISITION OF REAL PROPERTY. POSSIBLE PUBLIC ACTION TO FOLLOW.**
   B. **PURSUANT TO §24-6-402 (B), AND (E) C.R.S. (LEGAL ADVICE; NEGOTIATING STRATEGY, POSITIONS, AND INSTRUCTIONS). POSSIBLE PUBLIC ACTION TO FOLLOW**

Drew announced there are two executive session requests today as above to receive advice on legal matters.
Commissioner Jankovsky made a motion to come out of Executive Session. Chairman Martin – Second.
In favor: Jankovsky – aye Martin – aye Samson – absent
Action Taken
Drew – This was legal advice only on both items and no action to be taken.

West Divide Water Rights – Discussion Item
Commissioner Jankovsky – I am concerned about this Pitkin County protest to West Divide water rights and I don't know if there is anything we can do on that legally, I don't know if we can follow that case but they have taken an extreme position, they are not only protesting the placebo in Yank Creek but they are protesting all of West Divide structures but West Divide is in our County and those are Agricultural property owners and I have concerns about their attitude and how they are proceeding with this case.
Drew – I will look at this and report to the BOCC no later than the September 6, 2011 meeting.
Chairman Martin – Dave Merritt was concerned about that as well.

ADJOURNMENT FOR THE BOCC

9:00 a.m. BOARD OF EQUALIZATION – SPECIAL MEETING
Chairman Martin – It was noticed to the taxpayers by sending all the folks in Sweetwater a notice that we were holding a special hearing strictly for the Sweetwater area in reference to an error that had been located and corrections had been sent out to the taxpayers.
Jim Yellico – Confirmed this to be correct; proof of that is we sent letter.
Paul Schoeppner, Lisa Warder and Jim Yellico were present.
Chairman Martin swore in the speakers.

Chairman Martin – There was a correction to the Sweetwater area based upon what grounds Paul.
Paul – We discovered during entering a new construction property that the buildings values were too low and that resolved in an index error of change and we corrected that and sent out the new letters.
Jim – We received two phone calls and we were able to explain the situation, no values were changed or stipulated, we had one call on Friday who had some other questions, no values were changed so we didn't receive any protests.
Drew – My office didn't receive any protests and I think this is actually a continuation of your Board of Equalization meetings and I don't see it as a special meeting. The statute requires you to correct errors that are discovered and that is exactly what happened here and you actually offered those taxpayers more process than I think you were required to. I say that because you gave every taxpayer the opportunity to protect to the Assessor again, the Assessor is the one who extended that with your cooperation and you have offered his hearing to then as well. In addition to those things, all of their regular statutory powers to the Board of Assessment appeals, District Court or arbitration are still open to them. You have gone above and beyond in addressing there in my opinion.
Commissioner Jankovsky – I will make a motion to close. To Paul, I thought there were going to be 10 people here so good work and you got it taken care of. Chairman Martin – Second.
In favor: Jankovsky – aye Martin – aye Samson – absent

ADJOURNMENT

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO
SEPTEMBER 6, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, September 6 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

CONSENT AGENDA
a. Approve Bills
e. Bond Release – Coastal Oil & Gas Corporation – Betsy Suerth

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to approve the Consent Agenda Items a & e; carried.

COUNTY SHERIFF UPDATE: LOU VALLARIO
CAC
Gene Duran and Lou Vallario presented the information. On August 8, 2011, the BOCC authorized Sheriff Lou Vallario to proceed with an unsolicited proposal that would reduce the cost of inmate cost services by 2.5%. Because of the requirement to have year-to-year contracts, they have provided a letter not in the packet, which they set forth the additional years of services, which would be an increase in the amount of the consumer price index or 2.5% with the 3rd year being no increase at all. Because we can one-year agreements this is the first step in that process but there is a letter confirming what the Sheriff presented to you on August 8. The reduction amounts to a cost savings of $2,180.07 per month as compared to 2011.
Gene – We will further negotiate the specific terms of the agreement before the end of the year.
Drew – No, it falls under the unsolicited proposal and sole source provisions of your code, it also appears to be a good business decision and the one-year provision refers to the non appropriate clause of Tabor in the event that you don't appropriate money in

support of the contract, you're not obligated to go forward; however, vendors of this type generally can secure an agreement for more than the current year.

Motion

Commissioner Samson – I would move that we authorize the Chair to sign the price quote for Inmate Medical Services at the Garfield County Jail for the Period of January 1, 2012 to Decembers 31, 2012. Commissioner Jankovsky – Second. I will note that authorization has been with the health care industry.

In favor: Jankovsky – aye Martin – aye Samson – aye

Sheriff Lou thanked Gene and Kathy Redman and thanks to CAC for working with us. I'm excited about this and the reduction in cost.

Compliments to the Sheriff

Commissioner Samson – While you are here Lou, I would like to make it a matter of public record that I received a letter from Mrs. Roberts concerning your department and I hope it makes the newspaper and other people can read it and thought it was great to hear from an individual like in a tough situation but she had a lot of praise for the Sheriff's department and named each and every individual in there that helped through that tough time, just glowing remarks and high praise. That's shows that things are going well in the department and I congratulate you all also.

Lou – Thanks Mike and I appreciate that and without the specifics she is the mother of someone that had a dramatic issue in Garfield County and not only the Sheriff's office but Search and Rescue helped as well. She did write a very heartfelt letter and it is very appreciative of someone who is going through that much trauma and that much distress to take the time to do something like that. It was very much appreciated. Our hearts go out to her family.

Commissioner Samson – Keep up the good work.

COUNTY MANAGER UPDATE – ED GREEN

a. Public Meetings:

COMMUNITY EVENTS FUND – LISA DAWSON

Ed gave the initial information that this was to incorporate all major community events under one fund.

Lisa presented the information. In 2006, a Resolution was passed to create the Fair Fund. The Fair Fund was established for the purpose of the receipt of revenues and expenditures of the County Fair.

In recent years, Garfield County has supported additional community events such as the Air Show and the Fly In. These events have been budgeted in various places within our general ledger such as the airport Fund and the General Fund-Economic Development. In discussing this with legal staff and our auditors, it was suggested that we change the "Fair Fund" into a "Community Events Fund." The Community Events Fund will contain three sub-departments: County Fair, Air Show and Fly In. I have yet to discuss this with the Fairboard but I did speak to Kip Costanzo and our auditors. With the Governmental Accounting Standards Board recommends having the simplest, most transparent financial reports and instruction we can so with this in mind; we looked at the Fair Fund and would like to change it to the Community Events fund so we can accommodate line items for the Air Fund and other events we might sponsor such as the Fly-In. We would keep the same line items for the Fair items so that the Fairboard it would be a transparent move and then add additional line items for other events as they come up. I have discussed this with the legal staff and our auditors. If we have the nod from this Board to go forward with this then next Tuesday, the Fairboard meets and we will discuss it with them.

Commissioner Jankovsky – I think we should move forward, it does make us more transparent.

Drew – The next step would be as soon as finance gives us the green light, we would draft a Resolution for you to formally change the prior Resolution regarding the Fair Fund, the Community Events Fund would clearly state all of the different uses of the general fund monies and one additional thing that the public should know is there is probably a cost savings to the public through economy of scale that there would…

Lisa – We can realize some economies of scale because once we have all of those things in one fund, we can do RFP's for such things as printing and advertising and have those contracts cover all of the events. We would still divide out the expenses to the different events so that again we can know the real cost of each event. If we decide to have a contract with an events coordinator again, that's another area where we could use some economies of scale in terms of sponsorship sales and marketing.

Drew – Legally it's all general fund dollars so it's just a clarification of accounting, but it should assist across the board and save money. The only legal questions that we looked at where whether there were any restrictions under the state fair statute which covers the County Fair and there are none and we have to the extend there are any Airport activities involved, it's only funds that are tied to our Airport Grant Agreement that have restrictions. None of these are those, so you're on safe ground.

Direction

The Board can give direction to go forward and have them draft a new Resolution.

FAA AIP 20 (3-08-0048-21) GRANT ACCEPTANCE – BRIAN CONDIE

Brian Condie – This is one of the last grants that we'll get on the project, this is the funds for the land acquisition. We were not able to do this grant before because FAA wanted us to stipulate money, then a public record and then place a value on what the FAA gave us a grant for. So after the land was purchased and the final value was assessed, that's what the FAA would do their grant off of and we have submitted that grant application. Since it was not in the 5-year plan, we have to wait for late-year money, which is now coming available, and we are told by the end of this month this grant will come through. It's another of those quick turn grants that they ask the Airports who are ready to accept it, you have 48 hours to turn it around and get it back to them. I'm coming before the Commissioners to ask the Chair to sign this grant if it is offered to us this year up to the $1.1 million dollars.

Carolyn – Interesting, the FAA will not pay for title insurance and so that's coming out of your pockets though Brian's funds. Everything else was covered. This is a good thing considering the total value dollar.

Motion

Commissioner Samson – I would move that we go ahead with the application for the FAA AIP 21 grant acceptance grant of $1,102,000. Commissioner Jankovsky – Second and allow the Chair to sign.

Chairman Martin – You might double reference that with the number that is on here. It is on the application.

Brian – It is for the land acquisition with the applicant paying the $58,000 for title work.

In favor: Jankovsky- aye Martin – aye Samson – aye

Brian – We have several projects that are FAA eligible so we're waiting on additional money.

RECOMMENDATION TO AWARD THE INSTALLATION OF STANDBY GENERATORS TO JHL INDUSTRIAL SERVICES, LLC - JIM HACKETT AND RANDY WITHEE

Jim and Randy submitted the proposal to JHL Industrial Services, LLC to furnish and install standby generators at the Garfield County Courthouse and the Administration Building for an amount not to exceed $353,000.00.

Commissioner Jankovsky – Why in both buildings?

Ed – This is part of the EFS 14, which is the recovery response and this building is where we will set up our command center for both response and recover, so we need that capability in the event the power goes out.

Commissioner Jankovsky – I am used to the power going down, turn off your computers, and go home.

Ed – You can't do that in an emergency situation. We must have computers in order to connect with the state and other federal.

Chairman Martin – What it is, to keep the government functioning during a time of emergency. This is our back-up power supply.

Commissioner Samson- Where is JHL.
Randy – Out of Centennial.
Motion
Commissioner Jankovsky – I would make a motion that we accept the staff's recommendation to award of a contract to JHL Industrial Services, LLC in an amount not to exceed $353,000 to furnish and install generators at the Garfield County Courthouse and the Administration Building.
Commissioner Samson – Second. In favor: Jankovsky – aye Samson – aye Martin - aye
CDPHE WIC CONTRACT – MARY MEISNER
Mary presented the annual WIC contract for $278,155.00. The WIC is a supplement food program for women, infants and children; it's a program we've had for many years in Garfield County. It's an excellent program. It's meant to help people in that gray area give them a boost and provides nutritional education as well they receive a voucher but it is only for healthy foods and it's time limited. It's for pregnant women and children up to age 5. It's flat funding.
Motion
Commissioner Samson – I would move that we approve the CDPHE WIC contract for $278,155.00 for the renewal term of one year ending on September 30, 2012. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Samson – aye Martin - aye
CDPHE BF PEER COUNSELING WIC CONTRACT – MARY MEISNER
Mary stated this is the Breast Feeding/Peer Counselor program with the WIC program. Next year we hope to institutionalize this program and in the future I think you will see this in the total funding in the WIC contract but for now it is an amendment to the task order to our master contract. The amount is for $22,600.00. This ends September 30, 2012.
Motion
Commissioner Samson – I would move that we approve the CDPHE BF Breast Feeding/Peer Counseling WIC contract for the amount of $22,600.00 for the renewal term of one year ending on September 30, 2012 and authorize the chair to sign. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Samson – aye Martin - aye
CDPHE HCP CARE COORDINATION CONTRACT – MARY MEISNER
Mary presented the Health Care Program for children with Special Needs Care. That contract amount is $18,159.00 and again this is a program for children in the community who have special health care needs for several clinics where we bring specialists in to work with families. She explained the scope of work and the statement of work. We also do case management.
Motion
Commissioner Samson – I would move that we approve and authorize the Chair to sign for CDPHE HCP Care Coordination Contract for the amount of $18,159.00.
Mary – It is October 1, 2011 through September 30, 2012. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Samson – aye Martin - aye
AWARD OF LANDFILL VENTING OF METHANE – JIM HACKETT & BETSY SUERTH
Ed – This item deals with the audit at the landfill that we vent certain portions of the landfill to create a methane venting system. Jim and Betsy presented the recommendation of staff that the Board approves the award of a contract to LMS Drilling in an amount not to exceed $91,037 for drilling of Venting Wells to relieve Methane Gas at Garfield County Landfill.
Betsy – This is following regulations especially from CDPHE; Gary Weber has been working closely with CDPHE for about one year on this trying to figure out the specifications for this venting it is a very specialized process and all kinds of conditions laid out for this specific venting as far as air pollution controls etc.
Chairman Martin – I don't think there are any state regulations or standards in reference to venting it out and the ambient air quality pollution.
Commissioner Jankovsky – I know with industry is with methane gas in the air all the time. I was wondering if we could use it.
Betsy - We are measuring wells in place the amount of methane, which is contained below the surface and at some point, if that becomes enough methane, we can capture it and use it for energy sources. We have been unable to measure enough of it at this point to make it worthwhile for the capture. This is something in the future that we can potentially use.
Chairman Martin – It is very expensive to capture that and turn it into an energy source.
Drew – I've been assisting on this somewhat the County doesn't have a choice but to vent it. It is a direction from the State Health Department and under their supervision. It's effectively at their direction and to leave the circumstance unaddressed would become a problem. Right now, it's trying to release that gas into the air before it becomes a problem.
Chairman Martin – Releasing this gas into the air is a health issue or not and then that goes back to the level and the amount that is being released, the direction it is traveling and disbursing 100 yards or it is staying as a cloud moving across property. That is the concern. But I do believe it is disburses almost immediately.
Betsy – That's the theory.
Drew – The adjoining property owners have been notified and the State is aware of what we're doing and there are no objections from any quarter.
Motion
Commissioner Jankovsky – I will make a motion that we approve the award of a contract to LMS Drilling Inc. in an amount not to exceed $91,037 for drilling of Venting Wells to relieve Methane Gas at Garfield County Landfill and allow the Chair to sign. Commissioner Samson – Second.
In favor: Jankovsky – aye Samson – aye Martin - aye
CHANGE ORDER TO INCREASE PAVING CONTRACT WITH FRONTIER PAVING – JIM HACKETT & BETSY SUERTH
Jim submitted the increase to contract to Frontier Paving as a change order for $176,000 to add CR 306 and that would be an increase of the total contract is now a not to exceed $2,385,288.75. It is within budget for this year.
Betsy explained the contractor had not included the cost for CR 306.
Commissioner Jankovsky – How are we doing on paving, we have a month left to finish up.
Betsy – We are half way through. Commissioner Jankovsky saw me looking at CR 117 and we were looking at drainage problems that had presented itself at that time and we've done some engineering with Jeff Nelson worked on the drainage problem and hope to have some additional work done – subsurface to address those drainage problems and that's been the hold up on CR 117 however we are zeroing on that design and fix. We have replaced the one culvert but there are other problems further up above as you saw.
Motion
Commissioner Jankovsky – I'll make a motion that we approve the change order in the amount of $176,000 to Frontier Paving adding CR 306 to the contract and authorize the Chair to sign.
Commissioner Samson – Second. In favor: Jankovsky – aye Samson – aye Martin - aye

September 8, 2011 – Work Session

Ed - Executive Session item tomorrow and Drew and I have discussed this and it will be added. It is a discussion of the IGA with the City of Rifle.
Drew – It has to do with the basis under Title 24 to receive legal advice and to instruct negotiators and I've been in touch with the Clerk's staff and County Administrator staff and it is posted as we are speaking.

COUNTY ATTORNEY UPDATE – Drew Gorgey
Mr. Dahlgren has three quick announcements for you before Item a.
Carolyn –An update on 3 things and no action is required. One is that the IronRose Land and Cattle litigation – we did get a quiet title order from the court and your Resolution vacating CR 165 is recorded. The other is the IGA on the 7th Street parking lot goes to Council this Thursday, not expecting any issues but in case you have phone calls that is what it is about. There was a claim at the Airport, one of those attempts to lien property owned by the BOCC, which cannot be done, but CEC Clean Energy Economy was putting up the solar farm without that claim taken care of, so you should be receiving no phone calls or correspondence.
Commissioner Jankovsky – One comment before to those issues and that is that before we go in front City Council weren't we going to change signage over behind the County parking lot so people could park there.
Chairman Martin – Yes, we were going to make that signage got changed by the time everything was wrapped up.
Betsy – That is the timeline and Randy and I have on our plates a meeting together what that signage should say. We do not want to install the signage until the parking lot is complete at 7th and Colorado is complete and you've seen progress on that parking lot in the past week or so, so that's a goal to have the signage ready to go. That signage is to allow that flexibility on evenings and weekends, which was a main concern.
Chairman Martin – Permit parking 8 – 5 open parking after 5 upon completion of the second parking lot.

CONSIDER AND AUTHORIZE CHAIR TO SIGN A RESOLUTION AND A GRANT AGREEMENT BETWEEN GREAT OUTDOORS COLORADO AND GARFIELD COUNTY FOR GRANT FUNDING OF RFTA TRAIL IMPROVEMENTS – TAMRA ALLEN
Tamra – This is straight forward request this morning, if you recall at the June 13, 2011 RFTA was here to request IGA between the BOCC and RFTA to facilitate the application to go for a mini grant. They have been granted monies for the installation for two vault toilets and two picnic shelters on the Rio Grande Trail. This request today comes forth from GOCO the IGA is fiscally uses the County as a pass through for funding for this project for RFTA. RFTA is not an eligible entity for application of these funds; the County is, thereby, the County is the official grantee for the grant awards for this project has received. GOCO is asking that the County, 1) pass a Resolution agreeing or certifying that the grant agreement is acceptable and 2) authorizing expenditure of the appropriate funds as well as a grant agreement that outlines the parties and stipulations for the grant agreement. The County Attorney's office has looked through this and it is acceptable in their review and before you for consideration this morning.
Carolyn pointed out that the IGA attached as an exhibit to the grant agreement was done and over with actually approved the Resolution on February 2, 2011.
Chairman Martin – RFTA has decided to go forward and put the match money, which is $14,375 up and we will not have a financial obligation. It is just a pass though for the Board. The grant amount from GOCO is $44,623 of which the full cash match in the amount of $14,375 will be contributed by RFTA.
Commissioner Jankovsky - One vault is at Cattle Creek and the other is at Catherine's Store.
Tamra – They are actually resetting the picnic table in that area as well as the vault because of the slide, we will be shifting that and not sure where that will lie in. We will submit that to GOCO and we've already talked to them about the grant funding. RFTA has reconsidered the exact location.
Motion
Commissioner Jankovsky – I would make a motion that we reaffirm our Resolution for the grant agreement from COCO in Garfield County for the grant funding for the RFTA REPH improvements and authorize the Chair to sign. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
Carolyn – I wasn't listening, but did you authorize signature on the agreement as well.
Commissioner Jankovsky – Yes.

RAC – Last Project
Commissioner Samson – Our next RAC meeting Wednesday, September 28 in Delta, is there any need – we're set and hopefully your last project that was postponed will be taken care of.
Tamra – Yes, I believe the Reservoir and there was an extra funding request for the September agenda, we did not submit anything and the Forest Service didn't have and that submittal however we did have that previous submittal for the Battlement Mesa Reservoirs that will be taken place in 2013.
Commissioner Samson – I'll be going to the meeting so I can let you know what happens.
Work Session
Commissioner Samson – In our email back and forth was there a date set, it is set or not.
Tamra – It is set for the revised Code Update on Tuesday, October 4 pre-scheduled work session from 9:00 a.m. to noon.
CONSIDERATION AND APPROVAL OF TEMPORARY CONSTRUCTION EASEMENT AGREEMENTS FOR COUNTY ROAD 100 AND COUNTY ROAD 115, WITH AUTHORITY FOR CHAIR TO SIGN – BETSY SUERTH & JEFF NELSON
Drew – Mr. Chairman, the item 4b is consideration and approval of the construction awards for both County roads 100 and County road 115. These are the flood repair project that the Board made factual findings as required by statute. It is in the record and the Board did fine the situation and sufficient findings to constitute an emergency. You already awarded construction contracts with respect to County road 320 and these are the construction with respect to the other two roads, County road 100 and 115.
Commissioner Jankovsky – We wanted to go with the easements first, so we have an explanation of what's being done prior to award.
Chairman Martin – That was the request.
Drew – That also was kicked back to our office. We have a total of ten easement agreements that are in the process of being negotiated, three are in-hand and signed. The balance of them, every single one is on its way to completion. You are running into a couple of issues that the legal property owners that have the right to sign are out of state finishing summer vacations. Two easements with respect to 115 road involve Capital Management Resources and are being considered by their counsel so we're in the process of negotiating these agreements. The three that are completed deal with County Road 100 (2) and (1) deals CR 115. To the extent you want specific information about parcels and what's going to happen on each parcel I have the maps etc and can give those to staff to look at and tell you about. I just didn't know what your questions were.
Commissioner Jankovsky – I would just like to have an explanation of what we are doing.
Betsy – You want a summary of the action of work to be done.
Commissioner Jankovsky – I want to see the damage, it's extensive and how you are going to repair. There is a great deal of work so if you can give us a brief explanation we would appreciate it.

Jeff Nelson – No problem we are able and willing to do that. Mr. Jankovsky on CR 100, as you saw, the road was undercut so we're planning to put a drilled in place type wall below the road and shock treatment, work from about the road. There are some drainage improvements that need to take place up stream; we're looking at taking that existing culvert at that switchback and upsizing that to a 50-year capacity type. In summary for both, what we are looking at doing is, and I'll cover CR 115 also, we are obviously going to repair the emergency repairs immediately, that's what we're here on the next agenda item to ask recommendation to the Board to approve. On top of that I talked to Betsy and we're going to put it in the bids, we need to add some infrastructural improvements while we are doing this emergency repair to interject some long term drainage solves such as 50-year event type pipes. Then on CR 115 we'll put a wall below the road where it was undercut and the same type of situation only a drill shock type wall, work from above, and more importantly on CR 115 up above, we're trying to head off some of that drainage that channeled down and created this issue of the undercut.
Commissioner Jankovsky – There's no place for that drainage to go, when I looked at it, it doesn't come off the road it just runs down the road until it gets to Hwy 82 and then across Hwy 82 to Holy Cross.
Jeff – The way the existing, I don't know it Dean Gordon made it here, but the way the existing drainage there's actually some interceptor pipes up on the cliff side. Most of them are in the range of 12 – 15 inch and obviously when you get one small event there are ¾ full of debris. We're going to go up there and take those interceptor pipes and upsize them. They are not going to be huge; obviously, we're working in rocks so we had to make a balance and we upsized them to a 25 event pipe with the debris capacity. Red Canyon Creek, the drainage is going to go down there instead of going against the hillside and running all the way down like a flume and come around that corner. We're going to upside those interceptor pipes, upsize the swales to handle and then upsize the pipe at the crossing of Holy Cross which is the historic drainage that came through there. The upsize will hold off and interjecting some long term fixes in there with this emergency. I thought it was the right time to do this. When you're in there ripping up you might as well fix these drainages.
Commissioner Jankovsky – You're going to put in a shock creek wall and will there be some fill on the other side of that to support it.
Jeff – What's you'll do is drill down below on both of them where the current will have a small gap to the existing road to the top of the wall and we're going to shock creek or put some material in there and pin that against it for stabilization, so you will have a small shoulder of 18 inches.
Chairman Martin – For Red Canyon that's a big shoulder.
Commissioner Jankovsky – On that there is nothing but houses and businesses along that road.
Jeff – That's why, you could put a wall it by itself but the same thing could happen where the water would go over the wall into the rental place or the houses. It goes in there anyway so we are trying to head this off upstream, that's the goal.
Commissioner Jankovsky – These easements, it that s so you can do the work and go onto private property
Chairman Martin – Make sure they are aware as well.
Jeff – Temporarily, 90-days. When you see the proposals for the contract awards, next, they are actually for 30-days of construction but we need easements longer that is something happens we can go back in there and they're not large, we're talking 8 to 10 feet outside the current prescriptive right.
Drew – Yes, but they are not all identical, but that's a good rule of thumb.
Chairman Martin – Hopeful we can get it done before raining season begins like October.
Motion
Commissioner Jankovsky – I will make a motion that we approve the temporary construction easements for a total of 10, 6 for the CR 115 with Capital Management LLC (2); Holy Cross Energy, Ray and Elizabeth Vath, Lazy H/11 LLC and Spencer Charles Holding LLC and 4 for CR 100 Harold L. Blue personal grant, Laura Eque, Steven Ochoa, Jerry Simonsom and give the Chair the authority to sign those temporary easements. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
Betsy – The Public Works department wants to thank County Attorney's office for jumping on this and teaming up with us to get this work done, it was a lot of phone calls, figuring out what we needed to do for each party and I thought we worked well together.
Drew – You are very welcome.
Commissioner Jankovsky – I was in the wash out in both of those areas and looked at 320 as well.
CONSIDERATION AND APPROVAL OF CONSTRUCTION AWARDS, COUNTY ROAD 100 AND COUNTY ROAD 115 FLOOD REPAIR PROJECTS, WITH AUTHORITY FOR CHAIR TO SIGN – BETSY SUERTH
COUNTY ROAD 100
Jim Hackett presented the award for repairs to County Road 100; the request is for the Board to approve an award to Aspen Earthmoving based upon the Board's earlier approval that repairs to CR 100 were needed to alleviate conditions that are detrimental to the immediate preservations of the public health and safety. The award is for a not to exceed amount of $419,921.25 for repairs to CR 100.
Commissioner Samson – So moved. Commissioner Jankovsky - Second.
Discussion
Betsy indicated that the R&B fund has enough money to fund these improvements but at the October supplemental request. R&B will be requested from the general fund balance to cover the cost of the improvements we have done on these roads and some that occurred in early June, you will see this on the next agenda but not sure that we would make that deadline, we want to mobilize these projects to make sure where we are so it will probably to October when you see the list of that final number. It will be a budget supplement coming from general fund to R & B fund balance.
Ed stated it was originally estimated at $2 million for all three roads. It is coming in at about $1.5 million.
In favor: Jankovsky – aye Martin – aye Samson - aye
County Road 115
Jim presented the award to ConSy for repairs to CR 115 stating this is public health and safety concern; the amount of the contract is for $328,095.00 for CR 115.
Commissioner Samson –I am not familiar with that road. You guys have a history with that road and say that it is a dangerous problem. What are we going to do? Is this going to take care of things?
Chairman Martin – It is a mini-Glenwood Canyon. We will maintain this road at the historical use.
Commissioner Jankovsky – Underneath is actually, all the parts of that road, drainage and corridor, the R & B guys go up there and see where it's all under the road.
Betsy – We not addressing the further up – it is a travel at your own risk. It is very dangerous for our road and bridge crew roadwork on. We close the road sometimes in the winter.
Ed – That is the decision we are ultimately going to have to risk. It is dangerous to our staff. The question is when do you pull the plug?
Commissioner Jankovsky – There are 30 – 50 homewoners who want the road open.
Ed – To fix it at $30 million.
Commissioner Jankovsky – It is a one-lane road.
Chairman Martin – its one section that is that way. The rest of the up above is fine.
Drew –If that road is closed what is their alternative for the residents that the Commissioner asked about?
Chairman Martin – CR 115 was designed only for emergencies. The main transportation route is CR 154 – the Spring Valley Road.

Ed – We keep monitoring the undercutting of the road.
Commissioner Jankovsky– The repairs are further down affecting homes and businesses.
Motion
Commissioner Samson – I would move that we approve the recommendation to ConSy in an amount not to exceed $328,095.00 for CR 115. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

RATIFICATION OF CHAIR'S SIGNATURE – FAA "CERTIFICATION OF TITLE", XCEL/PUBLIC SERVICE AND AVIGATION EASEMENTS – CAROLYN DAHLGREN
Carolyn Dahlgren asked for the signature of the Chairman to be ratified. We made certain that the FAA had good tile, anything wrong we will fix it and there were numerous navigation easements or amended over the barren lane; it is a lovely wall at end of the runway and we did make sure who the owners were of that property were comfortable.
Motion
Commissioner Samson moved to authorize the ratification of the Chair's signature for the FAA as per Carolyn stated. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
AMENDMENT NUMBER 2, COUNTY ATTORNEY 2011 ENGAGEMENT OF SERVICES – CAROLYN DAHLGREN
Drew submitted his representation on the FLMD board to allow a waiver and a stated this is a separate governmental industry - FMLD.
Commissioner Samson – At our FMLD meeting we pushed this; Drew is doing a great job as counsel; we are all learning more about it and taking the lead with AGNC especially Montrose and Delta. Drew is spearheading, doing a great job and sees no problem
Motion
Commissioner Samson made a motion that we agree and approve this engagement of services for the FMLD District. Commissioner Jankovsky – I agree with the waiver.
Drew – Accepted.
In favor: Jankovsky – aye Martin – aye Samson - aye
FMLD – Betsy will present projects and discussion additional projects at the next FLMD Board meeting.
Commissioner Samson – Both boards will need to discuss and decide.
Discussion
Drew – The accounting office, the BOCC and the FLMD need to be cautious. One of the stated purposes of the FMLD was to redirect the funds out of county control. We do not want to simply make it a nominal gesture and then use it for county projects. These projects must be approved by the FMLD. I am not saying that every project would be approved. Just be careful and the FMLD Board would receive your requests.
This is the proper and correct method and it should not be a dilemma.
Ed – Some of these projects the County cannot do without this additional funding. Timing is an issue associated with these projects.
Chairman Martin – There was a change in the statutes; we may just have to have funds accumulated. Jean White is looking at this to move to regional projects. The present time Garfield County is the only one in the FLMD district. We will need to put together a scope of service, submit to FMLD and they will render their verdict.
Ed – Questions. We will present projects to you and come back next Monday for a list and application
Drew – There are two upcoming FMLD meetings on 9-14 and then the second Wednesday of October. 10-14. at this meeting we will be doing organization tasks, receive applications but will not act on projects at that time. There are some new acts and reminded the board it is disbursed annually before the last day of August and none will be disbursed until December 31, 2011. At this time, we are not convinced that FMLD are subject to TABOR. If not it would allow FMLS to keep the monies.
Ed – The FLMD specificity receives $3.5 million.
Chairman Martin – This does not have anything to do with the budget.
Drew – Your auditor will tell you this is not a component of County Government. The entire point is to get this out of County control but the statute links for a commissioner member.

SHEEP TRIALS
Betsy – We are going to directly preparation for the sheep trials at the Strang's; I believe we will build a detour and allow for the project to have two-way traffic, build it for the next few days and wait until even complete before roadway is closed.
Jeff stated they expect 5,000 people.

DISCUSSION OF COUNTY ROAD RESEARCHER POSITION, SCOPE OF PROJECT AND DIRECTION TO STAFF REGARDING SAME – ANDREW GORGEY, FRED JARMAN AND BETSY SUERTH
Drew – Both Road and Bridge and Building and Planning will go to temporary easements and work together. There is a dividing line between temporary or permanent. Certain aspects to the job are for R&B expertise on the exact space needed. Temporary easements involve legal issues and specific modification. I wanted to mentioned this before budget time as some of the resources are part of their departments. They will need help on each single project.
Betsy – Again, this is why we need the landman position who is capable of this type of work. It will require survey work and additional expertise.
Jeff – Especially in coordination with title work.
Drew – I apologize; I am merely pointing out that there is a function R&B that requires this position and I am asking you to fund it. It would be a road researcher position. I have met with commissioners and it is high on their list. It is a way to strategize the legal claim to all county roads within Forest Service property or County Road not claimed by private citizens. I walked the land at Adrianne Crouch with Louis Buettner. There are two county roads at issue.
Fred Jarman –There are two sides to the story. This job could be massive and take many years to correct. There are lots of county road with many issues. It will require tremendous research. The understanding is clear and the position as described is good for land use and good for us. Many demands on this position and it much larger that characterized.
Chairman Martin –I am not trying to create jobs but other counties do have a legal inventory of all roads. This would affect land use, projects and challenges. We need to have that inventory. Road dedicated and accepted, recorded documents in correct spot and or corrected to make claims; we need to know what's on the ground and it is a huge big issue. We need legal descriptions. It would involve Betsy, Drew, Fred, the road reviewer's reports in Jean's office and would include the Assessor's office.
Carolyn – Roads are important and this may require two skill sets and may require two people. It would be nice to be surprised to get one person qualified to do it all.
Chairman Martin –We need to start. It would also involve the County Surveyor.
Drew – The end goal would be a judicial or quiet title once this inventory is complete back to 1883; it will require deeds and current maps. We would be making a pronouncement that the BOCC believes these roads are ours.

ChairmanMartin – The end report of that would be to have a complete inventory filed in the court system saying these are and make corrections and record.
Commissioner Samson –I was surprised not to have an adequate survey of roads. Need it done for everyone in the County it affects private owners so we need to know; therefore– I fully support this as there is a definite need to have a staff that can do the research. I see this as a full time position in 2012 to give the position the tools to get this done and in court to be ironed out.
Commissioner Jankovsky – I think this is more of a contract position than an in-house but I am okay with a staff position. I agree we need to figure out roads on Forest Service land, not close them off to the public and we need to get that done.
Direction to Ed was to go forward and budget for 2012.
Discussion:
Drew – I see the two functions as two separate things, one is the road research and the need for resources in R&B. This needs to make it into budget.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:
None
REGULAR AGENDA
COUNTY ATTORNEY UPDATE – LAND USE ISSUES – ANDREW GORGEY
There are two public items; the County Attorney is asking direction on an agenda Item with the City of Rifle on a contract matter regarding Solid Waste that are issues that the county and city need to work out. It is not consistent with staff earlier discussions with Rifle and asked to send a letter to Mr. Hier to give more time to talk about it and reschedule it.
There was no problem with the Board.
PUBLIC MEETINGS
GARFIELD LEGACY PROJECT
UPDATE ON THE GREENPRINT FOR CONSERVATION AND ECONOMIC OPPORTUNITY PROJECT AND FORTHCOMING PROCESS – CLARK ANDERSON AND JOHN LAVEY, SONORAN INSTITUTE
Martha Cochran, Larry Dragon Clark Anderson and John Lavey from Sonoran Institute gave the update.
Martha said we have a name, logo and a mission statement. Now we need to preserve and need to fund it. We did receive a grant that has four stages to it. One thing happening is talking to people individually, ranchers, chambers, attorneys and if the BOCC has suggestions we would like to hear them. This would be for recreation, trails and economic development. Mapping of values where they are in the county.
Oct 3 is the steering committee meeting. November 1 is our public workshop.

On Tuesday – September 20, at 2:00 p.m., we will have a formal presentation from others who have accomplished this on and how do they things. There will be presentation from Routt, Larimer, Jefferson and other counties.
Martha – We're excited and we're are all pointed in time and ready in 2012 for a ballot question. Diversity is what they are looking for – many voices and different perspectives.
Commissioner Jankovsky –I want you to know that I am not a big open space advocate. When you do your meeting, you will draw out the current open space and see that 70% is public lands now; to me this is a lot of open space.
Chairman Martin – Agreed there is a lot of current open space. We have had two different elections in past years and people want it but do not want to pay for it. Land is expensive. With 10% in unemployment, it is a tough time for people to dedicate funds for open space. People want jobs and this is what the economy needs. The government owns 90% of the land in Alaska. There are advocates for trails and access but from this Commissioner, I'm not a big open space supporter. Good luck to you. So far, all of you are hired employees so you need to get people from the community and not hired guns to do this kind of work. I don't see going out to an election; it will require 65% or more to get it passed. Preserving Agricultural is on the right track. We will wait for the presentation on September 20.
Commissioner Samson - Eagle and Routt have done some interesting things. Eagle is creating economy around their open space.
Clark stated we would learn from other programs who share similarities such as Gunnison.
Chairman Martin – With 2/3rd of the County as open space it is a tough sell. Most of these lands are publically owned.
Larry – Thanked the board for their input.
Chairman Martin – We are struggling to keep the public lands open to the people. What access is there and these are the hard questions.
Clark – We have done updates and we are keeping track of questions about trails and agricultural, cost of management etc. We thank for these thoughts; everyone appreciates the honesty.
September 20 we have scheduled three worksession and some folks are coming from Denver to present.

PUBLIC HEARINGS:
CONSIDER A RURAL LAND DEVELOPMENT OPTION EXEMPTION ON THE ± 451-ACRE STRANG RANCH LOCATED AT THE INTERSECTION OF COUNTY ROAD 100 (CATHERINE STORE ROAD) AND COUNTY ROAD 102 (FENDER LANE) ON MISSOURI HEIGHTS – THE REQUEST WOULD CREATE NINE (9) RESIDENTIAL LOTS AND A ± 424-ACRE REMAINDER LOT – APPLICANT; LAUGHING STOCK LLLP – KATHY EASTLEY
Shannon Meyer, Joslyn Wood, Kathleen Strang and Carrie Gagnon were present.
Carey Gagnon reviewed the noticing requirements with Shannon Meyer for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Planner Kathy Eastley submitted the following exhibits: Exhibit A – Mail Receipts; Exhibit B - Proof of Publication; Exhibit C – Garfield County Unified Land Use Resolution of 2008, as amended; Exhibit D – – Garfield County Comprehensive Plan of 2000; Exhibit E – Application; Exhibit F – Staff Report; Exhibit G Staff Presentation; Exhibit H – Email dated June 3, 2011 from Jim Rada, Environmental Health Manager; Exhibit I – Memo dated June 9, 2011 from Jamie Prochno, Colorado Water Conservation Board; Exhibit J – Letter dated June 15, 2011 from Perry Will, Colorado Division of Wildlife; Exhibit K – Email dated June 17, 2011 from Bill Gavette. Carbondale and Rural Fire Protection District; Exhibit L – Letter dated June 20, 2011 from Kelly Rogers, Colorado State Forest Service, Exhibit M – Letter dated June 20, 2011 from Karen Berry, Colorado Geological survey; Exhibit N – Memo dated June 20, 2011 from Steve Anthony – Vegetation management; Exhibit O – Email dated June 22, 2011 from Karlyn Adams, Division of Water Resources; Exhibit P – Email dated June 23, 2011 from Mike Prehm, Road and Bridge; Exhibit Q – Letter dated June 27, 2011 from Chris Hale, Mountain Cross Engineering; Exhibit R – Email dated June 24, 2011 from Martha Cochran, Aspen Valley Land Trust; Exhibit S – Email dated July 11, 2011 from Scott Aibner, County Surveyor; Exhibit T – Letter dated August 13, 2011 from the Missouri Heights Community League; Exhibit U – Letter dated August 30, 2011 from Patrick Miller Kropf, Attorney at Law; Exhibit V – Shannon Meyer – correction; and Exhibit W – Letter from Laura Van Dyne in favor of Strang Ranch.
Chairman Martin entered Exhibits A – W into the record.
Kathy submitted the staff report.

SITE INFORMATION: The site is located on Missouri Heights, north of the Town of Carbondale. The ±451-acre parcel is fairly level with the grade rising to a sage/pinion area on the north and east boundaries. The site currently consists of pastures, ranch/equestrian facilities and structures, a sod farm, three residences and ranch employee housing, as well as a fire station.
History Kathleen (Kit) and Michael Strang purchased the property in 1963 and raised four children on this site. The ranch has historically been the site of many equestrian and other ranch-related activities including special events, riding and stables. Many of these uses existed prior to the adoption of zoning regulations in Garfield County and therefore are considered legal, pre-existing uses. In 1994, the Strang has donated a lease site to the Carbondale & Rural Fire Protection District for location of a fire station. County approval of a Conditional Use Permit was issued in Resolution 94-030.
Resolution 2006-71 granted by the Board of County Commissioners approved an exemption on what was then a 453-acre ranch. This exemption created two parcels, Strang Parcel One - the remainder parcel consisting of 451acres and the subject parcel of the current request, and a 2.8-acre parcel described as Strang Parcel Two. This parcel was created to describe the area around "Lathrop's Cabin". The third home on the site has been operated as ranch housing since 1963 and is considered a legal, pre-existing use and structure. This site is known as the "log house"

STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners approve the Strang Ranch Rural Land Development Exemption Option with the following conditions:

That all representations made by the Applicant in the application, and at the public hearing shall be conditions of approval, unless specifically altered by the Board of County Commissioners.
The Applicant must obtain all required Federal, State and local permits related to construction and development of this site.
Existing well permits 282349, 282350, 282351 and 282352 will expire on January 11, 2012 unless the owner requests permit extension or submit well construction reports. Should the wells not be constructed on or prior to expiration of the permits, the Applicant shall request extension so that these permits remain valid.
This approval shall be valid for a period of one year, within which time the following documentation shall be finalized and submitted for review and approval by Garfield County Clerk & Recorder and County Surveyor.
Exhibit V was entered into the record.
Commissioner Samson – Exhibit from Patrick and Miller; all water issue been addressed.
Kathy – Continuation of irrigation particularly Ms. Blue to continue her water rights.

Discussion:
Applicant: Kit – Thank you for considering this and gave a brief history and how we came to a decision to preserve it. We have an additional 63 acres remaining in Ag. Kathy and Fred have been very helpful in assisting us and we do not want to go into a commercial development plan. Good job on waivers and good reasons for the waivers.
Chairman Martin – Another option available to you is you can come back and ask for a change.
Public Comment
Sean Holler, Drake Benson, Darlene Raymond, Dee Blue and Jeannie Benson made public comments mostly opposing this change by asking for clarification on several issues.
Kathy Eastley determined there was a sufficient amount of water.
Motions
A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to close the Public Hearing. In favor: Samson – aye Martin – aye Jankovsky - aye
Motion
Commissioner Jankovsky – I will make a motion that we, I don't think there is any way to respond on the one question on the well to the north, I did read Mr. Blaksley letter in the packet about water and it seems to me the water is adequate so, so I will make a motion that we, this is a minor planning review and that's why it did not to the Planning And Zoning Commission. So motion is to accept staff recommendation with changes to 5 add a and 6 a final submittal of a conservation easement with AVLT and that we change 63 to lots 2-9 and 6b4 lots 2-9 that we add no 8 for an improvement agreement incorporating the ULUR as standard set language of the land.
Carrie – You need to make this more general and just allow me to work with the applicant in drafting the improvement agreement to make sure that the specific standards they care about the most, instead of making it a blanket entirely incorporated then if meets the approval of the County Attorney's office and the BOCC.
Chairman Martin – One more change when we see the final Resolution.
Commissioner Jankovsky – I am comfortable with the County Attorney's office reviewing this with the applicant. Commissioner Samson – I agree and will second the motion.
In favor: Jankovsky – aye Martin – aye Samson – aye

CONSIDER A REQUEST FOR A MAJOR IMPACT REVIEW FOR A LAND USE CHANGE PERMIT FOR A SOLAR POWER GENERATING SYSTEM, LOCATED AT 5454 COUNTY ROAD 346, APPROXIMATELY 3 MILES SOUTH WEST OF THE TOWN OF SILT AND 2.5 MILES EAST OF THE CITY OF RIFLE – THE REQUEST WOULD CREATE APPROXIMATELY 77-ACRES OF SOLAR PANELS ON A 306-ACRE PARCEL – APPLICANTS; EAGLE SPRINGS ORGANIC LLC AND ORGANIC GROWER LLC – GLENN HARTMANN
Glenn Hartman, Tim Thulson, Ken Sack and David Katz from SGM.
Carey Gagnon reviewed the noticing requirements with Tim Thulson for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Planner Glenn Hartmann submitted the following exhibits: Exhibit A – Proof of Publication; Exhibit B – Return receipts from Mailing Notice; Exhibit C – Photo evidence of Public Notice Posting; Exhibit D – Garfield County Unified Land Use Resolution of 2008, as amended; Exhibit E –Garfield County Zoning Regulations of 1978 as amended; Exhibit F – Staff memorandum; Exhibit G - Application; Exhibit H –Staff Presentation; Exhibit I – Referral comments from County Consulting Engineer; Exhibit J – Referral comments from County Environmental Health Manager; Exhibit K – Referral comments from Burning Mountain Fire Protection District; Exhibit L – Referral comments from the Town of silt; Exhibit M – FAA Determination of No Hazard to Air Navigation; Exhibit N – Advanced Solar Photonics Glare Information; Exhibit O – Public Comment letter from Lana Scott and June McNamee; Exhibit P – Public comment letter from Susan Power; Exhibit Q – Excerpt from the BOCC Minutes June 20, 2011; Exhibit R – Referral comments from County Vegetation Manager; Exhibit S – Supplemental Comments from County Vegetation Manager; Exhibit T – Supplemental Memo from Schmueser Gordon Meyer' Exhibit U – State of Colorado Storm Water Discharge Permit; Exhibit V – Fugitive Dust Control Plan; Exhibit W – Supplemental Air Quality/dust Control Comments from County Environmental Health Manager; Exhibit X – Air Pollution Emission Notice (APEN) Colorado Department of Public Health and Environmental (CDPHE) Permit Application , Exhibit Y – Additional Subsoil Study by HP Geotech (Phase II) and Exhibit Z – Comment letter and suggested language for Condition #11 – from the County Airport Director.
Chairman Martin entered Exhibits A – Y into the record.

Glenn Hartmann submitted the staff report.
The Application requests a Major Impact Review approval for a Solar Power Generating System on the property comprised of approximately 306 acres. The solar facility will consist of 77.7 acres of Solar Fields, which will be constructed in three phases on three portions of the property. Phase I will generate 5.5 Mw on 31.6 acres of solar panels located in the northwest portion of the overall site. Phase II will generate 2.2 Mw of power on 9.6 acres of solar panels located on the eastern portion of the site. Phase III is proposed to generate 9 Mw of power on 36.5 acres of solar panels located on the southwest portion of the site adjacent to Phase I.
The Site is comprised of several parcels owned by Eagle Springs Organics LLC and Organic Growers LLC. The Applicants have recently acquired additional properties north and west of the site which will provide additional separation from immediate neighbors. The site is located just south of Interstate 70 and east of the Garfield County Airport. It is located on a mesa above the valley floor. Adjacent properties are primarily in agricultural uses with some residential properties to the east of the site. The site is not easily visible from lower lying adjacent properties but is more visible from the east and south and from higher elevations. The overall property boundary, general topography and phasing plan are illustrated on the site plan below. Three gas well pads are located on the site in the north, south central and southeast portions of the property. The well pads are located outside of the solar panel phases and existing agricultural production area. The central portion of the site remains in organic agricultural production. The Eagle Springs Organic LLC greenhouses are located along the north edge of the mesa and generally east of the Phase I and III solar arrays. The greenhouses are recently constructed features and are currently in production of organic produce. The organic growing operations have the potential to utilize a significant portion of the power generated by the solar facility. Eagle Springs Organics operates the Multi-Trina irrigation ditch across the site and will pipe portions of the ditch to minimize any impacts.

Current Status

The Applicant had initiated construction of the panel support structures without issuance of a County Land Use Change Permit. They have been issued a stop work order pending consideration of the current Application. The Applicants also initiated contact with the Board of County Commissioners regarding the above topic under the "Public Comment" section of the Board's June 20th agenda. A copy of the minutes from that meeting are attached as an exhibit.

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Based on the Staff Report and referral comments, Staff presented a draft finding and suggested conditions to the Planning Commission for consideration at their August 10, 2011 Public Hearing. Minor edits and adjustments to the conditions were discussed at the hearing and are summarized below:
Condition #5: Was edited to include reseeding of areas disturbed by the solar installations. Reference to access road improvements was deleted, as there are no additional roads proposed. Additional comments from Steve Anthony were inserted addressing restoration and calculation of disturbed areas and security is to be in a form acceptable to the Board of County Commissioners.
Condition #6: Was edited to remove the reference to access road improvements consistent with Condition #5.
Deleted Condition #12: Regarding future subdivision was deleted at the direction of the County Attorney's Office as the issue is already adequately addressed by the ULUR.
New Condition #12: Requiring compliance with the Burning Mountain Fire Protection District's quest for emergency response training was added.

PLANNING COMMISSION RECOMMENDATION

At their Public Hearing, the Planning Commission forwarded a recommendation to the Board of County Commissioners for approval of the Major Impact Review Land Use Change Permit for Eagle Springs Organic LLC and Organic Growers LLC Eagle Springs Solar for a Solar Power Generating System. The recommendation was subject to a finding that the Application is in compliance with all applicable provisions of the Unified Land Use Resolution of 2008 as amend and is in general conformance with the Goals and Policies of the Garfield County Comprehensive Plan 2030, and subject to the edited conditions of approval outlined as follows:

11. That all representations made by the Applicant in the application, and at the public hearings before the Planning Commission and Board of County Commissioners shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
12. The operation of this facility and any future amendments shall be done in accordance with all applicable Federal, State and Local regulations governing the operation of this type of facility including but not limited to the FAA approvals and notifications.
13. The Applicant shall maintain compliance with the provisions of Section 7-819 of the Unified Land Use Resolution of 2008 as amended including but not limited to: site rehabilitation, operations, repair and maintenance hours, and lighting.
14. The Applicant shall comply with the recommendations of the County Vegetation Manager in regard to weed management including possible annual site visits to assess the site and ongoing treatment for county and state listed noxious weeds.
15. Reclamation of the site shall include reseeding with an appropriate seed mix approved by the County Vegetation Manager. Reseeding will include any areas disturbed for solar installations, utility extensions, and irrigation ditch piping. Reclamation shall be completed after construction and prior to historical periods of adequate moisture. Security in an amount to be established by the County Vegetation Manager shall be provided in a form acceptable to the Board of County Commissioners. Please quantify the area in terms of acres, to be disturbed and subsequently reseeded. The amount of the security may be adjusted based on the timing and status of reclamation for each phase. The security shall be held by Garfield County until vegetation has been successfully reestablished according to the Reclamation Standards in the Garfield County Weed Management Plan
16. Construction access shall be limited to the Mamm Creek Rd. (County Road 315) access consistent with the Applicant's Traffic Study. During the construction phase, the Applicant shall provide portable toilets, storm-water/soil erosion management as needed for any site disturbance, and shall provide for secure storage and/or daily removal of any trash or refuse from the site.
17. The solar arrays and electrical vaults shall maintain a minimum setback of 25 ft. from all property lines consistent with standard front/rear setbacks requirements for the Rural Zone district.
8. Prior to any additional activity on the site the Applicant shall provide documentation of issuance by the Colorado Department of Public Health and Environment (CDPHE) of a Stormwater Discharge Permit consistent with the application and plan provided with the submittals.
9. A dust management plan shall be provided and approved by the County Environmental Health Manager prior to any additional construction on site. If determined applicable by the County Environmental Health Manager, after further review of the area of disturbance on the site, the Applicant shall provide evidence of issuance of an Air Quality Construction Permit from the CDPHE prior to any further construction activity.
10. Prior to issuance of the Land Use Change Permit, the Applicant shall provide updated soils information/professional opinions adequate to confirm that the H.P. Geotech recommendations based on soils borings in Phase I and III are applicable to Phase II and that the proposed foundation systems will be adequate.
11. Prior to issuance of the Land Use Change Permit the Applicant shall provide written confirmation from the Garfield County Airport Manager that the location of the solar panels meets the County's requirements for avoiding any impacts including visual or glare on the airport runway and approach configurations.

12. The Applicant shall comply with the requests from the Burning Mountain Fire Protection District, contained in the Fire District letter dated July 25, 2011 including addressing and emergency response training. The training shall be complete prior to operation of the Solar Power Generating System.

SUPPLEMENTAL SUBMITTALS

The Applicant has provided a supplemental memo and attachments (included as exhibits) that address a number of the proposed conditions.

Condition #8: The Applicant has provided a copy of the State's Storm Water Management Permit issued for the proposed facility.

Condition #9: The Applicant has provided a dust management plan, which has been reviewed by the County Environmental Health Manager (see attached). In addition the Applicant has initiated application procedures to meet the Colorado Department of Public Health and Environment (CDPHE) permitting requirements (see attached Air Pollutant Emission Notice "APEN" and Application for Construction).

Condition #10: The Applicant has provided additional soils reports with test borings from H.P. Geotech, within Phase II of the project and engineering opinions, which support the proposed foundation design.

Condition #11: The Applicant has indicated that they would be contacting the Airport Manager to address this condition regarding airport compatibility.

Board of County Commissioner Options for Conditions

Based on the supplemental submittals the Applicant has satisfied the requirements of Conditions #8 and #10 and those conditions are no longer needed.

Based on the additional review by the County Environmental Health Manager and the Applicant's initiation of Application proceedings with CDPHE Condition #9 can be edited as follows:

Condition #9: The Applicant shall comply with the Fugitive Dust Control Plan as submitted and shall obtain the required APEN (Air Pollutant Emission Notice) - Application for Construction Permit from the CDPHE prior to any further construction activity.

Applicant:

Tim Thulson – We are going to be very short on this. We have met with staff and believe we have a fairly clean staff report that we are satisfied and are in concurrence with as far as the conditions of approval. I would add a few comments from the public that were received in and the basic gist of those comments they were worried that implementation of the solar farm may impact their ability to harvest the minerals on the property. I would note that the property subject to this application has a current surface use agreement with Antero Resources Corporation and as a matter of fact these solar arrays were placed in the position they were so as not to interfere with the paths that are constructed or to be constructed so they should have no impact whatsoever negative to mineral development on the property. We are in agreement as to all the conditions of approval. I have not discussed one aspect of the conditions regarding the bonding with Glenn, but I will raise it here, we have three phases planned for the project and we are only going to construct one at a time and we would ask that the bonding requirement be changed so that we bond on a phased basis, and not all three at one time. It would seem to make logical with the phasing plan. With regard to the other comments or the other proposed conditions, we are in agreement with that and the rewrite of condition 11 is fine with us, we believe it really incorporates in the county permit the FAA requirements and we are happy to do that. With that, I don't have any presentation, but we stand available for any questions you may have and address them.

Discussion:

Commissioner Jankovsky – Why did you guys start without a Building permit in going through this process. You started the project and then were shut done. Like to hear an explanation.

Ken – Originally, we were planning to do this with Holy Cross and then we determined we were not and it would our own use project that at 100-horse power motor for irrigation purposes and we wanted to get this going for our own use. We understood for one use you didn't need any permits to do it.

Motions

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to close the Public Hearing. In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Jankovsky – I would make a motion that we accept the Planning Commission's recommendations 1- 12, strike 8, 10 and we change 11 to be supplemented by the Airport Managers exhibit C, the first sentence in 9 strike because that has also been completed. Commissioner Samson – Second.

Commissioner Samson – Glenn does that take care of what we need.

Carey – At this point, the public hearing is closed so if you have questions directed to staff you would have to reopen the public hearing. Glenn did provide an alternative for the language in No. 9 in his staff presentation. If that language is comfortable, you can substitute that language.

Commissioner Jankovsky – I'm comfortable with that condition No. 9. Commissioner Samson – Second.

Carey one question the applicant has proposed that the bonding occur in phases that are not currently reflected in the motion.

Commissioner Jankovsky – That is item no 5 and I think that makes a lot of sense and I don't see there's would be a lot of disturbance, so a lot of these things I see in here I question somewhat. Let's go ahead with this and let the bonding in a phased basis and up to the County Weed Manager.

Commissioner Samson – I agree with the change.

In favor: Jankovsky – aye Martin – aye Samson – aye

Ken - I would like to invite everyone to an open house on September 22 at the farm, we have invited many people in the community from noon to 5:00 P.M. to taste some of the organic food and see what they think and see what we are doing. Cows, sheep – all organic – inside the greenhouse for fish –

Commissioner Samson – What are you growing?

Tomatoes, carrots, virtually every vegetable, cantalopes, corn we have a 58,000 sq foot greenhouse and within a couple of weeks we will start doing farm fish and plus we have cows, pigs, sheep, goats, all organic. We have 6 tanks in the greenhouse that will hold 1,000 fish each and we'll do aqua faming where the vegetables will grow on top as vegetables and the fish that swim around farming and the water will flow up through the vegetables and go back to a process of cleaning the water with rock and things and flow back into the tank. We have 80 employees and we laid off 25 with the season and construction but we are getting all of those back. They are having a meeting tomorrow to get themselves back in gear. To me the most interesting thing is my background is as a pharmacist so I went from a pharmacist to a farmer, it is a cool thing to grow vegetables. I need to be able to do beef and pork and lamb.

Commissioner Issues:
Commissioner Reports
Commissioner Calendars
Approval of Minutes
Commissioner Agenda Items

Calendars: Commissioner Samson tomorrow we have a workshop at 8 am, we are going to talk about projects for R&B, 9 a.m. for water issues, and Executive Session 9 am – that is a regular meeting agenda, the other two are work sessions.
Fred – I have three engineers coming over for the water discussion and it probably a handful of local attorney's and water engineers at 10 a.m. for the issue. This is a hefty discussion and need to know if all three Commissioners will be present.
Chairman Martin reassured Fred he will be at the meeting.
Commissioner Samson - Thursday – Drew Gorgey and I will be attending an AGNC in Meeker. We will be picking up Jane and Mayor Lambert from Rifle. Drew stated he would meet at the at Rifle Airport at 8:45 a.m. Next Monday, September 12 our meeting will be at the (new) New Castle Fire Station. On the 13th I've been invited to judge a Chili Cook-off at the Rifle Hospital. FMLD meeting 9 am on the 14th of September.
Commissioner Jankovsky – Last week I attended Carbondale EBC with Lisa Dawson from 12 – 1 p.m. to see what they are doing. They are working on website that will be the same company called Alfas the same that did the website for Rifle. It is very consistent – and Dale and Lisa are working on this that we get a meeting together with all the EBCs, County and ____ he still working on his project as well. They are looking at the possibility of hiring a staff person so this will be back in front of us. Northwest Oil and Gas Forum and they did have a good discussion on the issues in the newspaper both by COGCC and by Noble issues. EAB on Thursday evening and that was productive. The discussion was about community counties, I could see by the mix of that group how it could be a very volatile group and a lot of questions about our new oil and gas liaison, when starting, questions about the hydro study, we will talk about at budget time. That liaison will be announced on the 15th of September hopefully. There is excitement about that appointment. Natural gas meeting at 3:00 p.m. on Wednesday in Rifle and had a BLM Conference on the oil shale coordination partner PEIS and they will be talking about our study that we had done on impacts in 2008.
Chairman Martin – Covering Commissioner Samson on Tuesday in the afternoon and evening in Hayden and at the work session. Leave next Tuesday for Washington, D.C. on payment in lieu of taxes; a dedication of the of new preforming arts platform/stage in Silt at 2:00 p.m. on the 16th, however, we've been invited to dinner on the 17th for dinner and concert - Hwy 101. 20th to all of the aspects on open space
Held in the BOCC room at 2:00 p.m. and a 6:00 p.m. a public meeting on Affordable Housing and at 10 a.m. with CDOT. On the 19th I'm going to substance abuse meeting over at the courthouse 5:30 – 7:30 p.m. Two other items, one is a request by the City to the BOCC that say we have no objections to two vendors on the corner in reference to noon sales that you might have received a letter from the folks, mediation if you don't get along, both of you are gone. We will not tolerate any bickering. The next day they did join forces and thought it would be great to complement each other, they have been on the corners and please keep us together it is helping our business. The city only wants on vender unless we say they can have two. We will need to generate a letter if we feel that two vendors side by side working together are acceptable.
Drew – We are happy to write that letter if you give us that instruction and we would just include the detail that you just said which is you will either co-exist peacefully or we'll withdraw permission to both of you.

ADJOURNMENT

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO
SEPTEMBER 12, 2011

The regular meeting of the Board of County Commissioners was held at the New Castle Fire Station and began at 8:00 A.M. on Monday, September 12, 2011 with Chairman John Martin and Commissioners Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION – Moment of Silence
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

REGULAR WORK SESSION:
ASSESSOR'S UPDATE
ABATEMENT 12-006, SCHEDULE #: VARIOUS PETITIONERS: JIM YELLICO, AGENT
Jim Yellico and Lisa Warder presented the various abatements, explained and submitted a spreadsheet containing all the information.
Drew – This is a noticed hearing for any petitioner who wants one with respect to the abatement petitions filed. It is filed as one particular abatement but covering multiple scheduled numbers and all property taxpayers concerned were sent written notices and today is their opportunity to be heard. They have their abatement petition filed by the Assessor as the agent heard by the Board of County Commissioner. The issue is refunds and DeBeque Fire District.
Lisa – This is abatement no. 12-006, the schedules are numerous, and they are attached by spreadsheet, broken out in 2009 and 2010. This abatement is due to a clerical error. The DeBeque Fire Department was incorrectly added to tax area 022 and 026 the taxes paid for 2009 and 2010 to the DeBeque Fire Department are therefore erroneous and therefore must be abated. For 2009, that amount is $3,502,110.38; for 2010, that amount is $2,707,051.72.
Chairman Martin – There is a request to allow that abatement to take place.
Lisa – Yes.
Chairman Martin – The Fire District has been notified and worked with the Assessor. They are aware of the petitions and notice, a spreadsheet was given to the DeBeque Fire District for the different years, and the issue was discussed.
Jim Yellico – Yes to all your concerns; the DeBeque Fire Department was aware of all the process.
Chairman Martin – Determined no representative from the DeBeque Fire Department was present.
Drew – Two things – first, the BOCC for Garfield County complied with their statutory obligation by sending their negotiator to the Board of the DeBeque Fire District prior to any action on these abatement petitions, so you complied with statute there. Second, the refunds are being refunded for both tax years in full with the appropriate interest and the petitions that concerned refunds of less than$10,000 if approved by you this morning will be immediately processed by the Garfield County Treasurer. The refunds will be issued immediately by statute. Any refund amount greater than $10,000 first has to be sent to the Division of Property Taxation in Denver, they have been made aware of this particular petition and through the hard work of the Assessor's office they are going to expedite so the DeBeque Fire District doesn't incur any additional expense. I would also say this is a pass through with respect to Garfield County General fund dollars are at issue for administrative time and processing this.
Chairman Martin – And the DeBeque Fire District has enough funds to make this refund.
Drew – Yes they do.
Commisioner Jankovsky – I'd like to take a moment to thank Chairman Martin for his work on this, Jim Yellico, Drew Gorgey and thanks to all for going to DeBeque, looking at the fire department and acknowledged they are conservative and have these funds to be refunded. I think the situation was difficult and you guys did a good job of carrying the message.

Chairman Martin – Lisa did a lot of work behind the scenes. She worked tirelessly in getting everything together as well as others that were called up that you named. Thank you very much.

Motion

Commissioner Jankovsky – I would made a motion that we accept abatement 12-006 with various schedules attached by spreadsheet 2009 and 2010. For 2009, that amount is $3,502,110.38, for 2010, $2,707,051.72. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

Lisa – If I could ask that the Chairman would sign those petitions we would like to take them back with us and put them into a federal express envelope and send to Denver if possible.

Chairman Martin – We can get that accomplished.

ATTORNEY UPDATE

Drew introduced the items, a contract for purchase of Aggregate and Betsy Suerth and Jim Hackett proceeded with the contract and recommendation.

- **COMMODITY PURCHASE FROM LAFARGE LATHAM GRAVEL PIT – BETSY SUERTH & JIM HACKETT**

Jim and Betsy presented.

STAFF RECOMMENDATION:

It is the recommendation of staff that the Board approve the award of a contract to **LaFarge, NA, Inc** in an amount not to exceed **$527,256.97** for 61,119 tons of gravel aggregate based upon the following analysis of the unsolicited proposal.

LaFarge North America is offering the County an opportunity to purchase 61,119 tons of aggregate material from their Latham Gravel Pit. They are offering a per ton average price of $8.63 per ton for a total cost of $527,256.97. Our current gravel aggregate contracts have a per average price of $9.88 per ton. The price difference of $1.25 represents a $136,676.75 savings if the County were to purchase the gravel at the current cost.

LaFarge NA needs to be out the gravel pit by April 2015 and the material needs to be out by October 2014. As such, we would be storing the gravel at the pit and picking it up on site as needed. LaFarge NA has agreed that we may survey the remaining gravel and if our survey is within 10% of their total amount we will pay them for the total of 61,119 tons and if it is not we will take the average of the two-surveyed amounts and the final amount shall be set and a new price calculated.

Since the gravel will be stored at a closing gravel pit location there may be some spoilage between now and October 2014. If you assume 10% that would be a total of roughly 6,112 tons at a price of $8.63 paid that would mean $52,746.56, meaning you would lose about 40% of your savings. Another potential way of accounting for the spoilage would be to charge any use of the gravel out at our current commodity price of $9.88 per ton. That would mean that you would need to sell about 42,197 tons of the material at our current price to cover the spoilage and remain at a savings of $136,676.75. None of the purchased gravel will affect any of our other contracts with gravel pits located at other locations throughout the county cost factors for hauling it would prevent it. Based upon the overall savings it is the recommendation of staff that the County award a sole source commodity purchase to LaFarge NA in an amount of $527,256.97 spread over three equal payments of $175, 752.32 on Sep 30, 2011, Dec 31 2011, and Mar 31, 2012.

Commissioner Jankovsky – Do they still have equipment in the gravel pit or do we need to load? The second question is I know we have awarded gravel contracts already earlier in the spring and are we not getting more gravel than we need or is this for gravel for next year for 2012.

Betsy – We will be using our own loader and we will be the only ones in the pit if the BOCC agrees to sign this before you today. Then the pit will close to all other public so Garfield County will be the only one accessing the pit and loading their own gravel. As we do now, we don't load our own gravel but we pick up our own gravel so there's one operation in addition to what we normally do. Secondly, this year we are going to come very close or perhaps even need additional over and above what we contracted for in 2011 because of all the conditions we've been through, we haven't anticipated the repairs needed, so this will not take away from other gravel or material contracts that we have in place for 2011.

Commissioner Jankovsky – So this will be our contract for the east side of county be less in 2012.

Betsy – No, I think that we need to do enough maintenance that this gravel would be over and above what we already contracted annually with the 5 different contractors; that's what we've been doing in the past, so you'll see a contract just like that early in 2012 for probably the same amount, I think $1/2 million is what we contract for each year for aggregate. This will be over and above that and I see no problem being able to use that and use it up through the 2014 deadline and mostly I think we'll be using it on the western end of the County, that being Baxter Pass and Douglas Pass.

Commissioner Jankovsky - The budget for this…

Betsy – You will see this in the supplement that's coming in October if you are willing to go forward with his. This will be a fund balance and this would be material that we need anyway and coming to you at some point through the next 3 to 4 years, we figure we can use this to contract for additional gravel, so this just takes care of what we need over and above our annual contracts.

Jim – The gravel has to be out of there by April 15, 2015.

Commissioner Jankovsky – This is from respect to Douglas and Baxter Pass.

Betsy – It is a distance from anywhere, but closer in Debeque

Commissioner Samson – I would move that we approve the award to purchase order in an amount not to exceed $ – for the gravel in the amount of not to exceed $527,256.97 to LaFarge Inc for 61,119 tons of gravel aggregate and authorize the Chair to sign.

Commissioner Jankovsky- Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

COUNTY ATTORNEY UPDATE – DREW GORGEY

UPDATE REGARDING COLORADO OPEN RECORDS ACT (CORA) POLICY

Drew – This is just an update regarding the open records policy. I told you that we'd been working on it and I wanted direction from the Board if I could. The public records policy should be a Board policy, something that you would review and adopt in a public meeting and I wanted to know whether we could next Monday or if you prefer to have a work session on it. I think you can probably handle it as far as a regular agenda item. I can break it out in the County Attorney update portion and grant some attention to it and what you would be reviewing is public records policy and then instructions and form available for the public and it should make it easier for anyone in Garfield County or outside to make a public records request. If you are all right with that I will circulate the draft policy to all the other elected officials, I will do that today and try to get comments back from them. I want to be clear that the Sheriff is really in a different category statutorily is with the Criminal Justice Records Act, their volume and type of request are very different and there are also some specific laws that pertain to Social Services records so there will probably be some custom practice there no matter what. But if you are all right with that, I would like to go forward and get this in front of you so that if approved, we could put instructions and a form on the website so that any citizens and media would be have a uniform way to request records.

Commissioner Samson – I don't see any problem with that as long as we get that to the other elected officials which you said you would today and any comments against that for any of them and I think we should probably take care of any issue in 10 – 15 minutes. I don't see any super big problem with that and we can get it handled easily.

Drew – There's no reason to go longer than ½ hour but I do think we need to get the law on the record so people understand what they can and cannot request from the County, whether you are obligated to turn over and what you are prohibited from turning over and what you have discretion in turning over.
Commissioner Samson – And the cost, if they expect some things they will have to for fees, etc.
Direction was given to Drew.

Executive Session
Drew – We had placed on the agenda a request for an Executive Session I simply ask that we move that one week to the 19th of September.

CONSENT AGENDA:

a. Approve Bills
b. Wire Transfers
c. Inter-Fund Transfers
d. Changes to Prior Warrant List
e. Bond Release: Nabors Well Service, Co. – Betsy Suerth
f. Bond Release: Berry Brothers
g. General Contractors – Betsy Suerth
h. Authorize the Chair to sign the mylar for the Hoaglund Subdivision Exemption Plat. This Application was approved by the Director of the Building and Planning Department through an Administrative Review. The Applicants are Edward J. Hoaglund and Ida L. Hoaglund – Glenn Hartmann
i. Authorize the Chair to sign the Resolution for Eagle Springs Organic LLC and Organic Growers LLC for approval of a Major Impact Review, Land Use Change Permit for a Solar Power Generating System, located on an approximately 306 acre site at 5454A County Road 346 (MIPA-6775) – Glenn Hartmann

Chairman Martin – Do we have approval for the consent agenda?
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

COUNTY MANAGER UPDATE: ED GREEN
None

EXECUTIVE SESSION
Chairman Martin – We cannot take any action on this before placing it on the agenda. It did cover the emergency services request.
Commissioner Samson – We have a request from Garfield County Emergency Communications Authority to read this letter and then request that it be put on the agenda for next week. "Dear Chairman Martin; the Garfield County Emergency Communication Authority would like to request that the Garfield County Treasurer's fee be waived, it is our understanding that the BOCC has the authority to do so and may be willing to do so. As you are aware, it is difficult financial times and every cent counts. If these fees are waived it will add approximately $24,000 to our operating budget in 2012, this is equal to nearly one-half of one dispatcher. If you would like to discuss this to be permanent or want more information, I would be happy to submit it. Signed by the Chairman and Rifle Police Chief, Daryl Meisner."
Chairman Martin – This is something to consider on the information presented that was a topic of discussion because of the sales tax refund going through the Treasurer's fees. We can consider that.
Commissioner Samson – I would notify Chief Meisner that he needs to be present for next Monday.
Chairman Martin – The person that generated that letter was the vice chair, Chief Brit Lin.
Commissioner Samson – Would you please let Chief Meisner know.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:
None

REGULAR AGENDA: BUILDING & PLANNING ISSUES

COUNTY ATTORNEY UPDATE – LAND USE ISSUES: ANDREW GORGEY
None

PUBLIC HEARINGS:

TO CONSIDER A REQUEST FOR A LAND USE CHANGE PERMIT FOR A LIMITED IMPACT REVIEW OF THE H LAZY F MINI STORAGE, LLC APPLICATION FOR A COMMUNICATION FACILITY ON A 1.6 ACRE SITE LOCATED AT 5445 COUNTY ROAD 154, GLENWOOD SPRINGS, CO (FILE NO. LIPA 6757). THE APPLICANT IS H LAZY F MINI STORAGE, LLC – MOLLY ORKILD-LARSON.
Molly Orkild-Larson, Scott Harry and Anthony Serpa were present
Carey Gagnon reviewed the noticing requirements and determined they were timely, noticed properly and advised the Board they could continue.
Chairman Martin accepted notification and swore in the speakers.
Molly submitted the following Exhibits: Exhibit A – Proof of Publication, Posting and Mailings; Exhibit B – Garfield County Unified Land Use Resolution of 2008, as amended; Exhibit C – Garfield County Comprehensive Plan of 2030; Exhibit E – Application; Exhibit F – Staff Powerpoint; Exhibit G – Email from Michael Prehm, Garfield County Road and Bridge, dated July 6, 2011; Exhibit H – Email from Steve Anthony, Garfield County Vegetation Manager, dated July 29, 2011; Exhibit I – Email from Jim Rada, Garfield County Environmental Health, dated July 14, 2011; Exhibit J – Email from Dan Roussin, CDOT, dated August 26, 2011; Exhibit K – Email from Bill Gavette, Carbondale and Rural Fire Protection District, dated July 8, 2011 and Exhibit L – Letter from Chris Hale, Mountain Cross Engineering Inc. dated July 20, 2011.
Chairman Martin entered Exhibits A – L into the record.

I. GENERAL PROJECT DESCRIPTION
AT&T proposes to construct a 40-foot stealth "monopine" telecommunications tower and associated equipment within lease areas A and B on a 1.6 acre subject parcel. The subject site consists of the lease areas A and B along with an access and utility route identified by the hatched area on the site plan. The subject parcel has access onto an existing road which connects to County Road 154 (CR 154). The Applicant also has secured access from the subject parcel to CR 154.

The tower will support 12 panel antennas and other miscellaneous equipment (E-911 GPS antenna, etc.) in an asphalt paved parking area at the north end of the middle single storage building of the H Lazy Z Mini Storage facility. The type of service the tower will provide is for cellular telephone (voice and data) and will be designed to accommodate similar equipment for at least one additional wireless service provider in the event another provider wishes to co-locate at this location. The radio equipment will be situated inside the existing end storage unit (Unit D-1) of the metal storage facility and connected to the tower by means of underground conduit.

The color of the antennas, associated cabling, and mounting brackets will match the supporting structure(s) on the ground and, no lighting or signage is proposed.

II. STAFF RECOMMENDATION

Staff recommends the Board of County Commissioners **approve** the request for a Land Use Change Permit for a Communication Facility to be operated by AT&T Mobility, LLC on a property owned by H Lazy Z Mini Storage, LLC located in Section 1, Township 7 South, Range 89 West of the 6th P.M. in Garfield County with the following conditions:

6. That all representations made by the Applicant in the application, and at the public hearing before the Board of County Commissioners, shall be conditions of approval, unless specifically altered by the Board of County Commissioners;
7. The operation of this facility shall be done in accordance with all applicable Federal, State and Local regulations governing the operation of this type of facility;
8. The facility shall be required to comply with the following standards:
   f. The facility shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the property on which the use is located.
   g. Site operations shall not emit heat, glare, radiation, dust or fumes which substantially interfere with the existing use of adjoining property or which constitutes a public nuisance or hazard.
   h. All equipment and structures associated with this permit shall be painted with non-reflective paint in neutral colors to reduce glare and mitigate any visual impacts.
   i. Volume of sound generated shall comply with the standards set forth in the Colorado Revised Statutes.
   j. All lighting associated with the property shall be directed inward and downward towards the interior of the property.

Applicant:

Scott Harry – We are with Sure Site Consulting Group and we are representing AT&T wireless on this application. Thank you for giving us the opportunity to present this application. We think it is a good application in that Sure Site across the US generally try to fit them in with the community as well as we can and we feel this particular facility is consistent with thefire surroundings and we chose a model plan obviously because there are existing pine trees there and we're choosing colors that match the existing foliage in the area and it blends in very well with the surroundings and feel it's a great application. Staff has presented a fantastic summary of the project so I won't go into any more details on it, if the Commissioners have any questions for me regarding the details of the application, I'll be happy to present those.

Commissioner Jankovsky – Does this fill a gap in your coverage?

Scott – Yes it does. AT&T has experienced some dropped calls and this provides consistent coverage. Chairman Martin – We always support co-location.

Scott - Thank you all for reviewing this and allowing this coverage. Clients will be better served.

Drew – No comments

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

In favor: Jankovsky – aye Martin – aye Samson - aye

Commissioner Samson - I would move that we approve the request for a Land Use Change Permit for a Limited Impact Review of the H Lazy F Mini Storage, LLC application for a Communication Facility on a 1.6 acre site located at 5445 County Road 154, Glenwood Springs, CO (File No. LIPA 6757). The Applicant is H Lazy F Mini Storage, LLC.

Commissioner Jankovsky – We will accept the 44 feet and allow the modification based on construction.

Commissioner Samson - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

PUBLIC MEETINGS:

CONSIDERATION AND APPROVAL OF CONTRACT BETWEEN BOCC AND CHFA, CREDIT RESERVE FUND – ALICE LAIRD (CLEER) AND STEVE JOHNSON (CHFA)

Carolyn Dahlgren, Alice Laird, Michelle Russell with Alpine Bank and past Chair of CHFA, Gregg Rusty, Steve Johnson with CHFA, Georgia Chamberlain, Bob Pendergrass, Lisa Dawson, Jim Rada, Jim Hackett David Myer, and Tim Miller were present.

Carolyn – I will do an introduction first before for the public but to also remind you of these various sources of federal funds. The money today comes under the second grant the BOCC has with DOE. The second grant is the one that you were awarded along with Denver and Boulder. The first grant was only Garfield County and that program is something we call Garfield Clean Energy challenge. The second grant was called the Retrofit ramp-up but it is not called Better Building Program. That is what you'll hear us talking about today. The BOCC's portion of the second DOE grant is covered in your agreements with Boulder. You have the primary agreement between Boulder and the BOCC and then you have amendment number one to that agreement. The second portion of the second DOE Grant was included in all of your IGA's with the various municipalities, RFTA and the Library that formed. They call themselves GCE, Garfield Clean Energy. The money we are talking about today is considered in all those IGA's. I want to make sure you know today that we're not talking about NECI and wheather it may or may not become a permanent entity. We're not talking about how to fund that program. Instead, we are talking about how to use these federal monies. CLEER, your contractor is charged with managing this portion of the grant through their 2011 scope of work.

Executive Summary:

The Garfield Clean Energy Credit Reserve Fund (GCECRF) Program is a pool guaranty program, established by the BOCC on behalf of the Garfield Clean Energy (GEC) aka New Energy Communities Initiative, an advisory board of the BOCC established by the BOCC in Resolution No. 2008-141 and managed by Clean Energy Economy for the Region (CLEER), an independent contractor to the BOCC. The GCERF Program is funded through an American Recovery and Reinvestment Act of 2009 (ARRA)/U.S. Department of Energy (DOE) Better Buildings Grant. The BOCC is a sub-recipient of the ARRA-DOE funds under provision of that certain Subrecipient agreement with Boulder County, recorded as Reception No. 793311, as amended by Subrecipient Agreement Amendment #01 to be recorded in the future. The BOCC has engaged CHFA as the program manager for the GCECRF Program by means of a Professional Services Contract between the BOCC and CAFA, dated September 12, 2011.

The GECRF Program is designed to encourage lenders to extend credit for the purpose of promotion energy efficiency of commercial and residential buildings located in Garfield County by establishing a reserve account of funds identified in the ARRA Grant Documents for each lender participating in the GCECRF Program (Participating Lender). The dedicated Reserve Account covers losses on loans registered by a Participating Lender under the GCECRF Program (Registered Loans). The GCECRF Program will provide increased reserve funds (From 15% to 16.5%) for Registered Loans made for buildings located in that portion of Garfield County designated as an Enterprise Zone with the map attached and incorporated as Exhibit A. The establishment of this Reserve Account enables Participating Lenders to make Registered Loans promoting building energy efficiency in Garfield County to borrowers who would do qualify without the additional credit enhancement. Losses from Registered Loans incurred by a Participating Lender may be recovered from its Reserve Account through a claim process managed by the Program Manager. However, if a Participating Lender's losses exceed the funds in its Reserve Account, the Participating Lender will be at risk for the excess losses, without recourse to the BOCC, directly, or to other funds held by the Program Manager on behalf of the BOCC and the GCERF Program. If a Participating Lender's Registered Loans pay off without a loss, or with only a partial loss, the unused reserve funds will remain in its Reserve Account unless the reserve funds exceed the aggregate outstanding principal balance of all of the Participating Lender's Registered Loans, in which case the excess will be returned to the Program Manager when the Participating Lender has no

Registered Loans outstanding. Excess reserve funds returned to the Program Manager will be used to capitalize the GCECRF Program and encourage additional lending.
These guidelines provide operational guidance for Participating Lenders and are supplemental to the specific terms of a Participating Lender agreement to be executed between the Program Manager and each Participating Lender, the terms of which shall control.
Alice submitted the Eligibility Requirements, Exhibit A – Purchase of Services Agreement and other related documents in the Board's packet of information.
CLEER is charged with this work.
Jim Rada is filling in for Betsy. Betsy was your interim program manager for a while on this part of the DOE money. It's gone back now to Jim Rada. Carolyn has been involved for the entire thing. On May 16th of this year you all charged your outside staff and in-house staff with meeting with CHFA and coming up a way to use this federal money to encourage banks and other institutions to get money out there businesses and residential owners to buildings located in Garfield County. It is federal money to encourage lenders, represented here by Alpine Bank to make loans to commercial and residential owners, the purpose of energy efficiency programs. The program is known as the Garfield Clean Energy Credit Reserve Fund. (GCECRF). We're talking about $400,000 out of the total $600,000 in credit reserve money financing tools for this program. CHFA is going to explain to you how they are doing similar programs with the State Energy Office and we're going to come back around and present you with Alpine Bank's help the decisions you need to make as the BOCC for staff and internal and contract staff in order to go further.
Alice Laird – Today we want to discussed the agreement between CHFA and BOCC. This component is specifically focusing on prior investments and will be involving the bank. We are going to have a work session in early October but just to give you some comments on people here today. We have over 60 businesses participating energy savings programs and these are rebates. This program will build on that and encourage investments. We have over 1,000 folks signed up expressing an interest in savings.) Alice complete detailed summary of the program is available upon request from the Clerk & Recorder's Board Packets.)
Chairman Martin asked Georgia how this affects the overall deposits and the federal auditors come in and say you have too much county money as it is and we have to take that out and adjust the banking agreement and put into the trust. How does this affect the overall agreement and I need to ask Georgia if she is going to have that money and do we have to change our $400,000 deposit to make that agreement work, how is that going to affect our daily requirement for cash payment on that?
Georgia – In looking at the overall, it is not going to impacts the threshold for Garfield County from Alpine Bank first of all.
Chairman Martin – That doesn't affect Georgia's operation at all.
Commissioner Jankovsky – With the $400,000 and how much work is involved from your staff as compared to CHFA? What's the amount of work you are going to have to do?
Lisa – Bob P. spends 3 hours a week on CLEER work.
Jim Rada is doing the initial work and I spend about 4 hours a week total.
Commissioner Jankovsky - Once we get past these grants your work is going to be less for Jim. The money will have to go to Alpine Bank, Bob will have to oversee those transfers to CHFA and then it goes into the banks to hold in that reserve. So Bob is the middle person for recording for us.
Steve – It really boils down to the actual loans size and we came up with an average of loan size of $25,000. If you are doing some efficiency and commercial but that feels like a safe number and a starting point. You could say 100 average, there is always a ramp up period and then you'll have volume. It is very had to say whether it could be one or two weeks.
Chairman Martin – 100 transactions on loans.
The documents were further discussed and public comment was heard.
Chairman Martin – This doesn't set well with me. I understand what we are trying to do but I don't like that it is under the stimulus package and use of that type of money. The reserve, the bank, the auditors etc from the federal government is what really started this issue with the bank crisis. What fees are going to be generated from Alpine Bank if you were to loan this money out. Then, how would be ready to recover those fees, processing costs, etc.
Michelle – Absolutely and the way we do it, we know how to do those things, so it just goes into our program. We have a ½ of a percent less in interest rate that we charge.
Chairman Martin further expressed his concern and position; it is more efficiency use of energy and that is what we need to be concentrating on.
Public comment – inaudible.
Chairman Martin – We need to work on how to store energy so we have to create more energy than we are actually able to use because of the loss in the delivery system. It's even more involved than we give credit to. Somehow, someone is going to create storage. Hopefully, we can get that done.
Carolyn – Today is the Board ready to make a motion and do you want us to come back with a completed scope of work before you do the final approval or do you want to trust us to work it out. Three different decisions to make.
Commissioner Jankovsky – I want to see this keep going if we can and not have to come back for a complete scope of work. The $10,000 fee is reasonable and this makes sense.
Motion
Commissioner Jankovsky – I make a motion that we approve this contract agreement award to CHFA and the only change I would have is would be to the program guidelines on Page 3, section 1.3 first paragraph change removal of a definition of renewal energy.
Commissioner Samson – Second. In favor: Jankovsky – aye Samson – aye Opposed: Martin – nay

Motion
Commissioner Jankovsky – Program deposits. I would move that we have the funds go through Alpine Bank as a depository account under GARCO.
Carolyn – It's a public protection act.
Drew – It's not the same number but it is additional assurance for the deposit of public funds.
Commissioner Samson – Second.
Chairman Martin – This is trying to keep everything local and trying to generate activity within own community even though those are nasty monies.
In favor: Jankovsky – aye Samson – aye Martin – aye
Chairman Martin – Trying to keep local money and trying to stimulate the economy.
Scope of Work
Carolyn – Do you want us to come back with a final scope of work that has cost and final fees or do you want to approve it the way it's been delivered today.
Jim Hackett – The final fees would not change nor the scope or work, the negotiation was the 10% of the $400,000.

Motion
Commissioners Jankovsky – I'll make a motion that we accept the purchase of services agreement and allow staff to work out the program management piece with CHFA but the fees not to exceed 10% of the $400,000.
Commissioner Samson – Second. In favor: Martin – aye Jankovsky – aye Samson – aye.

COMMISSIONER ISSUES:
COMMISSIONER REPORTS
COMMISSIONER CALENDARS
APPROVAL OF MINUTES
COMMISSIONER AGENDA ITEMS

Commissioner Samson and Drew attended the AGNC meeting and Drew is going to be talking to both of you individually about what he thinks is there. I just wanted you to know that I gave a push and I think most of the Counties are in favor of that as you know about a year ago, we lost the executive director and I'm really pushing to get that position back, so we're exploring possibilities of trying to help the counties as well as the cities. There is going to be a push to try to get more cities involved with AGNC and if the counties get back to where we can in the near future, hire a full time executive direction. I think that would help AGNC tremendously. The other thing I'll like to report on that meeting was the lobbies, Diane who is our paid lobbyist came and talked a few minutes about legislation that passed and put us on the radar for some things. Nothing spectacular but just some things.
Commissioner Jankovsky – I did participate in a full conference with the BLM concerning our property status for oil shale on Thursday and we discussed BC report done in 2008 on oil shale impacts, definitely things have changed since 2008, we're not bumper to bumper with oil and gas workers in the County so we brought that up at the same time, but a lot of their findings were valid primarily that oil shale would bring back 2000 jobs for 100,00 barrels of oil. This report said it would not start until 2021but who knows. The findings on the oil shale were valid and the impact from that, you ramp-up and there's the number of people there, you ramp up you don't see your taxes until a few years later. Wednesday, I had a Community Service meeting in El Jebel and in Glenwood Springs for a Clean Energy meeting and in Rifle that night for a City Council meeting. I'm going to attend the Safety Committee program on Thursday for Garfield County at the Airport.
Commissioner Samson – I forget to mention I had a meeting with a couple of fire chiefs and Andy Schwaller and that will be on the agenda. International Fire Code or some fire code.
Chairman Martin – The International Fire Code and the baseline of what the County adopts and then each fire district goes ahead and adds to those.
Kevin Wayland from the Rifle Fire will be meeting with you tomorrow and it's on the proposed amendments the fire districts are looking to let us adopt.
Kevin, Andy and Commissioner will be meeting tomorrow in Rifle.
Chairman Martin – There will be additional things the individual fire district wish to adopt, etc. Does this have to do with the sprinklers in 2013.
No sir. We have heard a few comments on that.
Commissioner Samson – Then on Wednesday Drew and I will be attending our second FLMA district in Chambers.
Chairman Martin – For Mr. Samson, on Wednesday, I attended the gas symposium at Hayden even though my name was not on the agenda, I still participated. What may or may not happen in Hayden, Routt County, Moffatt County, Rio Blanco County, Jackson County based on that formation, what are some of the positive and negatives. Some of the same issues we have heard for the last 6 years on split estate, legal actions prohibiting energy companies from being on the split estate with individuals about air quality, water quality based on studies. We talked about royalties, transportation- what the County can and cannot do what the rules and regulation apply to the COGCC and an explanation of their rules/regulations. We also talked about federal regulations on BLM, what they can and cannot do what the counties can and cannot do in reference to that. What citizens will have to accept and also an explanation of surface use agreements and how they apply. Moffatt, Rio Blanco are in good shape but Routt County and Jackson need to be on board in reference to what they can and cannot do. We also talked about financial benefits and expenditures, negative side of oil and gas impacts.
Commissioner Samson – Does that extend into Garfield County on the northern part; I've heard yes and I've heard no.
Chairman Martin – Actually this extends almost to Mexico.
Commissioner Samson – I mean reserves that they would be willing to actually go after.
Chairman Martin – It depends upon how deep they are, anywhere from 8,000 to 15,000 feet is what they are talking about in certain areas.
Commissioner Samson – Don't we have some of that in Garfield County, especially the northern border?
Chairman Martin – Right next to the fire chiefs property underneath his property, this is some future development they need to test out to see if it feasibility and if it is really there. We are already producing and will have to call upon the oil and gas liaison and the DOLA on actually how much oil is produced in Garfield County, ½ million barrels a year or something like that and I'll have to see how much it increases. From $120 a barrel they may be looking at that instead of just natural gas. That is also speculation. It is in the exploratory phase now and it has not been proven out, so that was what the symposium was about, preparing folks, if this should happen and what to expect. Tomorrow, early in the morning, I leave from Grand Junction go to Reagan International for a PILT meeting in reference to payment in lieu of taxes, remind the federal government to pay their property tax bill and that's what that is about. Will be there Tuesday, Wednesday and return on Thursday afternoon/evening. Then we also have public lands and CCI on Friday, the 16th. We're going to discuss dues and how we are going to handle different issues on public lands and what there is a cost to each additional county, there are some counties that want to drop out. In reference to the Western Interstate Region, that was one of the issues that we have on the October 18, there was a winter get together, it's the 18, 19 and 20, however I decided not to go because it's in Hawaii. I felt that I could do better here on the telephone in reference to that issue.
Ed – Did Dawn reflect that in your budget for next year?
Chairman Martin – For next year it doesn't have to be because it will be reimbursed by the committee. The increase in dues in reference to public lands/CCI both with the dues for CCI as well as public lands dues may increase so we will need to get those new numbers. We also have a ribbon cutting and dedication of the new band stand/stage in Silt on the 16th at 3 p.m. as well as a dinner.
Commissioner Jankovsky – I'll make if for the ribbon cutting.
Chairman Martin – Then we have a concert on Saturday for Hwy 101. We are trying to help economic development in Silt.
Commissioner Samson – I should report that Nancy Cramer who is with Colorado Tourism is wanting to have an evening on November 8; a workshop on tourism and her projects. She would like to use the Boardroom; she will be inviting many people, the purpose of that would be to tell them about her organization and what they've done, and specifically what they have done from Garfield County and plan on doing.
Chairman Martin – Actually, the Election is Nov 1.
Ed – If possible, we'll need her to link up with IT so she understands how to run the equipment.
Commissioner Samson – By review, the three of us and Drew will be attending an Oil and Gas on October 19 and Carey too.
Drew - It is in Westminster, Colorado, it's a one day oil and gas symposium and we should notice your attendance there.

ADJOURNMENT

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

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 19, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.

ROLL CALL

PLEDGE OF ALLEGIANCE

INVOCATIN

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

Ernst Schopp – 315 County Road 229, Silt, referenced a problem with a property he sold that is adjacent to his land. A **Code Enforcement issue** from a neighbor who is operating a commercial operation and the property is zoned residential.

Chairman Martin assured Ernst that this was an agenda item and testimony would be taken at the 1:00 p.m. hearings.

Dave Sturges, 1310 Riverview, Glenwood Springs – **Rivers Edge**. Dave encouraged the Board to not approve this development; it is a mixed use, expansion of an area where this should not be allowed. It puts strain on many entities.

Fred stated this was before the Planning Commission last Wednesday and the binders have been available for months in the Building and Planning office.

Dave was concerned that he was not able to state his concerns in the 3 minutes allowed. He is very concerned about this development.

Regular work session

1. **7TH SUPPLEMENT TO THE 2011 ADOPTED BUDGET – LISA DAWSON**

Chairman Martin – Notification was required and Ms. Dawson was in charge.

Drew is holding evidence of printed public notice in the Citizens Telegram on September 15th of today's hearing. Chairman Martin swore in the speakers.

Lisa – Exhibit A is the supplement, number seven represents increases and decreases to our current budget.

Chairman Martin – The supplemental revenues of $66,000.00, the supplemental expenditures of $54,684.00 is within the guidelines within our budget.

Motions to close the public hearing?

Commissioner Samson so moved. Commissioner Jankovsky – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Samson – I would move that we approve the 7th supplement to the 2011 adopted budget as presented by the finance department for the amount of $54,684.00 and authorize the chair to sign.

Commissioner Jankovsky – That was $54,684.00 in expenditures and $66,000.00 in revenues and I'd second that with those changes.

In favor: Samson – aye Martin – aye Jankovsky - aye

2. **CONSENT AGENDA**

ddd. Approve Bills

eee. Changes to Prior Warrant Lists

fff. Authorize the Chairman to Sign the Resolution of approval and Special Use Permit for a Resort for Todd Leahy – Fred Jarman

ggg. Authorize the Chair to Sign the Acknowledgement of First Partial Release Satisfaction Subdivision Improvements Agreement for the Old Orchard Subdivision – The Property is Located North of SH 6 and East of the Town of New Castle – Applicants; Anthony Roc and Mary Ann Gabossi – Anthony Roc and Mary Ann Gabossi – Molly Orkild-Larson

Motion

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to approve the Consent Agenda Items a, b, and d; carried.

Chairman Martin mentioned that for item c on the consent agenda has been requested by counsel to be moved to 1:00 p.m.

COUNTY MANAGER UPDATE – ED GREEN

HUMAN SERVICE COMMISSION:

I. **EDUCATION – LITERACY OUTREACH; FAMILY RESOURCE CENTERS; JUNIOR ACHIEVEMENT; AND YAMPAH TEEN PROGRAM**

Jenny Lindsay, Martha Freyendall, Sharon Brady, Sally Kilton and Carol Fetterman were present.

Martha – **Literacy Outreach** – This is our 25th year and the commissioners have supported them all 25 Currently, 85% of our students working with English language learners and may be just be learning to read, however, they need to actually just speak the language so that they can read. 15% of our students are basic literacy students where they have gone to the public educational system here in the United States and for whatever reason can't do basic reading, writing, or math. They range working, retirees, oil field workers to childcare providers. This service is provided through volunteers; a total of 123 volunteers last year. We serve Parachute to Carbondale and we are housed in the Glenwood library. Martha gave some highlights from 2010 noting the challenges. In 2011, we began starting conversation groups in each branch of the library. Due to the downturn in the economy, we sponsored throughout 2010 and 2011 a series of financial literacy classes and they offered them bilingually in Spanish and English in Rifle and Glenwood Springs.

Jenny – Administrative Director with the **Roaring Fork Family Resource Centers**. We have been in existence for 16 years and are part of the Roaring Fork School District. We have three main programs; student health and wellbeing where they work with families and children to make sure that children's health needs are met so they are better able to achieve in school. We believe that a healthy happy child will do better in school, which is backed up by research. In 2010,we served 900 students. We work with the family to make sure they can become more self reliant in the future and can learn to meet their family needs on their own.

Carol from **Reach Out and Read Colorado**, I am the northwest regional coordinator. She thanked the commissioners for their support. wE partner with pediatric and family practices, this is a national program that is 20 years old. We work with the state coalition, which is ten years old. Every family practice and pediatric practice with Glenwood Springs has reach out programs and has three components; anticipatory guidance to the parents 6 months to 5 year olds in reading to their children at home. Second part is to give each child a brand new book appropriate age and language to take home. Third is to have a literacy rich waiting area. In Colorado, we served 82,000 children; here in Garfield County 4,200 children and gave 8,400 books. We have 950 pediatricians, family practitioners participating in this program throughout the state. It is important that they continue to get local funding because these programs are growing. Mountain Family has two clinics and more children are participating in the program.

Sharon– District manager for **Junior Achievement** in the valley for 12 years serving Aspen to Parachute. Last year we taught 135 grade specific classes. Volunteers go into the classroom teaching specific classes on business and economic skills, financial literacy, civics, and work force readiness. Of those 135 classes they taught last year, we saw 117 in Garfield County, which is approximately reaching 2,300 students. It is K through12 and most classes are taught in the daily environment of the school. We have after school programs as well. With the generous support from the county, we were able to purchase 44 kits to give our volunteers, the principals, teachers etc These 44 classes are approximately 38% of the total materials they needed to teach in Garfield County last year.

Sally - **Teen Parent Program** – The purposes of the money we receive is to help the students overcome barriers. There are 14, 15, 16 year old moms having many barriers that are overwhelming, such as domestic violence, homelessness, medical and transportation

issues. The money enables us to hire a community liaison that helps those students. Last year she had 37 teen moms; this year 24 teen moms ranging from ninth grade to seniors in high school. Last year we had 11 graduates and all received scholarships to go to college.

Board of Human Services:

I. EFT/EBT DISBURSEMENTS – MARY BAYDARIAN

For the month of August 2011, client and provider disbursements for allocated programs totaled $264,177.00. Client benefits for food assistance totaled $653,927.88. Total EFT/EBT disbursements for August came to $918,104.88. The department is requesting board approval and signature.

Motion

Commissioner Jankovsky – I make a motion that we accept the EBT/EBT disbursements for August 2011 in the total amount of $918,104.88 and allow the chair to sign. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

II. CONSIDERATION AND SIGNATURE APPROVAL OF OUT-OF-HOME PLACEMENT SERVICES AGREEMENTS WITH HILLTOP YOUTH SERVICES AND DEVEREUX CLEO WALLACE

The department is requesting consideration and approval for the following services agreements: SS23A with Hilltop Youth Services and SS23A with Devereux Cleo Wallace, there are no residential treatment providers in the county.

Motion

Commissioner Jankovsky – I'll make a motion that we approve out-of home placement services with Hilltop Youth Service and Devereux Cleo Wallace that is the SS23A agreement.

Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

III. CONSIDERATION AND APPROVAL ON THE SFY12 CHAFEE FOSTER CARE INDEPENDENCE ANNUAL PROGRAM PLAN

The department is requesting the board's signature on the State Plan for provision of Chafee Independent Living Services for youth preparing to emancipate who have been in out-of-home placements. The total amount for services requested in the budget is $11,281.00.

Motion

Commissioner Samson – I would move that we approve the state plan for provision of Chafee Independent Living Services for youth foster care for the amount of $11,281.00 and authorize the chair to sign.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Program updates were included in the packet.

Board of Health:

I. COLORADO CORE SERVICES PUBLIC HEALTH SERVICES PRESENTATION – MARY MEISNER

Mary highlighted the issues of **Revisiting the Statute, Core Public Health Services, Proposed Rule Summary, Local Implementation**s, **Stakeholder Involvement and the Rule Making Schedule.**

ii. UPDATE; ROARING FORK VALLEY AIR MONITORING – MARY MEISNER, JIM RADA

Mary Meisner, Paul Reaser and Lincoln Sherman were present.

On July 5, 2011, the board directed the Environmental Health staff to develop a proposal for expansion of the existing ambient air quality-monitoring program to include a permanent monitoring state in the Roaring Fork Valley. Air Resource Specialist, Inc (ARS) is recommending a systematic approach to establishing an air monitoring presence in the Roaring Fork Valley including a phasing in of additional monitoring elements in the future as more data is collected, analyzed and better understood. This would benefit Garfield County's existing air quality management program in a variety of different ways. Paul explained the locations of the monitoring areas, explained the process of identification of data gaps, challenges and phasing.

Commissioner Jankovsky –This is not a budgeted item however, since his concern on the Cerise and the Blue pit, there have been some changes those are going through the judicial system.

Chairman Martin is looking at the baseline data to identify the different pollutants, or the properties that are adding to the issues and actually start working towards the future so we can make adjustments.

Commissioner Jankovsky - This is the second piece of this $36,000.00.

Jim – I met with the operators at the Western Slope Aggregate; it appears that between both of the operations they are paying close attention to their dust mitigation plans. I would like to consider adding this as another element of their website if we go to the continuous real time monitoring type of approach that has been presented.

Chairman Martin – This is where the information needs to go so folks will see that and can make their own analysis.

Jim – We are getting about 1,000 hits per week now on our website.

Commissioner Samson – Good, I think this would definitely need to put on the website.

Paul – We did manage to get some representations from Lafarge and West Slope Aggregates to attend the process as well as oil and gas reps, government folks and waste management. It is a diverse group of people.

MOTION:

Commissioner Samson – I would make a motion that we accept the recommendation from our staff and approve $36,167.00 for cost on our air quality to be taken out of the general fund and this if I understand it is for one year.

Jim – This is the upfront capital cost to buy the equipment and install it. The other $36,961.00 would be an annual operating budget in addition to what you current budget for us for operating costs.

Commissioner Samson – We would need that also.

Jim – From January 1, we would need to include it our next budget.

Commissioner Samson – So we need to pass this one and then request the other be put in the budget.

Jim – That would be our hope; yes.

Ed – Point of order; the public health has their fund for operating.

Chairman Martin – For operating but not for equipment.

Commissioner Samson – So this actually comes out of general fund for the motion I just made. The other motion can come out of your budget.

Ed – Yes.

Chairman Martin – Unless there's a supplemental to do that between now and the end of the year; if there is no supplemental to come forward then you would include that in your budget for next year.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Question

Paul - Did you want to move forward with the mobile station?

Commissioner Jankovsky – I would like to wait and see what happens. I'm sure we'll ask you to come back on that; it will probably go up in cost, but I would like to wait and see.

Mary – We could come back on that supplemental.

Jim - We will also come back with an update when we've located our site and let you know where we will be located.

PUBLIC MEETINGS:

I. UPDATE FROM WEST ELK MULTI-USE CLUB – TODD TIBBETTS

West Elk Multi-Use Club is a volunteer organization supported by donations and voluntary user fees, whose mission is to mark, maintain and promote trails in the White River National Forest north of Rifle, Silt and New Castle for horseback riding, hiking, biking, cross-country skiing, snowshoeing, dog sledding, and other non-motorized uses. West Elk is requesting financial assistance to solidify their ability to continue servicing the current trail system they have built and to further their efforts to fulfill our mission. The request is for operational funding to cover their annual liability insurance, equipment maintenance and other operating costs. The amount requested is $3,000.00 for the calendar year 2012. Tod gave the commissioners a brief history of the club with a basic explanation of their needs. He provided a letter of support from the US Forest Service's White River National Forest Rifle Ranger district. They are currently working with the Forest Service to renew their operating permit for at least the next five years. Their current permit expires at the end of this calendar year.

MOTION:

Commissioner Samson – I think the best thing to do would be to take it out of our commissioner's unanticipated grant fund. And with that I would move that we do so and we grant out of that fund $3,000.00 to the West Elk Multi-use Club and authorize chair to sign such.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

PUBLIC HEARINGS:

COUNTY ATTORNEY A UPDATE – ANDREW GORGEY

A. CONSIDERATION OF GARFIELD COUNTY OPEN RECORDS POLICY PURSUANT TO COLORADO OPEN RECORDS ACT (CORA)

Drew explained the Colorado Open Records Act (CORA). This summer over the last two months, the county received a fair number of open records requests. He had some questions about whether it would be helpful to everyone concerned, the public, media, the county and his office to have some sort of uniform standard policy for dealing with these requests. Such a policy and procedures are called for by the open records act. Drew explained fully the meaning of public records, cautioned not to shut the county down to comply but the request should be timely. He proposed a record's request form pursuant to the act that will be available on the county's website. The coroner, district attorney, and sheriff all have unique aspects to their statutory roles and they have particular protections for their record. Every elected official is welcome to join in this policy if they want. I can modify it to their specific needs. The Sheriff will stay with his policy as is; it's worked for him successful for many years. The statute says upon receipt of a request for records, the county has to turn those records over within three working days and explained that process. My advice is wecan get it done in a manner that is most advantageous to public.

Commissioner Samson – Is there a clause in there if you had such an abundance of requests that would put him in a bind and would not be able to fulfill that?

Drew – There is; it's a great seg-way to the second relevant time period. If there are extenuating circumstances the law allows them to extend the three-day period by an additional seven working days. So in no case should you have a records request take longer than two weeks, ten working days. Volume of requests, volume of records requested; the statute addresses those. Come election time, particularly a general election, you can receive numerous requests from numerous sources all at once. Parts of the county that are of great interest to the public, building and planning, oil and gas to name two; they should expect and do expect those types of requests and we need those types of requests. This is just to lend order and structure to the request process. Why do you need it? It protects the county a little bit too because it would direct someone who might sent an e-mail to a line level employee at one of our county departments somewhere. It would direct that person to make a request in a uniform way and to direct those all to one source so that you protect the full amount of time that you have to respond. You need that time. It's a very difficult law to comply with logistically. It is a very important law to comply with properly. There are provisions both for requestors and for the county to go to court if you have to. There are as he mentioned before, not all the records maintained by the county are open records. Attorney client privilege applies to your records. There are deliberative and work product privileges that apply to your records. Drafts of documents are not open records but final versions are. The general concept is that records requests would come to the county attorney's office in a uniform way and we would process them.

Dale questioned if this would constitute a change in the Personnel Manual and Drew stated he would like more time to look into it.

Drew – After this long discussion, it would be an excellent idea to give the elected officials more time to have input and get it right. I will draft a resolution and a final draft of the policy and have it ready for the board in October at the second meeting, October 10.

All commissioners agreed acceptable.

B. REASONABLE DILIGENCE APPLICATION OF WEST DIVIDE WATER CONSERVANCY DISTRICT, 11CW93: DISCUSSION, DIRECTION TO STAFF, AND POSSIBLE PUBLIC ACTION

Drew – Commissioner Jankovsky asked the county attorney's office to look into this matter and report to the board. The West Divide Water Conservancy District is an entity formed in the 50's to obtain and maintain water rights. The Colorado River district actually holds the decrees in trust for the West Divide Water Conservancy District. The river district as you know covers all of twelve counties and parts of three others approximately 28% of the state including all of Garfield County. Drew continued to fully explain what he learned, gave thanks to Dave Merritt serving on the River District Board and other counsel. The responsibility is on the people or the river district, not the county. Drew gave a thorough review of the process.

Commissioner Samson wanted to rephrase it in his terminology to make sure he understood. These people have entered a statement of opposition that is the terminology for us to oppose them; we would have to enter a statement of opposition. In doing so that give the county what he calls standing in the case so we can have a say in what's going on.

Drew – That is correct and with the following cautions; it is exclusively within the power of the water court, the water referee to allow the county into case or not.

Commissioner Samson – Even if we file a statement of opposition.

Drew – You can't file a statement of opposition, I believe you can file the pleading simultaneously; but if your motion to intervene is not granted then the water court is not under an obligation to entertain your statement of opposition. If your motion to intervene is granted then your statement of opposition must be heard.

Dave Merritt – Yes, the River District filed for diligence on May 31st along with West Divide for these water rights. There is a 60-day timeframe and a statement of opposition, which was July 31st. One of the ones most troubling to him as a river district board member and as a person involved with water issues for a few decades is Pitkin County opposing not just the two small remaining rights in the Crystal River Basin; but all opposing diligence on all features of the West Divide Project. The majority of those are located essentially south of New Castle to Rifle area.

Commissioner Jankovsky is very concerned about this and thinks it is a direct assault on our constituents, major landowners and the south side of the Colorado River by another county, which is a member of the Colorado River District. It's basically an assault because if they lose their water rights you are talking things that have been going on since the 50's. I think they need to make a statement and oppose the opposition of this. I think whoever put in the opposition didn't understand what they were doing.

MOTION:

Drew – I would ask for a motion to direct the office of the county attorney to seek entry into case number 11CW93 as discussed this morning.

Commissioner Jankovsky - So moved. Commissioner Samson – Second.

Drew – I think that to the extent that the case in already in the hands of council for both the River Districts, it would be a litigation decision whether they would oppose our motion to intervene etc. My suspicion is they would not even though they haven't asked us to join and it makes a difference whether you can file the motion as an unopposed motion. In favor: Samson – aye Martin – aye Jankovsky - aye

C. AGNC/FML UPDATE

Drew – The FML board met last week; they will have their next meeting on the second Wednesday of October 12th. There are eight in the state, who have formed their FML district. All eight have been invited to a conference call for an attorney's working group this Friday 9:00 a.m. Participating in the call will also be two representatives from DOLA; their role is simply to help answer questions. They are not speaking for DOLA on any sort of policy capacity. The AGNC lobbyist Diane Orff will be participating and he just had a request this morning for one of the Routt County Commissioners to participate in the call. The final participant is Andy from CCI. Montrose has been invited. We have discussed what proposed changes are needed for the FML Act for the next legislative session. One of the biggest concerns was whether the Act as written before FML districts is sufficient, political and financial independence from the county so that it would accomplish its objective to the Department of the Interior. That's a big marching order for CCI and county attorneys, whether they want to keep the appointment mechanism as is or whether they want the district board members appointed some other way.

Chairman Martin – I am satisfied with the way it is right now. It's not under the direct control of the county commission as they are independent and they act totally independent. I've had three states that are extremely interested in this, Wyoming, Idaho and Montana. They want to know exactly how it all goes about and are interested in following suit. Nevada was interested but did not commit. Utah would also like to revamp their position. The governor appoints the people to the boards. Utah receives it directly from the Department of Interior and then distributes it to the special districts.

Commissioner Samson – One thing they also discussed and Chairman Rippy agreed with him to get some information from you on which commissioner and county in Utah. I would like Drew to call and ask some general questions.

Chairman Martin – That would be Mike McKee.

Drew – The County made a presentation to the FML district board and consistent with your discussion for the roads work session forwarded three different projects. This board and all the other boards are in a bit of a bind because they are not quite sure who they are giving the money to or how they are giving it. Because the statutes doesn't tell them and that's the reason for the need for an amendment. To him it is not a broken statute; it's just an incomplete statute.

D. CONSIDERATION/ADOPTION OF 2011 LIST OF ARBITRATORS

The 2011 List of Arbitrators are: Dave Ritter, MSA from Aspen, Colorado, Kim Tarver with Ajax Appraisals, LLC, Aspen, Colorado and Kyle L. Wiggington, J.D. from Colorado Springs, Colorado.

Drew – This is one of the requirements under the Board of Equalization process. Any taxpayer who travels through the protest process before the assessor and then to the board for the Board of Equalization, has three ways to appeal the decision from the Board of Equalization. 1) Appeal to the Board of Assessment Appeals in Denver; 2) In district court and it is probably the most expensive route and 3) Arbitration. The statute requires you to forward a list of arbitrators to anyone who seeks arbitration. Drew confirmed that the list of arbitrators have all been approved and have met the qualifications. The members of the BOE, the BOCC are on the other side of this arbitration. It's between you and the taxpayer. You are saying any three of these are okay with them and then they get to choose. If they don't like any of the three names you can go to court and they decide.

Drew – My understanding from MaryLynn is that at least some of these have served as arbitrators before. It's really rare to get a request; I am not sure if you have had to look at this list for a while.

Motion

Commissioner Samson doesn't have a problem with any of the three; I would move that we approve the list of 2011 arbitrators as presented by legal counsel. Commissioner Jankovsky – Second.

Drew - Authority for the chair to sign? Commissioner Samson – Yes, authority for the chair to sign.

In favor: Samson – aye Martin – aye Jankovsky - aye

E. CONSIDERATION AND APPROVAL, FORM IGA RE: GENERAL FUND "GRANT" AND SALES TAX REFUND (JUNE 14, 2011 BOCC ACTION) – CAROLYN DAHLGREN

Chairman Martin suggested that Georgia Chamberlain should be present.

Carolyn said they had discussed this with Georgia; the communications authority and the library are here. When staff got together to talk about what happened on June 14 they ended up with some questions. This money was discussed as a grant, I reviewed the sales tax resolution and this money is not under the 105% section of that sales tax resolution. What they are really talking about is the distribution of general fund money to "backfill" a projected loss from sales tax revenue. I drafted it as an intergovernmental agreement (IGA). There is no scope of services; you are saying you can use it as if were sales tax money.

Discussion

Carolyn – Some errors need to be corrected and the good news is that the library pointed out her mistake yesterday. She passed out a new spreadsheet. Before any decisions, I want to hand out an IGA that is red lined after staff met last Friday. This is a three party IGA and wanted to make sure they knew it would be individualized for each of the receiving entities; a separate IGA. The treasurer is not really distributing these funds; you are just directing your own staff to write these warrants. It's general fund money and not sales tax money. When Commissioner Samson made the motion, he clearly said a not-to-exceed amount, which of course implies that the amount could be reduced but could not be increased. The finance department is committing itself to have these first set of checks by October 17. In 2012, you are promising a second distribution no more than the first one. The Library District will get $243,750.00 and the Communications Authority will get $182,813.00. In January 2012, they will get a second payment. I just wanted to make sure the board was okay with the two dates; October 17th and January 31st. The county attorney's office will get these documents individualized and out to each of the entities. I assume each of them have to go back to their boards. I will need to get signatures and it should be done by October 17. We do need action for the chair authorized to sign the IGA in the form presented, this will be handled for 2012 in a renewal letter.

MOTION:

Commissioner Jankovsky – I'll make a motion that we allow the chair to sign the various IGA's through the general fund grant and sales tax refund and that the total amount for 2011 be $517,969.26.

Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

F. RATIFICATION OF CHAIRMAN'S SIGNATURE ON MODIFICATION NO. 1 TO PARTICIPATING AGREEMENT WITH USDA, FOREST SERVICE, WHITE RIVER NATIONAL FOREST

Carolyn – The USDA left out a statute they wanted to reference. They talked with Chairman Martin and got his signature.

Chairman Martin - There was a deadline and we had to file immediately. The project has already been completed by Steve Anthony.

Motion

Commissioner Samson – I would move that we ratify the Chairman's signature on modification number one to the participating agreement with the USDA and White River National Forest.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

EXECUTIVE SESSION:

PURSUANT TO 24-6-402 (4) (B) AND (E) C.R.S. (LEGAL ADVICE; NEGOTIATING STRATEGY AND POSITIONS WITH INSTRUCTIONS TO NEGOTIATORS) REGARDING U.S. FOREST SERVICE

Motions

Commissioner Samson – I so move that we retire to executive session to discuss the items as given by the attorney. Commissioner Jankovsky – second. In favor: Samson – aye Martin – aye Jankovsky - aye

Chairman Martin - Do we have a motion to come out of executive session.

Commissioner Samson – So moved. Commissioner Jankovsky – Second.

In favor: Samson – aye Martin – aye Jankovsky – aye

MOTION - Action Taken

Commissioner Jankovsky – I will make a motion that we direct the county attorney's office to proceed with title action in Federal District court on Garfield County Roads; 30, 33, 137, 140, 141, 143, 144, 146, 150, 151, 151A, 152, 282 and 284. Commissioner Samson – Second. Chairman Martin – I hope staff will be able to make contact with the Forest Service before this goes to the court. Drew – We understand the authority to litigate includes an opportunity to mediate before filing.

In favor: Samson – aye Martin – aye Jankovsky - aye

Drew – I would state for the record that executive session discussion was limited to the topics announced.

C. AUTHORIZE THE CHAIRMAN TO SIGN THE RESOLUTION OF APPROVAL AND SPECIAL USE PERMIT FOR A RESORT FOR TODD LEAHY – FRED JARMAN

Chairman Martin – This item was continued from this morning on the consent agenda item c.

Fred Jarman – the revised version of the resolution probably has a where as in there or some language that basically reflects the fact that this is paperwork that should have been signed in 2006 and it is now before you to memorialize the board's action that they did approve this in 2006.

Carey – What they should be looking at now is a resolution that says it is now ratifying the prior approval of the special use permit. What the board saw this morning has been incorporated in as exhibit C.

Commissioner Jankovsky – This property in 2008 is sold and then it just sold again in 2011.

Carey – Yes, because the approvals run with the land are issued to the specific to property owner; this approval dates back to 2006 for the land.

Motion

Commissioner Samson – I would move that we approve the resolution ratifying prior approval on the special use permit for the resorts. Fred - And then authorize the chair to sign.

Commissioner Samson – And authorize the chair to sign. Commissioner Jankovsky – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

PUBLIC MEETINGS

COUNTY ATTORNEY UPDATE – LAND USE ISSUES – ANDREW GORGEY

A. CONSIDERATION OF COMPLIANCE WITH STIPULATION IN ELK CREEK CAMPGROUND LITIGATION AND DIRECTION TO STAFF REGARDING SAME – KATHY EASTLEY AND GALE CARMONEY

Drew stated the notice was related to Condition No. 5 in the recommendations of approval.

The Applicant requested the Board reconsider Condition 5.

9. The Board of County Commissioners did not adopt this condition, however the Applicant did agree to intersection improvements, which include trimming vegetation to improve site distance and creating a sufficient platform for vehicles attempting to access CR 241 from the site.

Wyatt Keesbery of Road & Bridge contacted Staff to discuss this outstanding issue stating that the platform construction at the intersection of the entrance to the campground could not be constructed without the county road being lowered. The Board in the hearing considered lowering of the road as an option but the Applicant stated that it was not feasible to complete due to cost of the improvements. The Applicant does agree to trimming of vegetation and installation of a mirror to increase site distance for vehicles accessing the county road from this site.

The Board addressed concerns over the ISDS system. Mark Chain responded. Gale has made the state aware that a permit is required.

Public Comments

Carey wanted to be clear that there is another public hearing that will follow on Elk Creek Camp Ground as well. She wants to make sure those folks who are speaking and if they have specific comments you want in the record they will have to repeat themselves during the public hearing.

Chairman Martin – We are talking about one stipulation and that is the ISDS system. We need to give Gale direction.

MOTION:

Commissioner Jankovsky - I think 60 days is an adequate time limit. My motion is that we require Elk Creek Campground to come back in 60 days to show their ISDS system. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

b. CONSIDERATION OF POSSIBLE ZONING VIOLATION ON 181 UKELE LANE, SILT, COLORADO – PROPERTY OWNER IS CARLOS SALAZAR SILVA – GALE CARMONEY

Gale gave the background located west of the Town of Silt, located at 181 Ukele Lane. The original complaints from neighbors stated in late March and February there was waste tire collection and a contractors yard. Staff performed a site visit and confirmed the allegations.

Staff recommendation is requesting that the Board of County Commissioners direct the County Attorney office to proceed with a civil action. If the property owner applies for a Major Impact Review to allow a contractor's yard, staff will require the equipment be moved to a permitted storage yard until the board approves this us on the subject property.

DISCUSSION:

Carey – Chairman, an attorney who is not able to appear today now represents him.

Chairman Martin – Do you wish to proceed?

Gale – Yes. As of the date of the staff report, they are asking the board for direction to proceed with civil action. Since then an attorney has stepped in to represent Mr. Salazar, he has been asking a pending pre-application conference for about 4 months now. It looks as though that might be proceeding in the right direction. We could actually hold off on actually proceeding with a civil action, but he would like to have a certain timeframe that the board would allow the county attorney's office to proceed with civil action if needed. Eventually I think they will see all the tires being removed from there and taken to site that is regulated and approved by the state.

Gale – There are some allegations that perhaps there is some living quarters inside a structure that is not approved. I will go out and look at that and if that is the case of course the property owner will be informed of those violations and he will have to take care of that as well. I do not have solid proof of the living quarter situation.

Chairman Martin – Confirmed that Gale had a face-to-face conservation with the property owner, sent a written notice and followed up after written notice?

Public Testimony

Ernst Schopp - I live at 315 County Road 229, Silt. The property in question is one he used to own. He purchased it in 1980 and at that time, the assessor reversed the zoning from agricultural to rural residential. In 1995, he divided his property, which was 23.2 acres. He split it in half. I sold the lower half, which is 181, County Road 229. I built on the rest of the property, which is on top of the plateau. The first 10 years we had no problems with the first owners after them. From then on it became a worse situation with various owners. Ernst fully explained the plight.
Chairman Martin - Gale is asking for direction on this issue.
Gale – Correct if the board would like to establish some timeline, ask them to come in and follow through with the application, which they have been asking for. If this is done, it wouldn't have to go through with a civil suit. If not, I would like to set a deadline and say you must have your application in by a certain date so that he can pull this off the table.
Cassie - They could get their pre-application scheduled and completed within 30 to 45 days. This gives the application time to get everything together.
Commissioner Samson is looking at this and the complaints started March 21st. We've been going back and forth with this for 6 months.
Cassie – Yes, their attorney just called her Thursday. So now, things are moving forward.
Chairman Martin – We need to have a timeline to get the bottom line resolved.
Gale – Just for the boards information, I believe the reason the attorney finally contacted them was because he told the property owner he was done. This time he has actually contacted an attorney and apparently has had contact with the planning department to set up a meeting.
Commissioner Jankovsky – So the application will be coming in with the land use application for a change in land use.
Gale – Correct.
Cassie– We will talk about all that at the pre-app.
Commissioner Jankovsky – You will put it through that process and we put everything on hold while the neighbors continue to have a violation.
Gale – Perhaps the board would consider asking the property owner to cease and desist immediately. That would stop the actions.
Chairman Martin – We still have two levels; an immediate violation is taking place and has been since March. Gale has contacted the property owner numerous times each month from March to September. We need to remedy this situation.
MOTION:
Commissioner Samson – I would be in favor of giving Gale direction to order a cease desist order; is that the correct terminology?
Gale – That is what the notice of violation that was sent out.
Chairman Martin – At that point, a cease and desist order with the timeline and failure to do so ends up in prosecution.
Commissioner Samson – And I would make the timeline 30 days.
Chairman Martin – Is that your motion? Commissioner Samson – That is my motion.
Commissioner Jankovsky appreciates Gale trying to mediate, trying to negotiate, trying to work out this out with the landowner, he can understand his frustration to have to come back to the board.
Commissioner Samson – What would be the alternative?
Commissioner Jankovsky - Take it to court immediately.
Commissioner Samson – But won't that tie it up for months?
Drew – If you were to give authority to litigate; they would file it as soon as they reasonably could and their cure for that suit is either to stop the violations and clean it up, which would eliminate the county's claim. Or, to try to make it legal which would also eliminate their claim. The choice is theirs. The issue is you offered every possible due process to this point, it's been ignored and it hasn't changed the behavior. You have heard the citizen complaints and there is not many options left. They still have the option to cure it; they have always had that option. It's just going to court now gives them that added incentive.
Commissioner Samson – But won't that prolong the situation?
Cassie – Not necessarily, in many other cases where they filed the lawsuit they then came in with their application and gone forward. Then it's up to the parties whether the litigation gets stayed during that or if they continue on. It doesn't necessarily stop the boards process or the land use change permit.
Chairman Martin – What is the length of time on your court docket, once filed.
Cassie – Once it's filed they have generally 20 to file an answer.
Commissioner Samson – That's fine; I'll withdraws my motion.
MOTION:
Commissioner Jankovsky – I'll make a motion that we proceed to civil action on this case.
Commissioner Samson – Concerning a possibly zoning violation on 181 Ukele Lane, Silt, Colorado.
Chairman Martin – Yes, that sounds fine.
Commissioner Samson - Second. In favor: Samson – aye Martin – aye Jankovsky - aye

C. TO CONSIDER A REQUEST TO EXTEND THE COMPLETION DATE OF THE SUN MEADOWS ESTATES SUBDIVISION IMPROVEMENTS AGREEMENT AND TO AUTHORIZE THE CHAIRMAN TO SIGN THE THIRD PARTIAL RELEASE FOR SECURITY – APPLICANT; SUN MEADOWS ESTATES, LLC (FRED COOKE) – FRED JARMAN

Fred Cooke – The project is 99% complete; the only thing they have left to do is re-vegetate the ditch and the sides of the road. The only reason it is delayed for another 30 days is because they couldn't get with CDOT to be able to come do the final inspection, give them a punch list and give them adequate time to do any items they may require.
Fred Jarman – Fred Cooke covered it well. The documents in front of the board would require authorization for the chairman to sign both the amended SIA, third SIA as well as the partial release, which leaves a balance with the county of about $41,000.00 to cover the remaining items that Fred Cooke talked about. Those remaining items are dictated out in the engineers cost estimate.
Chairman Martin – And the request is a release of $131,994.77.
Fred Cooke – That is correct.
Carey wanted to point out that the SIA does require that if a complication date is extended by written agreement, then the time for the validity of the letter of credit should also be extended pursuant to the contract terms. Any request for extension of the completion date should also be accompanied by an extension of the LLC.
Fred Cooke – From a practical standpoint; they will have to go back to committee to have it approved by Alpine Bank who is the issuer of the letter of credit. By the time we get approval the work will be fully completed.
Motion
Commissioner Samson – I would move that we grant the request to extend the completion date of the Sun Meadows Estates subdivision improvements agreement and a revised SIA showing a new completion date for all improvements by October 15, 2011 and also extend the letter of credit to that date October 15, 2011 and then also approve the third party.
Fred Cooke – Commissioner I don't mean to interrupt but the letter of credit is extended to six months beyond the September 15th date so we'd still have 5 months if we were not to complete it.
Commissioner Samson – You need anything else in the motion.

Carey – If your motion is to also require that the applicant extend the letter of credit expiration date as well; then it would need to specify that the letter of credit expiration date be extended by one month or until March 29, 2012.
Commissioner Samson – Well it's already extended for six months.
Carey – According to the term of your agreement yes; however, standard practice is to require that the letter of credit live six months beyond the completion date of the subdivision agreement. If you're moving one of the deadlines, the completion date, then the letter of credit deadline would likewise be extended; it would still continue to live 6 months beyond the expiration date.
Commissioner Samson – And I understand it's kind of a hassle, but if that's in the contract let it stand.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

D. CONSIDER A REQUEST FOR A TWO YEAR EXTENSION OF THE PRELIMINARY PLAN APPROVALS FOR VALLEY VIEW COMMONS SUBDIVISION, LOCATED WITHIN BATTLEMENT MESA – APPLICANT; DARTER LLC, MANAGER DARIN CAREI – GLENN HARTMANN

Glenn Hartman, Carey Cagnon, Chris Hale with Mountain Cross Engineering and Darin Carei were present.
The extension the Applicant has requested is a two-year extension on the Preliminary Plat approvals for Valley View Commons Subdivision (see-attached letter). The letter notes that they are pursuing necessary financing and the difficult lending climate has resulted in the need to request the additional extension.

STAFF COMMENTS - RECOMMENDATION

Other than the expiration of the previous extension requests, the Applicant's current request is in general conformity with the criteria contained in the Unified Land Use Resolution of 2008, as amended for extension requests.
The extension options were provided by Glenn and discussed.
Carey appreciates staffs attempt to work with the applicant on this one; but it is her job to tell the board what the code requires. She wanted to point out that the ability to request an extension occur, if the request is made prior to expiration of the approval. At this point, the approval has lapsed and the county does not have a technically complete final plat application, which was required by the board's last extension. It is her opinion that the applicant has actually lost the ability to proceed in this manner and the appropriate course is to come back with a new request of a preliminary plan through a new application.
Commissioner Jankovsky – He would like to give the extension, but I feel they have no choice as there are all kinds of problems.
Darin Carei – Explained indepth his point of view, change in companies from Darter LLC to Energy Wise C. He pointed out the tough economic times explaining as the builder who builds many affordable entry level homes in the Garfield County area especially in Parachute, in Battlement Mesa they hope to do that again. They have a new approach to an energy efficient standard to Energy Star only. They have made changes in ownership in due to economic conditions. He had sold out and found a new company called Energy Wise where they hope builders build to Energy Star standards and help homeowners and business owners become more energy efficient. It was certainly not his desire to be back in the building and developing business in this manner. When they took the company back, over just 1 year ago or less they had some situations that happened such as this being expired. He would appreciate consideration in this matter.
Commissioner Samson – Appreciates his comments and as a board, we have to make many decisions and sometimes they can extend mercy or we can exact a pound of flesh and say justice must be served. He thinks it is important for them to remember that they have to take everything case-by-case and sometimes they have to be the bad guys. Sometimes they have to be hard and say in the best interest we have to follow the code. I am saying looking at the merits of the case I would feel comfortable in extending the deadline until November 19, 2012.
Chairman Martin needs clarification; it actually has expired. Because it says, the extension would run from the two years from November 18, or 19, 2010.
Commissioner Samson – We would be giving two years and one year is already gone.
Chris – We submitted that final plat application. Then it was back and forth between staff.
Chairman Martin – That's what he was reading, it was technically completed.
Commissioner Jankovsky – I understand but they missed an important deadline. I have to follow the code unless counsel can give him some way to get there, he will have to vote no on this.
Chairman Martin – You need the findings and some kind of support for your motion.

MOTION:

Commissioner Samson – In light of using some mercy here I guess and the best way I could say and I want to preface that by saying sometimes we have had people come before us who disregard the code. Our enforcement officers have tried to work with them, we have been disregarded and we've been ignored. This, as far as I can tell, is not a situation like that. Because of that I would move that we grant an extension that shall run from the two years November 19, 2010 and shall expire on November 19, 2012 for the preliminary plat approvals, Valley View Commons Subdivision located within Battlement Mesa. Commissioner Jankovsky – Second.
Commissioner Samson – Do have the power to do that or do we not?
Drew – I'll give you my opinion and then Carey's the subject area expert. My understanding is that it's not written in the code. Could you have the power to do this? Yes. Do you have it now; I don't find that. I think that the instances where you have extended, as your phrasing today, extended mercy. Anytime somebody applies to you timely and properly for an extension, for whatever reason, you have the option of granting the extension and you have the option of not extending. The distinction between those cases and this case is that the prior requests were within the perimeters of the code or extensions. This one isn't. So what's the danger? The danger is that whatever standard you apply today in granting this extension and I believe I heard you say on a case-by-case basis that then becomes a standard for anybody else, who is in a similar situated. It's a standard and could be questioned. One of the points of the code is to provide guidance to the business community and predictability in that guidance. If deadlines and requirements to meet the deadlines are flexible, that puts the guidance and dependability at issue.
Commissioner Samson – So to answer my question is have I made an illegal motion?
Drew – I don't have the basis in the code to support that motion.
Commissioner Samson – What I'm saying then is this board does not have the power to do that.
Carey – No.
Commissioner Samson – Then my questions is why did this come before us?
Chairman Martin – Because it was requested by the applicant.
Commissioner Samson – If there was no recourse for us to do anything why did it come before us.
Carey – An example of your building and planning staff attempting to work with applicants; this is one instance where Glenn and I did not have an opportunity to discuss it before it came before you. Glenn did not know my strong interpretation of the code that this would not be allowed.
Chairman Martin – We're discussing four items I do believe in reference to this issue. The one is a final plat; submit a final plat, completion of stabilization activities. The other one happens to be is have a valid letter of credit, which we extended the cash for a letter of credit for this project but we have cash in lieu. So there's two out of the three that they have completed. The other one is they just haven't been able to get a technically compliant application through in reference to the final plat. Am I correct?
Drew – My job is to give you choices. You can instruct the initiation of an emergency text amendment to deal with expired applications. You can notice that, send it through the planning commission and have that come back to you. You could do that; but that's a policy decision. That's a path to legality and I'm not saying that it is not vulnerable to attack either.

Chairman Martin – We have other expired applications through that process, my questions is do we have the authority. Do we go ahead with it, we may or may not be sympathetic.
Commissioner Samson – Drew says we don't and I withdraw the motion.
Commissioner Jankovsky – I'll withdraw the second.
Applicant's response
Darin – Well there's not much to say I guess. Had I been told this prior I guess I would not have made the run all the up here to this body in such a manner. Certainly, I felt that there was in these economic times some understanding of the conditions thereof are certainly not something that's going to come back around I hope in our lifetime again. The real issue with completing the plat is not anything technical; it's really financial. Although you can say the financial ability of the developer to warranty the entire development cost up front is a technicality. I'm going to tell you as soon as we have the ability to do that we can do it. For us to develop that site right now is foolishness at best; however, to lose the entire investment in the community that we've made, to me and the opportunity, that makes common sense over and above what is a case-by-case basis. I can assure you in the next ten years there will be very few economic decisions made that will end up us being this close to a final plat and not be able to finance the thing. So it's a $250,000.00 loss and that is not chicken feed for us to throw into the breeze that would then have to be borne by the burden of future homeowners as they purchase that property later. This is not going to be something they can absorb. It will be something they have to pass on. Our goal is to build entry-level affordable homes and we have done that. 1,500 plus homeowners in western Colorado over the last 10 years and it's unfortunate by virtue of this situation both economically and timeliness of change of ownership that we are faced with an opportunity to make a positive decision and we're gonna make one based upon bureaucracy. That's just my sentiment and again had I been told don't bother I wouldn't have bothered. Had I been told that there was a chance in Haiti that's what I'm here for because it is a substantial amount of money. The issue I would say is I don't know what happens to the property at the point in time where thing goes south and what that means from a tax cost basis for me for an ongoing company basis.
Chairman Martin – Understand. We have a lot subdivision, 56 units, 54 units and a final plat. It may be that's a good suggestion on how we handle this on expired permits/process. Maybe it isn't', do not give up all hope or do we do a text amendment to allow us do so such.
Darin – I certainly don't want to add to another code extension change or otherwise bureaucratic enlargement for sure.
Chairman Martin – These are circumstances that hard times bring out and we have some kind of relief in one way or the other.
Darin – I appreciate the fact that you are willing to look into it.
Chairman Martin – Gentlemen do we have another motion? Direction, we'll have to make a decision on this particular option to look at a text amendment on preliminary plat, the extension to plat and direction to the director. Is there another suggestion. We can place this item on hold and work on the text amendment. We will not render a final determination and will continue this matter as unanswered. We can work on a text amendment so we will be able to flexibility within those regulations. There is no final verdict.

PUBLIC HEARINGS:

A. CONSIDER A REQUEST TO REVIEW CONDITION #5 TO DETERMINE ROAD AND INTERSECTION IMPROVEMENTS REQUIRED BY THE APPROVAL OF A MAJOR IMPACT REVIEW FOR THE ELK CREEK CAMPGROUND – THE SITE IS LOCATED NORTHWEST OF THE TOWN OF NEW CASTLE AT EAST ELK CREEK – APPLICANT; ELK CREEK INVESTMENTS, LLC – KATHY EASTLEY

Kathy Eastley, Carey Gagnon, Briston Peterson, Yancy Nichol and Mark Chain present.
Carey Gagnon explained this application came through a major impact review, it went through the full public hearing process before both the planning commission and then before this board. When the resolution was placed on the consent agenda the applicant did appear and asked that it be pulled in order to reconsider one of the specific conditions of approval. What they requested of the applicant is that they re-noticed using the same full notice that they were required during the original public hearing. She will be asking about publication, mailing and posting. Carey reviewed the noticing requirements for the public hearing and determined they were timely and accurate. She advised the Board they were entitled to proceed on this one issue – Condition No. 5.
Chairman Martin swore in the speakers.
Planner Kathy Eastley submitted exhibits A – H and Chairman Martin entered those into the record.
Discussion:
Kathy – On June 6th, the board held a public hearing on the question of whether to extend the timeframe for operation of the campground as well as the addition of ten tent sites. At that hearing, substantial discussion occurred regarding the access into the site. When the resolution was brought forward to the applicant, they did not agree with that condition and that is what we are here to discuss.
Chairman Martin – Its condition 5 as addressed in the resolution for approval. Identifying a grade and the intersection and the applicant disagrees with that particular rendering or condition.
Kathy – That's correct; condition number 5 as proposed to the board is the crossing out the planning commission's recommendation regarding the private driveways and site shall be improved to not exceed 10% grade or to design acceptable to road and bridge and Garfield County staff. The condition then states that condition was not adopted by the Board of County Commissioners; however, the applicant did agree to intersection improvements, which include trimming vegetation to improve the sight distance and create a sufficient platform for vehicles attempting to access County Road 231 from the site.
Mark Chain – Ms. Eastley is correct in her statements, at least in terms of the process. The three of us up here sitting during the hearing, heard the condition by Commissioner Jankovsky to the intersection improvements, which would include the trimming of vegetation and related items. We took that as installation of a mirror, signage, tough access ahead, etc. When they left and debriefed out in the hallway that is what they all had heard. It was their understanding that the request for the seasonal operations had been decreased a potential10 months to 8 months and as part of that the improvements had been stepped down one iteration he guesses to include what was the major concern. He thought that most people thought sight distance. In looking at the record, he didn't hear this but he believes Chairman Martin said does that include the sufficient platform. The three of them did not hear that; because if they heard sufficient platform, to them would have required the lowering of the county road, up to 350 feet distance and up to three feet in elevation at one point and that's a very significant monetary outlay for Elk Creek Investments. During the hearing, Briston said that he wished to trim the vegetation and related things because they didn't know if they could do everything and expand the park with all those conditions plus the waste water. Perhaps on the confusion was with the various motions. Because the first motion, he believes with Commissioner Jankovsky was to add a platform, lower the elevation of the road plus the trimming of the vegetation. That was denied, one to two; then there was another motion for denial that got withdrawn. Then there was this motion. It was a bit confusing even for someone who sat in these meetings for 30 plus years. In summary, that's how they understand it and their request is; what was the intent of the commissioners? If it was really just for the site improvements, trimming the vegetation, let's have number 5 say that; then if it was no it was the site distance and the lower of the county road in order to create a sufficient platform. Therefore, I would like you to reconsider because I think their memory was that Commissioner Jankovsky asked Yancy specifically what would that entail. I believe that Yancy said hey that would require lowering that county road and here is what is included with that. That's really their request; what was your intent and if so let's make sure everyone understands what the implications are.
Yancy Nichol – Wanted to add to that; he thinks working with the road and bridge department, Chris Hale, consultants, review the project and the engineering part; they have all looked at different options. He thinks they all came to the same conclusion to create a platform, and he came up with lowering the county road to do that. He thinks as long as everyone understands that; they take it

significant platform means they have to go that whole 3 or 400 feet to do that. They understood that the discussions are why they went to the 8 months instead of 10 months kind of approach of that motion. He thinks it is very clear to him all the technical people believe there is no other choice to make a platform of any kind without lowering the county road.
Chairman Martin – Looks like it falls on us.
Briston wanted to say regardless of this, it hasn't been technically approved yet; within the next 30 days he has cleaned out the vegetation to improve the sight distance.
Judy Campbell – She has worked up East Elk Creek over 30 years and the improvements that have been done on the road, the two signs the slow and the hidden driveway; did the Elk Creek Campground put those up or did our county put them up?
Briston stated he has not put up any signs.
Judy – The only improvements she has seen are two signs. One hidden driveway and the other one slow, which her tax money put up and not by Elk Creek. As far as the vegetation removal there was a couple inches taken off the first bunch of bushes and then around the mail box and that was for the benefit of Patty our mail delivery person doesn't get wacked by the bushes. That is the only clearing she has seen. They have been here before on this and she thinks they need to do this like a teacher with an unruly class and say no and keep a no in your mouth.
Jan Pristas – 0076 County Road 241. She would like to remind the board that when they were here in December of last year at the planning and zoning commission a petition was given to the planning and zoning commissioner people and she assumed it was passed on to the county commissioners. It was signed by the people, who live on County Road 241 and most affected by this development. She hopes they would consider their feelings in dealing with the things that have already been discussed. She referenced the dangers of the intersection, the dangers of the part of the road that is about a ¼ mile below that is very steep and very narrow, straight up on one side, straight down on the other side. There are many trucks and large camper trailers. She sees this leading to another man camp that Mr. Peterson put in three years ago and she is hoping the board will consider the feelings of the people who signed the petition.
Paul Pristas – 0076 County Road 241. He also addressed the issue of the road as it is in violation of the county road regulations as far as visibility. Second, if you cut out or lower the county road it will increase the grade of that road, the downgrade.
Milt Blakey – 2303 County Road 241. That intersection as we have discussed many, many times is a very very dangerous public intersection. If it was today that campground probably wouldn't even be there because it just wouldn't meet the correct requirements. It has been grandfathered in. You have to live with the fact that it is there but it has to operated and be managed in such a way that it does not continue to be a public safety issue. There is a public safety issue. He gave an example of a public safety issue in his personal experience. It's simply a fact that it is a bad place and it needs to be fixed the best it can. If they are going to get extensions into the snow season, which is what they have asked for, then they need to make accommodations.
Judy Campbell – You said there was a mirror on the county road. There is no mirror and on top of that, there is neither a stop sign for the campers to stop to come onto the County Road.
Paul Pristas – He wanted to add that they are always talking about vehicles; they had better consider the number of bikers that use that road. Coming down within the speed limit of 20 mph there is no way they will be seen or that they can see another vehicle coming out at the intersection the way it is.
Bonnie VanHoose – 1740 County Road 241. They have also lived up there for about 24/25 years. She understood that the road was dangerous and there had to be improvements to the road. She referenced the roads in the winter, with ice and snow. We have all built our houses there and have had to go by the code. These guys are not accepting no; they are trying to manipulate. When you see everyone here and look at the petition that was signed they all agreed. He is manipulating and going to turn this into a mancamp again. It was absolutely a war zone before and I don't want to experience that again. We are here to fight this and will do so as long as we have to. We need this to come to a finalization.
Pat Fuse – 1748 County Road 241. Her neighbors have covered everything so she is asking the Commissioners for a final decision.
Rick Hummer – 1735 County Road 24 and a resident in the area for 18 years. The proposed use of this place is inconsistent with the area where they are proposing it. This is about someone who has made a bad investment; they spent too much money on something and now they are expecting the citizens to pay for it. They have made a bad mistake and they need to recognize it and move on. This entrance to the campground keeps being rammed down our throats. The entrance and the exit is only the tip of the iceberg. He mentioned many road improvements needed on this road, including the blind corner, the 500-foot cliff, etc. There continues to be a huge hazard on that road. This kind of development has nothing positive to offer Garfield County or the citizens.
Matt VanHoose – 1740 County Road 241. He presented the issue of a car going the normal speed. When it sees that last tree that's where you can finally see a car coming out of the driveway. He elaborated the issue with on-coming cars saying it is too steep to stop. The owners will keep operating this campground. I believe the campground is on a right-of-way that is the county right-of-way on 241 Road, submitted as Exhibit AG.
Kathy – That is from the original staff report.
Matt - Everything about this is wrong. The board really needs to look at this and take into account that this was designed by a man that knew what winter was; that's why he went seasonal. It should stay seasonal.
Conrad – 1759 241 Road. This is the third or fourth meeting on this issue. Why are we jumping ahead when they are not even approved?
Bonnie referenced and reiterated that everything needs to be outlined for this owner because he is not paying attention to anything that has been outlined. He wants to do it his way or no way.
Paul Pristas expressed his feelings once more. Is the Sheriff the one who enforces the law? Who is enforcing this?
Chairman Martin - The code enforcement officer is supposed to be the enforcer. They do that through complaints. That is out of the planning department and not the sheriff's office.
Mark Chain – Reviewed the mitigation that has been accomplished including the Briston Elk Creek Investments did not put the man camp in operation nor did he own it at that time. Since I have been involved in this Briston has obtained his grading permit, the flood plain permit, pulled the cabins out of the flood plain, made electrical improvements, improvements to the water system and he knows there were some things done to the sewer system. It is in much better condition than the first meeting he attended when they were trying to clean up some of the violations at that time.
Briston justified that he makes his living in business in the construction and development business and the notion of him trying to skirt around or hide from an issue is not what he does. He wouldn't be in front of the board if he was trying to do such a thing. He thinks the neighbors down the road should understand his character and integrity of what he is doing. This is about improving an investment that still has the understanding of a man camp. There is a website called www.elkcreekcamping.com where residents can see what they are promoting. We get visitors from across the United States and have had in access of 12,000 to 15,000 hits this past season on their website. This campground gets rave reviews. I am trying to run an operation, it's a business and one that I am trying to turn into a profitable one. He has put a considerable investment into this business. He has upgraded the facilities, he has improved the water system, he has upgraded the electrical systems, made everything code compliant, installed smoke detectors, fire extinguishers, cleaned up the park, cleaned up vegetation, he plans to comply with everything in the resolution. There are a number of rafting companies, hiking companies, outback companies that people come and stay at their park and use for other businesses throughout the community. It is a dire need in this county whether anyone believes it or not it is. It is important to point out that this park has been in existence since 1950. He has spoken with the prior owners George James and Carol Richards and there has never been an accident/incident at this intersection. The owners George and Carol operated the campground as they saw fit. They closed the camp when the weather was

bad. The Town of New Castle and the public works department comes in and out of the park 356 days a year, drives through their park, drive across the private bridge and go up and inspect their watershed. They bring heavy trucks, heavy equipment, backhoes, and machinery in and out of their park on a daily basis all year round and they have been doing it for years with no incidents. I wish there were guardrails further down on County Road 154 and this is something the county should look at in terms of not just the safety of his occupants and their users, but also the safety of the other residents up and down the county road. Scott Smart is the husband to his park manager, Kelly Smart. Scott drives in and out of that truck everyday with a welding truck. The two of them live on site.
Commissioner Jankovsky – You did have a number of stipulations. The question on the trespassing was brought up and where the property line is yours.
Briston – I have posted 12 no trespassing signs around the park. This issue has been resolved as mentioned in the last public hearing. There is about 3-feet of a roof that overhangs the property line. It cuts through to the nearest neighbor about ¼ of a mile away.
Kathy – The trespassing issue had nothing to do with the park manager, it somebody walking through. The issue with the trespass was that they were renting camping spaces on someone else's property. So posting and fencing was one of the conditional requirements that the Board had adopted. I went onto site with Mark Chain and the assistant county manager and they were very clear about the requirements and the intend of the Board. The entire site needed to be fenced but that there were critical areas where trespass was occurring. The other issue is the canopy for the picnic area and tent space, regardless of the fact that it has occurred for 30 years, it is on someone else's property.
Briston –When you cross one of the bridges, they have boulders there. It was a path and they placed boulders there so no one could access that property. The picnic structure has been there for 30 years under Carol Richards.
Commissioner Jankovsky – How many campsites do you have right now?
Briston – 67. If someone comes through and they want to set up a tent; they just put it in a campsite. In response to the tent spots and the request for 10 additional spots, tt's a nice bench/plateau that overlooks the river. We often get many people coming up on bicycles and local neighbors in the Town of New Castle that want to take their kids camping; it's an ideal spot, a grassy knoll. You can pitch a pup tent on a tent spot that overlooks. It's been used that way for years. If you go back to the court stipulation, some of the testimony that was done there was a video of a Christian church group that came up and actually pulled a bus down that and erected a series of tents. That tent spots have been used since the Carol Richards days; over 34 years ago.
Commissioner Jankovsky – The CR road 241 is designated at 20 mph?
Wyatt – If he remembers correctly; 250 feet for 20 mph, 350 feet for 35 mph.
Commissioner Jankovsky – You stated this was not seasonal prior to the court stipulation.
Briston – Well the debate that was brought up in that process. From what he understood and from all the testimony he has read, the research he has done is that George James, two owners ago and Carol Richards, three owners ago said they would close the park down when the weather turned south or they felt like they weren't getting the volume where the park should be open or closed. They used economic and winter conditions to determine that; it was open 365 days a year but if there were a snowstorm the park would shut down. That is consistent with RV campers. Not many RV folks are driving around in January and February.
Chairman Martin – To staff in the original recommendations, what was Number 5.
Kathy – The planning commission recommendation was the same as what staff had recommended in the private driveway, the site shall be improved to not exceed a 10% grade at the top of the driveway.
Chairman Martin – The motion that Mr. Jankovsky was that all conditions must be met prior to the issuance of a land use change permit.
Kathy – Yes.
Commissioner Jankovsky –I'll clarify my motion.. I added 2 months November and April. They came in and asked for 10-months and that was denied. He came back and stated that he thought at 5800 feet in November we get into the snow season and in April. I felt there was a window there where between rain, and snow, I felt you could strike condition 5.
Chairman Martin – And is that what you felt condition 5 was, not the grade itself?
Commissioner Jankovsky – Yes, not the grade itself. I felt that we strike condition 5 and then leave in the fact that the vegetation would be cleared away. I don't think they will have a vegetation issue. It needs to be 250 feet and probably needs to get down to where the stop sign is so that means some major big trees needed to come down. The site distance is the issue.
Wyatt – On our driveway permits, you do improvements and you need to get a new driveway permit. They have to have at least 300 feet of sight distance. When I stated 250 feet, that is state statute; but we require 300 feet for any driveway. The sight distance here is bad. You could get 300 feet with the removal of some large trees.
Commissioner Jankovsky - The neighbors are saying it's a narrow road. People are going in with RV's, fifth wheels and it's not easy to get out of the driveway due to the grade. This campground has been here since 1950; it's an established business.
Chairman Martin – Go back to condition 5, the grade had to be 10%. The discussion was to keep all stipulations except 5, which is the driveway. I'd like to have the vegetation cut for the safety; that was the intent on section 5. When you said it in the motion to strike 5, we are saying you need to remove vegetation and not that we're requiring a 10% grade.
Commissioner Jankovsky – Strike 5 and leave in "remove the vegetation." I want to add the vegetation be removed to a 300-feet sight distance.
Chairman Martin – We are trying to get to the intent and the request of the applicant. The reason we are here is because the process allows if there is a condition that can't be there or needs to be addressed, everyone has the right to come before this Board and ask for clarification. That's one of the rules that we put into place. They could ask for a change if necessary. They can stay open for up to 120 days.
Drew recalls when the unsigned approval resolution was before the Board that ultimately led to this hearing, we had said you could view the application as incomplete because it wasn't signed and that was the mechanism to clarify this condition. I want to be very clear that the only issue that has been noticed for today's hearing is Condition 5. I mention that because we had dedicated citizens who had taken time away from work to be here. They voiced all kinds of concerns and one was for areconsideration of the land use application itself. A possibility of adding sites and other things unrelated to condition 5 cannot not be dealt with today. Condition 5 as has been discussed was limited to the grading requirement of 10%, the discussion of that was limited to the vegetation trimmed or removed and to what degree and whether the applicant would be required to create a sufficient platform to the road. For clarification, it was effectively an engineering question. I want to clarify that this reconsideration process is not built into the code. This application is unique. You had the question come up about a condition before the resolution was signed. We discussed the resolution that day and decided this was appropriate for reconsideration so that's why we are here today. I do not want to create a record or send a signal that even after an application is approved on the record or signed that there is some specified time after which it can be reconsidered by the Board. I don't think that is in the code; however, there are remedies through the rules of civil procedure and I needed to clarify you need procedure posture of this particular application and target your decision making to condition 5.
Chairman Martin – It is condition 5 and we did specify that we could reconsider it. Tom, your intent was to clear vegetation and not address the grade.
Chairman Martin – We need to ask if anyone else has comment.
Judy Campbell – Looking at the picture you can see the cars and there is no vegetation only around the mailbox that was all removed.
Jean P – For clarification, I went to the recorder's office and Mr. Peterson's name was the owner when it was made into man camp.
Paul P – In removing that much vegetation so you can get 300 feet of visibility, what will that do to the watershed?

Conrad – There are three things that we are discussing: One is sight distance, two is the grade and three is a 30-foot level approach to the county road is that correct?
Chairman Martin – It is condition 5 for clarification for the applicant and staff so they can enforce them.
Conrad – I am still concerned even with the vegetation removed because of the steep grade of the road.
Bonnie – Agreed the campground has been in existence since 1950. It was never open past the summer months with the exception of hunters that stayed in the camp. It opened on Memorial Day and closed on Labor Day.
Fred Davidson – 1744 CR241. The decision was to be tough and firm and now you're talking uniqueness. I would like to see the Board stick to their guns and be firm.
Briston – The purpose for today in front of the Board is I'm trying to capture the hunting season. Last year our phone was ringing off the hook from hunters that wanted to stay in the campground in the month of November. We had to turn business away. I have had dialogue with the previous two owners and there was no rule or regulation, no requirement, no stipulation in place on when they opened or closed the campground. They did it on their own volition and they did it based on an economic decision of when they should be open and when they should be closed. What I am asking the Board to do is clarify an understanding in terms of what they heard on this side of the fence with regard to the recital. The reason I'm in front of the Board is to capture in my mind what the season if for occupants for this park.
Yancy – When I gave site visits with county staff, there was a multiple type of education. There are large cottonwoods, oak brush and the bank. I am very comfortable that you can get to 300 feet sight distance the way that bank is by cutting the vegetation 10 or 12 feet high because it is down along the driveway. The key is it needs to be cut across that sight distance. Some of it will only be a couple feet along the road while others will have to be cut down. It's critical and I believe the type of oak brush and scrubs there, you don't want to cut it off from the ground because of erosion potential, you can keep the vegetation healthy and alive on that bank to keep the erosion down. This is a common method used to obtain the 300-foot sight distance. This would be a huge improvement. Presently, with no vegetation cut, one can only see 80 or 90 feet sight distance and that is a short response time.
Commissioner Jankovsky – 300 feet of sight distance potentially could be acceptable normally, but the road is a curve. Potentially 400 foot would have to be cut down.
Yancy – No, the 300 feet because it runs out about 25 or 26 foot from the pavement and goes down to zero at that 300 foot.
Commissioner Jankovsky – Yancy, does the stop sign at the top of the driveway make sense.
Yancy – It's an interesting question because if a person drives up there with a large motor home or an RV behind it and they completely stop, it will take them longer to get out and merge into traffic. If they go up the driveway, slow down to just a mile an hour, stop before entering the County road that would be acceptable.
Wyatt – Our driveway permits for anyone who has a business of any sort we require them to have stop sign at the entrance to the county road. If the business has 8 to 10 vehicles a day in and out, we require a stop sign.
Briston – It's possible to put a mirror on the road so drivers can see the traffic coming out of the driveway.
Commissioner Jankovsky – I didn't want to give the impression for a mirror, I want to solve the issue for sight distance.
Yancy – A mirror is not appropriate at this time, by cutting the brush and trees you can get a 300 feet sight distance. Mirrors are used when you cannot see 300-feet.
Chairman Martin – We are getting outside the scope, we are supposed to make a decision.
Drew – Is there any signage on CR 241 for a hidden driveway in either direction?
Wyatt – I don't think there is.
Chairman Martin – Drew, the legal question for advice is the finding of the question that was the platform and everything else. Not sure why we have confusion, we were very specific.
Commissioner Samson – I see that in the motion but is that what Tom's intent was to remove the 10%?
Chairman Martin – Yes, and that was a direct question form the attorney. The finder for the waiver was the 10% grade and the removal of brush and trees for a 300-foot sight distance. That was the motion. Does it have the waiver of the platform, the grade etc except for the line of sight and it was very specific in the motion.
Kathy asked to clarify that Exhibit G is the incorrect resolution. The handout provided to the Board today is the correct one. What the applicant is requesting and what is in the resolution presented to the Board of County Commissioners was that the requirement to create the driveway at 10% grade was removed. The only question here before you is the platform.
Chairman Martin – That was in the motion that the 10% grade had been removed and the line of sight acceptable to Road and Bridge. Let's go back to the request. The request is the line of sight needs to be 300-feet and that's what the motion said and it must be complied with. If you don't have a line of sight you can't go forward. None of the other issues in this approval have been waived; everything must be adhered too, including if you go above the capacity. All those other conditions are still in play, today we have to decide is Condition Number 5 clarified? Period!
Commissioner Jankovsky – Do we need motion on that?
Carey – Yes, we do need a motion on it and I advise you to close the public hearing.
Milt Blakey – A lot of discussion just went back and forth here all about stop signs and yield signs so is a stop sign required or not required? Let's get it clear, okay?
Chairman Martin – You want me to go outside that scope of Condition 5. The line of sight must be adhered to and it is in the approval process of the road and bridge; therefore, if it's satisfactory to the road and bridge and if road and bridge feels that the line of sight needs a stop sign, then I would say that would be up to their decision. The main issue is the line of sign and safety that is their policy. According to the Model Traffic Code, that's a different issue. We'll talk to the sheriff about the traffic code because the road and bridge does not do the Model Traffic Code, they do safety.
Commissioner Jankovsky – That clarifies the stop sign issue.
Chairman Martin – The safety and the line of sight is under the road and bridge policy and the line of sight must be approved by road and bridge; if it is not approved with road and bridge it's a violation.
MOTIONS:
Commissioner Samson – I would move that we close the public hearing.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Jankovsky – I make a motion that the applicant shall trim vegetation to improve the line of sight in Condition No. 5 at the intersection of County Road 241, period!
Chairman Martin – That's it?
Commissioner Jankovsky – I'd like to talk about the stop sign; but I don't know if I can put that in there or not.
Commissioner Samson – We strongly recommend that…
Drew – Can you give us one minute to try to work on the motion?
Carey – Would you entertain an alternative?
Commissioner Jankovsky – I would entertain an alternative.
NEW MOTION:
Drew – The Applicant shall trim vegetation to improve sight distance for vehicles attempting to access County Road 241 from the site to create a 300-foot line of sight and appropriate signage both acceptable to Garfield County Road and Bridge.

Chairman Martin – I will second for discussion.
Commissioner Samson – I do not see eye-to-eye, as you two do. I've listened, I've looked, I've been up there 3 or 4 times. I think there's a big accident waiting to happen up there with the opening in November and April. I pray it doesn't happen; but I rather suspect it will. I think there are many other problems beside that. That's why I originally voted against this. I'm not against you having your business and operating it; but I think it would be better to be operated the way it was. Instead of making all these changes because I see problems with the water, access, with parking, safety and with line of sight. I see many problems and I don't think it's a good thing. So I will be voting against this. I think you are trying to make the best of a situation as you can and good for you but I can't support you because I don't support the overall plan.
Chairman Martin – I understand. We are not talking about the entire approval process; we are talking about one condition and one condition only. However, we're reiterating that all other conditions that were there must be met or they are in non-compliance. The clarification was requested and we are voting on one item, line of sight and the driveway access to county road and bridge standards. That's it. All the other items we may have reservations, we do have history, and we may have many other issues that will probably happen. We will have to deal with them when they do occur. That's unfortunate but all we noticed today was Condition 5. I do respect all of the people who testified as to the business as well as the citizens that live there. The clarification is only one item for an approval.
Commissioner Jankovsky – I would just like to talk to the applicant. You have heard your neighbors here talk about their concerns, problems and do these things with due diligence. I want you to be a good neighbor and understand their concerns.
In favor: Martin – aye Jankovsky - aye Opposed Samson – aye

B. CONSIDER A REQUEST FOR PRELIMINARY PLAN APPROVAL TO ALLOW FOR THE SUBDIVISION OF A PARCEL LOCATED WITHIN THE ASPEN GLEN PUD TO CREATE SEVEN SINGLE FAMILY LOTS AND THREE DUPLEX LOTS ON ± 4.2-ACRES IMMEDIATELY ADJACENT TO THE REAR ENTRY TO ASPEN GLEN AT CR 109 – APPLICANT GERD ZELLER – KATHY EASTLEY

Kathy Eastley, Carey Gagnon, Gerd Zeller and Dave Cots were present.
Carey Gagnon reviewed the noticing requirements, determined they were timely, accurate and advised the Board they were entitled to proceed.
Chairman Martin swore in the speakers.
Planner Kathy Eastley submitted the Exhibits A-U and Chairman Martin entered the exhibits into the record.
Kathy gave the history of the Aspen Glen Planned Unit Development and stated where it is located. The original PUD approval was in 1992 and it was assigned subzones within the property designating both use and density around an 18-hole golf course. Subdivision of the property requires Preliminary Plan approval and subsequent final plat approval and recording.
The Sages at Aspen Glen, a 4.24-acre site located north of the CR 109 entry to Aspen Glen, seeks preliminary plan approval for 10 lots (7 single family and 3 duplex lots) which would result in 13 units (7 single family and 6 duplex units) located within the PUD Club Villas zone. The Club Villa zone allows for "Single-family attached and single-family detached residential dwellings intended for individual lot ownership, which may include golf villas, townhomes, club villas and duplexes." The PUD also describes zoning standards including minimum lot sizes and setbacks specified for each type of unit as well as the required parking spaces per unit.
Kathy listed the staff concerns and issues as well as the Planning Commission recommendation of approval.
Discussion:
Gerd- I think everything staff stated is proper. I think the main thing is the easement for the cart path. When we built the golf course, the property owners knew full well what the development potential of this property was. If they decided they were going to change what was available for a future developer, they didn't state that in their contract that things would change. I bought it so I could go to the full value of what that piece of property is and short of negotiations, which we did with the homeowners association. I think that is it and consider it extremely important to follow every guideline that the homeowners association has put forth. My contract states that any construction on my part must include that the golf course as well as the homeowners association being satisfied with the type of buildings.
Commissioner Samson – In recommendation 3A Roman number IV; the mineral rights association with this property have been partially or wholly severed and are not fully intact or transferred with the surface stakeholders therefore allowing the potential for natural resource extraction on the property by the mineral estate owner or owners, or leasee, or lessees. In my district in Garfield County, we have a problem, as you are probably aware of in Battlement Mesa. One of the continued complaints I hear from people there is that when they bought their property, their townhomes, their house, whatever it may be, they were never told anything of that nature. Do you have plans to make sure that people, when they buy these townhouses will be notified of this potential?
Gerd – Yes, we would be within the PUD would go by absolutely everything that is required. Commissioner Samson – I am saying those people that own mineral rights have a right to harvest those minerals. This is a major complaint from people that bought property and claim they were not told about the mineral rights being severed partially or wholly making them upset. They were mis-lead in their minds concerning the mineral rights. My point is, are you going to do your best to make sure that the people who buy are going to buy your properties are familiar with this detail?
Dave Cots – As the recommendations are written that is a plat note. In my mind, that is proper notice to everyone.
Chairman Martin – The issue of mineral rights whether transferred or purchased is a required disclosure.
Gerd – I believe in full disclosure.
Chairman Martin – This is an issue in Glenwood Springs, Aspen Glen and all of the others along that river have the same issue. You see more of the split estate issue so staff is making sure you understand that you do due diligence to minimize the issue.
Commissioner Jankovsky – In the planning and zoning commissions variances are here in number 11 referred to as Exhibit R, in the conditions of approval. I haven't seen that very often.
Dave – What happened here is they were able to meet with the county review engineer, Chris at Mountain Cross Engineering, and go through all the engineering issues and have an answer to everything that was raised. My memo came in after Kathy's staff report and that was the best way to ensure the county is getting what they need. I am comfortable with all of that, I think they have addressed all the engineering issues and it will be addressed prior to final plat.
Commissioner Jankovsky – Kathy are you comfortable with the memo?
Kathy – Yes, my understanding in Exhibit R was just a response from the applicants engineer to our engineer comments providing satisfaction that everything is being taken care of.
Chairman Martin – Another disclosure, there is a LaFarge gravel pit just on the other side. It may be a noise issue to some but it is in existence. The gravel pit will be a beautiful lake someday and make a great refuse for all the elk that travel to and from that property.
Art Hem – As president of the HOA, I want to make certain that the conditions of approval for the stages include that the applicant and any future property owners work with the Aspen Glen Design Review Committee to ensure that improvements to property comply with the Aspen Glen Design guidelines. There is a good working relationship with Mr. Zellar over the years, if he were ever to sell his parcel or development to a developer or sell out individual parcels it is only prudent on their behalf to ensure that everyone understands the expectations. We would request that as a condition for approval.
Chairman Martin – That deals also with the architectural landscape, also any design committee.
Art – Absolutely. We want to make sure it is in writing in case we have another person to deal with.

Chairman Martin – Another question that comes up; would the development then become automatic members of the homeowners association with all covenants and review criteria.
Kathy – The property is within the Aspen Glen PUD and is already a member of the Aspen Glen Homeowners Association; therefore, it is already required to go through various boards for approval.
Dave Cots – I don't think you can exclude yourself from the PUD guidelines.
Leslie Lamont – I am the Aspen Glen Design Review administrator and the Aspen Glen Design Review Process is required to occur when any improvements to property are to happen. She stated the things the committee looks at which is virtually everything. The reason why I think the Aspen Glen Board of Directors would like to see a condition of approval in writing is we always had a clause that the applicant shall adhere to the design review process in Aspen Glen. Since Aspen Glen was done by the developer, he gave them declaring rights. The developer gave himself the ability to opt out of the design review process. At the time, the developer was the design review committee built these guidelines in the review process. Recently as the developer has gotten out of Aspen Glen and sold little pieces to folks in Aspen Glen and they've given them the same declaring rights. It's not exactly clear to us since their CCR's have recently been amended as to how that is tracked. We are just asking to be clear that any improvement to the property complies with the design review guidelines as everyone else has to in Aspen Glen.
Chairman Martin – The County does not enforce covenants but recognizes the covenant.
H. M. Lingal, a property owner and prepared a letter that he passed out to the Board. Is this drawing showing the current easements for the golf course path?
Dave – Yes.
H. M. – Okay. My wife and I purchased our two lots in 2002 prior to the sale to Mr. Zeller. In 2004, we were unaware of the sale and didn't have an opportunity to comment. It's been the last few months that I became aware of what's going on. He explained completely the problem that exists is a potential for conflict for the developer and the controller of the homeowners association to do something that is more conducive to the sale of the property and less conducive to the good of the homeowners. A number of documents were executed by the same person on behalf of two entities raising some question about whether this property is subject to the requirements of Aspen Glen Homeowners Association Design Review committee. The design review committee creates value in this subdivision, to me a homeowner and for the board as a taxing authority. They don't want to see a potential of valuations to be decreased by any potential skirting of these requirements. My concern is to make sure that this property is subject to the design review committee along with all other aspects of Aspen Glen homeowners association. This summer we're going to move the golf course and the golf cart pass right next to the property line essentially in his backyard. This could lessen his property value. I sent letters to the Aspen Glen golf club regarding this potential conflict with putting this park path near my property. My request is that the commissioners have an understanding this is going on and have a comfort level disrupting this activity is going to be okay. I want to make sure that all due diligence has been done. The last is I would ask that prior to granting an approval those issues be resolved.
Frank McGerk, a resident of Aspen Glen and Chairman of the Board of Governors of the Aspen Glen club. My request today is that we have more time before this preliminary plan is approved to work out how this golf cart path will be managed. The issue here is that moving the cart path to the east will create the movement of all of these residences closer to the golf course and golf balls are hitting into the properties at this north end with a high degree of frequency. The golf balls have resulting in some potential danger during construction for the residents of these homes. His request is that they either hold onto the golf path easement that is in place, which effectively creates a buffer back toward County Road 109, or if they get some waiver from the builder, the developer and the subsequent homeowners to any danger from those golf balls that may go in that direction. The issue is we have a golf course that is playable; but we need a written waiver to put that kind of situation in place. Leave the golf cart where it is as it is a buffer. It doesn't mitigate that problem entirely.
Gerd – In response to Chairman Martin's questions, yes I am a sub association within Aspen Glen and serve as the governing body with protection, improvement, alteration, maintenance, repair, replacement, administration of operations. It is a standalone sub association to Aspen Glen.
Leslie – My concern is this question is when Gerd says we have to build in a way that the HOA approves, then what is the process do you have in place if Gerd got the bid that's my greatest concern. The design guidelines are the document that people in sub associations work with and any improvement to property the DRC as formed; we are kind of a subcommittee and we have several sub-associations Aspen Glen.
Frank – Are there any sub associations in Aspen Glen that are excused from the general association design review criteria?
Leslie – Yes, if they have declared rights exemption.
Chairman Martin –Leslie, has any sub association not had to comply.
Leslie – Yes, the Peaks built out everything except one last lot and when that lot was sold it was sold with declare rights. The Peaks sub association and I as the administrator of the DRC tried to make that person go through the design guidelines. They protested and part of the issue was not a design issue because the Peaks are all the same architectural design; however, with regard to construction procedures, it is a narrow road so the association was very concerned that they wouldn't have any ability to enforce the construction person to comply. It was only because the developer at the time needed to utilize common open space in the Peaks for construction staging that they were able to come to an agreement and able to sit at the table and work through the issues.
Gerd – The furthest thing from my mind is that I intend to go against the design guidelines, I want to be within the guidelines 100%. I would have to set up whatever protection that the homeowners association or the design review committee requires. From a construction point of view, I would like to have a little bit of peace and quiet away from the golf course on the property that is being developed without having someone else running through there constantly.
Chairman Martin – You still claim that you have the ability to do such based upon the contract and purchase of the land; you have the development rights?
Gerd – Yes, I have the developer rights.
Commissioner Jankovsky – Leslie, is to correct to say there is an expense going through the design review committee.
Leslie – Yes, we have a standard procedure for a single family home. We look at schematic design plans, and everything all at one time then he is done and has the ability to build within his own timeframe and not coming back to the DRC. My concern is that Gerd or anyone else would have to worry about leaving open foundations if they don't have the money or leaving a gaping hole, things like that.
Commissioner Jankovsky – What would the cost be?
Leslie – For a single family home our cost is $4,500.00. Their Construction deposit is $20,000.00 and that is returned; then there is the constructional access fee that goes into a trust fund that goes back to maintain the roads based on the size of the home. There is a security access fee because we staff the gate and manage the construction traffic. We had started talking with Gerd about looking at one big package and not nickel and diming him.
Commissioner Jankovsky – Question to Frank on variance number 5, it says in here dedication/relocation of the golf course must be clearly documented at the time of plat. They need a letter of acceptance for vacation of the easement from the homeowners association and club representative. It is one of the conditions of approval.
Frank – This variance commission sounds like it covers the issues around the use of the golf course from both Pub Corporation, which is the board of governors that advised Pub Corp. We tend to listen to what the membership wants, this sounds like a fit for what I'm doing.

Commissioner Jankovsky – But it doesn't take care of the liability situation.
Frank – The point would be to use the advantage of the relocation of that cart path to extract the waiver of liability.
Commissioner Jankovsky - Mr. Lingal does it address any of your issues?
Mr. Lingal – It addresses the golf cart path issue.
Drew – It's a good legal problem in that all of the interconnections between previously approve applications, the underlined declare rights, your existing covenants, conditions and restrictions and how you would integrate a new application. Not just any new application, one that takes you back to go in that the applicant is again a declarent for all practical purposes. I think that a caution to the county is to keep the line bright and clean, keep the public function and the private function. There are all kinds of private claims between the association, sub association; some very specific requests regarding appearance before the design review committee where the applicant has admitted he is subject to the design standards and just not to appearing before the committee with its fees and processes. If you want a thoroughly researched answer that reviews the common interest ownership act and all the various permutations that have been raised by the facts today, I would advise you to take this up at the next meeting. I am not sure we need to wait; I think they have seen this problem before and I would leave it to the Board on how they want to proceed today.
Commissioner Jankovsky – What he understood Drew to say is that we as a county can't require that somebody meet the HOA standards. We can recommend it but we can't require.
Drew – I think they have already decided it in the approval of the original PUD and he is subject to the CCR's as they are currently written for a developer. What you are being asked is to make the applicant, not a developer and therefore not a declarent, which would put him in a different category.
Gerd – I want to be a good neighbor. I intend to 100% to stay within every requirement for design and will work with whomever we need too. I don't want to go through, what they are calling personal items. I would prefer to be exempt for the design review committee, the homeowners association, the golf committee and any way shape or form that it might be stated that we would change the way that the golf course plays. I can't comprehend anyway that I would ever go along with something like that. Anyone who would buy here would be able to challenge to move the T-boxes, those aren't valid points.
Leslie – As a former land use planner, we all have these sentences in our recommendations and memos that all representations made by the applicant in the application and in the public hearing shall be conditions of approval unless otherwise amended by the Board of County Commissioners.
Leslie - Gerd is emphatic in his desire to work with us.

Motions

Chairman Martin – Motion to close the public hearing.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – I'll make motion that we accept the planning commission's recommendation. I'll make a motion that we consider a request for preliminary plan approval to allow for a subdivision on a parcel located within the Aspen Glen PUD to Create Seven Single Family Lots and Three duplex Lots on ± 4.2-Acres Immediately Adjacent to; within the Aspen Glen PUD. I would state that we accept the planning commission's recommendation that strike number one unless specifically altered by the Board of County Commissioners from that sentence. That would be 1-9 as stated. On this number 11, I don't know that I like to be responsible here, so I think I will strike 11 and I would just put in here that for number 10 that we recommend the applicant work with The Aspen Design to process guidelines.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

COMMISSIONER ISSUES:

a. Commissioner Reports – Commissioner Samson stated tomorrow he has some questions; the meeting at 10:00 a.m. is here with CDOT and that is about the annual report. At 2:00 p.m., there is an open space workshop in this room and 6:00 p.m. a public meeting on afford housing which staff is running. On the 21st, Wednesday, he will be meeting with the City of Rifle and MRI from 9-11:00 a.m. on landfill at the airport. On the 22nd, Thursday is an open house on solar from noon to 5:00 p.m. in Eagle Springs. Commissioner Samson – There is a fair board meeting on the 27th and he plans on attending. Chairman Martin – It was the debriefing on the fair and any recommendations and they thought all commissioners should be there. Jean thought they wanted to meet first and then meet with the commissioners. Commissioner Samson thought the same thing and they would come before the commissioner later in October. Jean will notice it that they may be there. Commissioner Samson – It's at 6:00 p.m. at the fairgrounds. On the 28th, he has a RAC meeting in Delta from 1:00 to 5:00 p.m.; he is hoping to be done by 3:00 p.m. A budget workshop on the 29th at 8:00 a.m. here. Chairman Martin – They did move that to the 5th. Commissioner Samson – Is there a meeting the 29th and Commission Jankovsky believes it is. Commissioner Samson has a problem on the 5th of October, he will be in surgery. Commissioner Jankovsky – This evening, 5:30 to 7:30 p.m. he is going over to a substance abuse meeting, which Judge Lynch called in the courthouse. He has the same meetings as Mike tomorrow. On the 22nd I have an evening meeting with the Ruedi Water and Power Authority and will try to spend some time with the Commissioner in Pitkin County to talk a little bit about what is going on. There is a workshop on Friday, the 23rd that has to do with economic development and this will go until at least noon. Then a meeting with Elizabeth and Stacey in Carbondale; they do want to have a joint meeting in the near future and they will discuss that. The hospital board asked to have meeting on the 11th at the hospital or here. If available on their calendars, he will ask to have it scheduled. I will ask Jena to put it together but I don't have a time yet. Commissioner Samson – So we don't forget on the night of the 18th they will be going over to Denver as we have the oil and gas classes early the next day.
   Chairman Martin – On the 21st I have a meeting with Drew the county attorney meeting with Judge Boyd at 1:00 p.m. in the judge's chambers in reference to mutual issues and landlord/tenant issues. Don't forget about the fall art festival this week, starting Wednesday it is open to the public, free of charge and this is the 49th year.
   Drew – Judge Lynch is trying to convene stakeholders about trying to establish a detox facility in the county. Drew wanted to clarify the 9:00 a.m. meeting on Wednesday regarding solid waste disposal; I want to be clear about the county's role in that meeting. Your only role in that meeting is to gather information as it may relate to any change in rates that we set for our own landfill. Rifle has an ongoing procurement process now and not withstanding Rifle's point of view of that meeting, the only thing that we have control over and legal authority over are the rates for our landfill.
b. Commissioner Calendars
c. Approval of Minutes
d. Commissioner Agenda Items

ADJOURNMENT

PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO
October 3, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 3, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.

ROLL CALL

PLEDGE OF ALLEGIANCE

INVOCATION – Moment of Silence

PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA

COUNTY SHERIFF UPDATE – LOU VALLARIO

Lou gave his presentation on the budget. Immense discussion was held with respect to Lou's record of accomplishments, his need to have adequate funds to run his department including the jail and he felt if cuts had to be made it would need to be in community services.

The Board had indicated that Lou needed to cut his budget by 3% about $600,00. Other departments were asked to cut wherever possible so you are not alone.

Lou reminded the Board that his revenue stream for 2011 would indicate savings in vacancy staff positions. He would probably be able to return to the County $1.5 million dollars. When I do my budget, we go line by line to see where we can make cuts. We have done that and this number given you is what I need to provide public safety as that is my job. This 2012 budget shows a slight decrease. I think there are a couple of unknowns with the sales tax stuff and some of that; but I will see if we can make some adjustments there.

Commissioner Jankovsky has concerns and it's not with Lou's budget perse; but we are at roughly $100M dollars in income and $107M dollars in expenses in the overall budget. So we are off; to balance the budget we're off by about $7M dollars, 7% and we will have to, from this Commission's standpoint, have to make some cuts. Although we are a very healthy county, I think the constituents want us to have a balanced budget and I think we need to do that. So in the future, we can look at things such as elected officials building or a jail if we need it out in Rifle at the annex. We can look at that and they are big-ticket items that we will have to look at sometime in the next five years. I would like Lou to see if you could come back with a 3% cut on your side, which would be about $600,000.00. I look at where Lou is right now for this year and it looks like Lou will come in at about $16M because you have spent through August 60% or $10,800,000.00 roughly and divide that by 8 months; looks like he is coming in at $15M. I know it is no fun to do but I thinks Lou has a little room there.

Lou –On those unfilled vacancies, It doesn't mean that we don't need those positions, if you look at a staffing analysis optimum operating stance. Those positions are essential, we just can't seem to get them filled particularly in the jail. We are running at minimal staffing in the jail; our overtime is higher than it should be because of that. So we continue to struggle to get the optimum amount of employees we need to efficiently operate the jail and the other programs. If those were filled, you wouldn't be seeing a 60% at this point of the year; you would be seeing basically where they should be. The saving is predominantly in those positions that we needs to fill and hoping to fill. The other areas are the jail numbers are running low now as far as inmates, which is always good because that will return some savings in things like food, uniforms etc. But I don't know what that could be. So certainly, we can go in, look at some of those, and cut those; but I think they will at best be inaccurate and not properly reflecting what I need to run the sheriff's office. There is a good possibility I will be coming back in front of the three of you, in the middle of next year, saying we cut too deep, our populations increased, we have to feed those guys, we've hired the necessary people, we have to pay them; so we can do it that way. What we have done conditionally is come to the Board and budget and say, this is what I need to operate the sheriff's office. It has worked out pretty well the last few years. I can come and say we can go in and cut and say this is what I hope he can get away with; but I will have to come back in the middle of the year and beg for money. So it's the pleasure of the Board, I am not saying I can't go in and find cuts, but the problem also Tom is I can't keep balancing my operating expenses against employee increases. We are looking at this budget with a 2 ½ and 3 ½ % performance pay increase plus an estimated 12% for insurance. Basically, what you want me to do is cut into the smaller part of his budget, which is operating to balance those increase that you all, and trust me I am very glad they are, but if you are willing to fund into my budget. So the Board is coming to me and saying we are going to inflate your budget because we want to pay our people more, we want to cover your insurance, which is wonderful; but I can't continue to cut it at my operating expenses. I have to run the jail, I have to maintain patrol; unless you want to start looking at eliminating programs that we do in the community, school resource officers and things like that. I don't know where we can get that deep into cuts. $600,000.00 is a lot in my operating budget.

Commissioner Jankovsky – I am just looking at where you are going to be; you come in $16/$17 million bucks and that's about a $2M dollar difference. It's hard for me; especially when they are going to have to come back and find $7M bucks somewhere in the overall budget. I am just trying to ask everybody.

Lou – We can look at that, we have a ½ million dollar contingency fund for emergency services. We can cut that out and then if they have a fire come to the Board and say we need money. We could do it that way; but the way we have set this up and established it so the money is available. It's like I said, I budget for what I know. I know what the gas and the lights etc are going to cost. I budget for some of those anticipated but known events, we know we are going to have investigations, we know we will have travel expenses for things like that and then we also try to budget for those unknown unanticipated events. If we has a major case, for example, where our guys had to travel back and forth to England three or four times, so again our budget is known, anticipated but unknown and then completely unknown ,which we know is going to happen. We know we are going to have a shoe drop every now and again in the budget. That's where we come from with our budget. I understand what Commissioner Jankovsky is saying and if that is the pleasure of the Board, we will do what we can. I would first go after that emergency fund and say fine let's just cut it out. If we have a fire, flood or a catastrophe next year, then I would come back and ask for more money.

Chairman Martin - We wouldn't want to cut it out. Maybe we can look at trimming here and there. What did you say $600,000.00?

Commissioner Jankovsky - $600,000.00 - 3%. We have to come up with 7% to have a balanced budget.

Lou – I think our team has done a great job at maintaining as the Board requested. No one came to me when I put together a budget and said cut 3%. It was zero out and no increase; I have done that. I think we met what was requested to go back and refigure and I he will go back and refigure again. I will do what I can Commissioner Jankovsky; but what I am telling you is I will be back in the middle of the year begging for money that I cut out initially and what are we gaining at the end of the day?

Chairman Martin – Other comments?

Commissioner Samson – One thing that concerns me is Lou has studied; I think there will be a loss of more federal dollars and more state dollars and that is what concerns me. The counties and the cities will have to pick up the pieces because the feds and state have spent excessively. Especially the federal government and I think those funds will dry up. I think we will have to prudent in what is happening. I truly like the idea of a balanced budget; we should always have a balanced budget whether you are a family, city, county, state or a nation. We can't control the state or the nation but I guess we could put forth an example for others.

Ed Green – You have to remember when you are budgeting you budget all of your personnel based on the fact that everyone is going to be there January 1st and is going to stay there through the entire year without any attrition. That simply never happens; you start the year with less than your approved staffing and it goes on and on and on through the year. Right at the beginning you have vacancy savings. The other thing we have learned over the years that every department does not spend what they budget and that is just human nature. You put a little more in than you anticipate using. Over the past 10-years I have seen the same scenario where roughly $8M dollars less is spent than is budgeted. That certainly is what's transpiring this year.

Lou – That's why we call it a budget; we have to try to anticipate those things and we don't know if they will occur and as I discussed before. Again, that's why we call it a budget; we are not padding anything here and I would certainly resent if anyone makes that implication. I have had a good record of accomplishment of our budget with this Board over the last 9 years. We returned $5M dollars in the last two years and we are on track again to do about 1 ½ million this year. It is not because I am padding; it's because we are conservative, frugal and of course staffing having 150 positions, as Ed said unless they are all filled January 1 and throughout the year there will be money coming back.
Commissioner Samson – To Lou's credit as long as I have been here I don't believe that Lou has wasted money. Because he has given back money and here, again I don't think that is because Lou is doing a poor job. I think Lou is doing a good job and Lou anticipates the funds he needs; but in the end Lou always; refresh my memory.
Lou - $2M
Commissioner Samson – And the year before that?
Lou - $2M
Commissioner Samson – Good Job!
Commissioner Jankovsky – And most of your vacancies are in the jail?
Lou – Yes, we are fully staffed right now on patrol. Technically, there are people in training.
Commissioner Jankovsky – How many positions are open in the jail?
Lou – Ten at this time.
Commissioner Jankovsky – Is that because of fewer inmates or just because you can't get people hired. There are many people looking for work.
Lou explained the economy, quality of candidates were not acceptable and I must have clean records so we do background checks prior to hiring. We spend a lot of time screening people; we probably hire 5% of the people that apply for them on the initial side. That may sound harsh but in the end, it saves the headaches and the nonsense that goes on. It's always been, in the 9 years I have been here, it's a two-week period where we are fully staffed in the organization. There has always been openings. What is frustrating is we will hire three people and then for example we just lost two who decided to move back home and be closer to parent s because they had little children. It is always that up and down ladder sort of thing. We rarely ever have been fully staffed. That doesn't mean we will need those staffing numbers in order to operate efficiently, reduced their overtime and wear and tear on the employees; it just means we are having difficulty getting there. It is a strange balance; there are people who want jobs but I have a set standard that it takes to work in law enforcement and it's difficult to get past that hurdle if you will. The reality is that's where most of it is. I can't in good conscience cut those positions. The number of inmates is less significant because the way the jail operates is they have posts, they have to have so many deputies in medium pod and minimum pod and the control room and so that is sort of a static number if you will. It can adjust slightly as far as if we have 200 inmates verses 100 inmates. But I have to have those positions occupied; we can't leave a medium pod empty over night so to speak. I have to have a deputy there and the number of posts required then you add in a supervisor on each of those shifts. You have to take into account the shift factor regarding vacation days, sick days, training days, and all that and then you do a staffing analysis. I may have 10 posts but I need 14 people per shift to cover that to make sure we can cover all the additional staffing requirements. The staffing analysis we did a few years ago, these are the positions I need even though admittedly we can't seem to get them filled. To cut those positions out of the budget again I can do that; but once I get what's left filled I would be coming back and saying I would need more to adequately run the facility. The other option is I will look at cutting some programs and please don't take it as any kind of threat or anything; but the programs we provide are less essential and critical than having deputies on the street and deputies in the jail. I could reduce, again, the emergency money to $.5 million and there's $250,000.00 right there. I can cut back on the contributions to the animal control programs; CARE and Divide Creek. We actually did cut those back a little bit; about $10,000.00, I think each. Our animal control program is a successful program; but clearly, the county is helping support a facility that is a county nonprofit organization that helps the county and not a direct equation you know dog per day per head count kind of thing. So we can look at that. I can look at cutting back on the community training and look at the school resource officer program. If you are asking me to do that, I am telling you that's where I will make the cuts. What I am asking the, with all due respect, I appreciate your balanced budget and everything; let me do what I have done well the last nine years and Iwon't go over budget, I will be probably be bringing it in a little under just because of the reality of vacancy savings and where I cut.
Commissioner Jankovsky – Okay, at least from this Commissioner we have to come up with $7M bucks.
Chairman Martin – So you're going to refine it and maybe we will have a workshop and see if we can do that. That's the target; see if we can't make it without cutting any serious programs. Take it at each line item and have a discussion; is that what you would like?
Commissioner Jankovsky – Yeah I would. In fact, I think we may need a couple workshops.
Chairman Martin – Are you up for that?
Lou – Absolutely. I have told you a thousand times I want to be part of the solution not the problem; but I have to play for his piece of the pie as well.
Chairman Martin – What it amounts to is it will be a team effort. You have lots of time. Let's see if we can't find a date and do it on a Tuesday or a Wednesday; even in the evening. It is going to be a challenge this year. If we can do it in capital projects and a few other issues, that lightens our burden, but still we're just going to have a little more scrutiny on the budget this year. It's simply because we have to.
Lou – With regard to capital projects as you are aware, we keep pushing out this revamping and replacing the control system. But as you also know by far most of that money, if not all of it, by the time we actually do that, it was SCAT money that was returned to the county via the SCAT program. It's in capital; it got pushed over to the following year it's an $800,000.00 project and they have been saving the money since and they have to do it. He has to do it, what they will ultimately do he doesn't know. He has to improve the control boards, the cameras, the recording devices and all those sorts of things. There is, as you know, that project in the capital; but understanding that it comes from SCAT funds which has specific uses and limitations as well.
Chairman Martin – Which brings up the other subject, which is working with the judicial system on video advisements. There is going to be an expenditure on Lou's side with the IT department….inaudible.
Lou – Yes, I am a little less than pleased with the State of Colorado in their court security program because I was ready to move forward with video advisements 2 or 3 years ago and they said wait we're going to set the money aside; we are going to do this. Now I understand they are talking just one courtroom instead of 3 to 4.
Chairman Martin – One it amounts to it is going to be a stationary one and 2) will be a mobile unit that can go courtroom-to-courtroom. We have to go through the budget costs making sure that we deal with Mr. Hoffmeister who has all the details.
Lou - I understand that but I am just frustrated that the state said they were going to fund it and now once again it is dumped in my lap to do the program the proper way.
Chairman Martin – They are going to fund a portion of it not all of it and some of the upgrades on our site. We will have to look at that and that's another workshop that we have going both with judicial and probably you. You may want to attend.
Lou – That's one of the things, which has helped this program. The main reason that they do the advisements is to travel in the distance. So we need one in Rifle because we are obviously hauling people down there for nothing more than 3 minutes in front of the judge. Obviously, if they are in DOC somewhere else, juveniles who happen to be in Grand Mesa, we could do all that through video advisement.

Chairman Martin – Trying maybe to get that done in outsourcing of dollars here and there.
Commissioner Jankovsky – That makes perfect sense; it is a cost saving.
Lou – Absolutely Tom, I just rather wanted for the record, my frustration is they are looking towards doing this. They have been speaking about this for 2 or 3 years now with the judges.
Chairman Martin – Actually, it started in 1998; they bought monitors and everything else for the visitation as you go to the court.
Lou – I was ready to move forward and the state stepped in with their program and said for consistency across the state, let's buy all the equipment etc. etc.; we've set money aside out of the grant program to do this and now they are kind of pulling the rug out from under us. I am disappointed. This program was ready to move into that but they said wait; we're here, we're from the government, we're here to help you. Now all of a sudden they are saying well maybe not so much.
Chairman Martin – That might be one of those discussions that we can both have Judge Boyd or the State Court Administrator here for our workshop, because the presentation was done by the judicial system. We can give them an overall cost of what they will put up. I think the upgrade will save them money in the end.
Lou - I do as well. Plus, those that aren't aware the program prioritized counties with more needs and lesser revenues etc. so because this Board has done so well with the county budget we are basically being penalized because we are not a priority county. Therefore, we get what's left over if there is anything is left over. It's almost a Catch 22 because we are doing such a good job.
Chairman Martin – We might even get some input from the DA as well. What we will do is see if we can't get a date, sit down, go on the hot topics and have Lou give you the background. Actually, Lou saw a reduction in the medical in the jail facility based upon the contract they did. A little up on travel, a little here and there. We'll look at the animal care; I remember when it was $37,000.00 now it's $680,000.00 or $800,000.00 whatever it is. It's jumped a little bit; but we'll go ahead, do that, and go through all those.
Commissioner Samson – Do you want to set a time now?
Chairman Martin – If we can.
Commissioner Samson – Might as well and get it done. How about Tuesday the 25th.
Lou – That's good with me; I has a monthly meeting with elected officials and county staff at 2:00 p.m. but other than that, I don't have anything on my calendar.
Commissioner Jankovsky – Works for him.
Commissioner Samson – What time? Day, night, or what?
Chairman Martin – 8:00 a.m. and the goal will be $600,000.00.
Lou – I'll look at options of some major cuts and then nickel and dime here and there.
Chairman Martin – You may be able to do it through nickel and diming instead of just big major cuts, which we don't want to see.
Lou – I have to tell you we went through the budget department by department and we had many supervisors that said, "no" you cut my money. So I don't know how much more nickel and diming we can do.
Chairman Martin – We are not just going to pick on the sheriff's office; we will be picking on everyone.
Lou – I understand and it's not adversarial; this is just me fighting for my piece of the pie that's my job.
Chairman Martin – Again, you are up on percentages in reference to revenue. Lou is at 67%; you have 71% of your revenue that you projected getting and the 77%... inaudible…. and his expenditures are at 60%. Lou is in good shape there

CONSENT AGENDA

a. Approve Bills
b. Inter-Fund Reimbursement
c. Changes to Prior Warrant List Authorize the Chairman to sign a resolution to memorialize the Board of County Commissioner action taken at public hearings held on June 6, 2011 and September 19, 2011 regarding the Elk Creek Campground Major Impact application. Applicant is Elk Creek Investments, LLC – Kathy Eastley
d. Authorize the Chairman to sign a resolution to memorialize the Board of County Commission action taken at a public hearing held on September 19, 2011 regarding the Stages at Aspen Glenn Preliminary Plan. Applicant is Gerd Zeller – Kathy Eastley
e. Authorize the Chair to sign the Resolution for H Lazy F Mini Storage, LLC for the approval of Communication Facility (LIPA 6757) on 1.611 acre parcel (Parcel No. 2395-014-00114) located southwest of the intersection of County Roads 154, 114 and State Highway 82 – Molly Orkild-Larson
f. Liquor License renewal for Rhino Liquors located at 6820 Hwy 82 in Glenwood Springs

Commissioner Samson so moved to approve the consent agenda items a – g. Commissioner Jankovsky – Second. Motion carried.

- **COUNTY MANAGER UPDATE – ED GREEN**

Public Hearings:

PRESENTATION AND SEASON OVERVIEW BY THE WESTERN COLORADO CONSERVATION CORPS – TREVOR WICKERSHAM AND MATT JENNINGS

Ed – Trevor Wickersham and Matt Jennings from the Western Colorado Conservation Corp are here to give a presentation on their activities this summer and the program the Board supported.
Trevor Wickersham, Director, Matt Jennings field coordinator, Eric Hughes field coordinator and John Huston AMERCO facilitator for the Western Colorado Conservation were present.
Trevor gave a recap of the collaboration with Garfield County for an employment work crew this year to try to alleviate some of the unemployment issues between young adults between the ages of 18 – 22 in Garfield County as that was our focus given by this Board. We did numerous projects this year in the 2 months. Each corp member received paychecks and many trainings in the AMERCO Scholarship for higher education.
Matt –It was a real pleasure working with everyone at Garfield County and we really enjoyed working with Steve Anthony. He was also able to set up most of the projects. The crews did everything from trail maintenance and construction to noxious abatement in different locations. I know that it was very beneficial to the Garfield County Weed Program and to other agencies such as the US Forest Service. The main benefit was to the young adults. They were able to see all different and beautiful areas of Garfield County some places that they hadn't been to before as well as being able to earn paychecks the whole summer and additionally earn AMERCO awards they can use for higher education over $11,000 each.
Commissioner Samson – So that is the scholarship. How does that work if they successfully complete the entire program then they are eligible or they automatically receive the $11,000?
Matt – They automatically receive it if they complete 300 hours with us, which is about 2 months. I think most of them were able to complete those hours.
Commissioner Jankovsky – Is it a federal grant.
Matt – It's a federal program - AMERCO funds.
Commissioner Samson – How many qualified for this program.
Matt – I think we had 12 out of 14. The ones who were short on their hours, we're working with them now to do community services projects when they are back in college to fix their hours so they make sure not to lose that. We have our HR guy standing on top and making sure they complete that. We did a little over $11,000 for that crew for higher education, which is good for any Title 4 college in the US; Vocational schools, regular division 1 or 2 for whatever trade schools in the US.

Eric Hughes – The crew learned many life skills and trainings. One important factor was to make sure these kids were trained properly and were given the tools they needed to do the work. Each corp member on the crews had their first aid, CPR through the American Red Cross. We have the US Forest Service and many of the kids are S212 certified. With that certification they can run chain saws safely. There are also Riverside applicators to get the crews aware of urban side use, all the backpack spraying, and gives them an opportunity to have camping education. Great lessons leave no trace at the packing site. We feel it is very important that they have an understanding and what's around them, their surroundings and we're giving them that education. Trail construction and maintenance, there are normally many certifications that we go through is OLSI training, the Outdoor Stewardship Institute, which really is good training put on by BLM as well as other agencies that do training as well. Training about the issues around what's in Western Colorado and what are we facing? We're doing a project right now up in Mann Creek, that's great because many of the landowners came together just for this one task to try to get a lot of the Tamarisk moved along their land. They are doing education with these kids saying this is why we want it; this is the effort we are going towards.
Trevor – The Mansfield project was an eye-opener for many of the crews, it was a 3-mile hike up and back. They had to carry all their gear. The Forest Service provided 5 horses to carry water, etc. but the crews learned quickly what was the necessity up there and what was not. They lightened their packs the next week quite a bit.
Matt went over the projects. We cleared 30 acres of noxious weeds throughout the county, 25 acres in the Garfield Creek wildlife area and what was really great about this project was working with the kids and the collaboration with all the federal and state agencies and DOW at the wildlife area. The young adults also learned about potential jobs that are available in these fields working side by side with the County staff as well as staff of other agencies. They got an idea of what people do for careers and see if they actually want to do that. A couple of their highlights were the 2- miles of the Boy Scouts Trail on Lookout Mountain was their last project in August. What they did was to mitigate some of the drainage issues on some of these trails that had deep ruts and they were usable. So when they go through and mitigate the drainage issues they clear water off the path quicker.
Trevor – To wrap it up, the $80,000 we had to employ the 6-7 youth for 2 months, we employed 14 and as part of that contract to supply a crew leader from Grand Junction to make sure we had a safe environment, more training by the Conservation Corp who also provided another supervisor at our own cost. Out of the $80,000, $69.000 went to the young adults as payroll. We very conscientious; we bought the supplies, gas, food for the trails and all the equipment that we had to buy within Garfield County. The taxes went back to Garfield County and not Mesa County.
Commissioner Samson – I understand $69,000 out of the $80,000 went directly to the kids.
Trevor – Yes and the rest for supplies.
Commissioner Jankovsky – What kind of turnover did you have?
Trevor – I think we only lost one or two and we rehired right away. Out of the 14 originally hired, we have 25 or 26 applicants for the 14 slots.
Commissioner Samson – I think it goes without saying, but do you feel this was truly a successful endeavor.
Do you see us needing to double the need for next year?
Trevor – Yes, most definitely. We would be ready for that most definitely.
Ed – You have$176,000 in your budget now.
Commissioner Samson – Do you see the need for an additional length of time?
Trevor – We can offer a longer AMERCO scholarship so they can earn more money for higher education. The next one if 450 hours and that is $1400.00 for higher education.
Chairman Martin – For those folks out there that are counting taxpayers dollars, we understand that we're trying for PILT as well as the Secure Rules Self-determination Act that these payments are coming from, the Department of Agricultural and also the Department of Interior for the public lands in Garfield County. It is not actually coming out of the pockets of citizens but it is a payment on federal lands based on use of those lands. Keeping up with the program and people back to public lands, education, inviting those careers and as you mentioned everything from air pollution to water contamination, recreation, actually creating interest in our public lands and our kids. That is what the program was designed to do and I think we are using the proper funds for it and actually getting a large return on those payments from federal lands. The kids know they have ownership and money in that program. I think that is an interest.
Commissioner Jankovsky – I agree..
Commissioner Samson – One more question, I thought you did work at the Blue Spruce Campground.
Trevor – It was all under Three Forks. Currently, we have some of the kids from this doing the project for Mann Creek from other money. The conservation district is funding that effort.
Commissioner Samson – I'm on that federal RAC and we met in Delta and there will be more coming, $35,000 or so, for the project at Battlement Mesa in reinforcing the dams on the reservoir, etc. We will be looking at that next year.
Chairman Martin – I did want to mention that talking to the FS, they were able to hire one part-time summer employee and we provided the assistance through you guys so we were helping them out and it has been years since they had a trail group. That used to be the great summer job and everybody lined up. Those jobs are gone.
Thank you very much and I'm sure the FS and BLM thank you as well. Since the Boy Scout Trail is a BLM trail, you helped them out too.
Commissioner Jankovsky – I would just like to reiterate the fact that you guys instead of just getting money from Garfield County, you spent that money in Garfield County; it was very conscientious and I appreciate it.
Ed – One other item in our safety council meeting last week, there was a discussion from CDOT and Highway Patrol. They need a crew to help with traffic control at Hanging Lake during July and August and this might be an opportunity for one of those crews as well.
Chairman Martin – We can take a look at that.
Ed – It's becoming a tremendous safety hazard.
Chairman Martin – That's because we over advertised it; we concentrate people in small areas and not allow them to use the rest of the area but herd them to one specific area.
Commissioner Jankovsky – It's like Maroon Bells.
Chairman Martin – Thank you and in Payment in Lieu of Taxes (PILT) also in reference to payment and the increase there because of the federal mineral leasing offset going to special district, we should see an increase in those payments without raising the local taxes.

MOTION TO RECONSIDER DECISION ON LAFRAGE NA UNSOLICITED PROPOSAL FOR GRAVEL AGGREGATE BUY – JIM HACKETT AND BETSY SUERTH

Ed Green introduced the item of the action for unsolicited proposals. We took action at the last meeting.
Chairman Martin – I think we can have reconsideration. Since I received calls on two sides of the issues; however, I don't see any supporting people in the audience. First, it was the energy companies as well as some small gravel user contractors and they were saying they would now lose the access to this particular pit and they felt it was unfair for the county to buy up all assets. I heard from another gravel operator that there wasn't a specification on the gravel and that is has been washed. It is all fine and there's no binder in the product. I bring that to your attention if we wish to reconsider. We'll take a motion from this Board to reconsider the approval process.
Commissioner Jankovsky – So moved. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson - aye

DISCUSSION ON AWARD OF AGREEMENT BETWEEN GARFIELD COUNTY AND LAFARGE NA – JIM HACKETT AND BETSY SUERTH

Chairman Martin - We will consider the information that is coming forward. Jim, do you have any specs on the material in the pits that would be our biggest concern. Betsy, what would we be using the gravel at for if we don't have the specs? Is it substantiated that there are clean gravel, the binder has been removed, no sand or whatever in it? Is it just the rock that needs to be crushed for paving, chip and seal or is it something we can use on a day-to-day basis.

Betsy reiterated what was in the original presentation and added it is entirely up to this Board to make the decision is this is what you want to do. It was a good deal and will save the County money. We have the pit for 4-years.

Jim Hackett – We have to be out of there by October 2014 and we have to be out of the pit in April 2015. The dollar amount is $8.63 cents per ton if what they were offering. When we currently buy gravel, it is $9.88 cents a ton.

Carolyn – Mr. Martin, I'm not sure, I don't know if this is a question; however, my understanding is that LaFarge is looking to close this pit anyway, so it's not like this pit would be available to the folks who are now saying, oh my, we're going to have travel further.

Chairman Martin – That's a 4-year period though…

Bill – But once the material is depleted inside and gone…

Commissioner Samson – If we buy it, it's done; over with.

Carolyn – I wonder if the smaller companies understood that.

Chairman Martin – I don't know.

Commissioner Jankovsky – Do we have any big projects in that end of the County?

Betsy – Well, we're always maintaining the roads on the Roan, the base of the Roan and Douglas and Baxter Pass obviously. I would not have brought this to you unless we were able to utilize the material fully.

Chairman Martin – And then the other question is it in the budget to do so with this purchase or it is a supplemental to the general fund.

Betsy – This is supplemental; it would be to the Road and Bridge fund.

Ed – It comes out of fund balance.

Commissioner Jankovsky – That was made clear when we first discussed this issue.

Chairman Martin – Yes, I wanted to make that clear for the record. This will be the supplemental taking it out of the general fund.

Ed – We did this about 10-years ago. There was a small pit right on the border where we acquired that, remember.

Chairman Martin – That was out of Base Lake and that was the one around there because it was offered that way to everyone and we were doing a project up CR 204 road. Any motion to reconsider, to continue it, or to change it?

Commissioner Samson – No.

Chairman Martin – So it will continue; I'll need a motion that we did open it up for reconsideration and to reaffirm the decision to go forward. I need a motion.

Betsy – I think your staff is asking you as a secondary issue to reconfirm your original motion or not.

Chairman Martin – That's what I understood, it is either a yea or nay.

Ed – I don't think so, not as a governmental entity you cannot resell the product.

Jim – When we first started this, it was 61,119 tons. It's short of that now.

Bill – It's down to about 42,000 ton.

Chairman Martin – In other words Tom, we can't resell it.

Commissioner Jankovsky – That's what I heard.

Motion

Commissioner Jankovsky – Okay, I'll make a motion that we reconfirm our decision to purchase this pit, for the remaining material in the Latham Pit and that's at a $527,256.97 for 61,119 tons of gravel.

Commissioner Samson – Second. In favor: Samson – aye Jankovsky – aye Opposed: Martin - nay. I'm opposing this simply I had those people contact me. At least we listened to them.

Carolyn clarified previously the Board had permission to be in the pit.

REQUEST FOR COUNTY SUPPORT FOR A FEDERAL GRANT FOR THE BOOKCLIFF CONSERVATION DISTRICT – BETSY SUERTH

Ed – We have a request from the Bookclift Conservation District to do some flood mitigation work and they are requesting our financial assistance.

Betsy – I was asked to present to you by these folks, the State Conservation Engineer is the one that is leading up this project, and they're interested in obtaining federal grants to accomplish some bank stabilization up on the Main Elk Creek. There are several properties that are described in your packet along various private property parcels and one parcel on the county road. There is also one separate parcel just east of Rifle and the Colorado River. All of these are apparently candidates for bank stabilization, I don't have any additional information other than what is provided in your packet on the actual design, it's not been done and that will be accomplished if they are able to move forward with the grant. That design would be done by the State Conservation Engineer's Office. I asked several questions to provide information to the Commissioners on what the county responsibilities would be for this process. The county would have to obtain all the permanent easements on the private property in order to accomplish this project; we would also be responsible for obtaining a 404 permit or a categorical exclusion or perhaps a nationwide permit and we would also be responsible for some level of maintenance, which is not entirely clear at this time. I believe your county attorney has some information on that regarding the easements and the connective maintenance.

Carolyn – Yes. At this point, actually, I have a series of questions, but keep going and I will…

Betsy – Those were really the main issues or questions that I had in order to make this happen if the county was to take those responsibilities. Those are the major issues and would come to a cost to the county; we have to have a consultant go through that 404 or nationwide process and we would also have to contract out to obtain those easements. I'm thinking that's going to be a cost of about $15,000 so we are looking at an entire cost of about a $100,000 with the $86,000 match that's being estimated at this time for the grant. This is not in your 2012 or the 2011 budget at this time.

Ed – This is one of the items categorized as post adjustment, you're post budget adjustments some $2.2 million and a $100,000 for this is in that.

Chairman Martin – This isn't a new approach. We used the NRCS, we use the Soil Conservations which we fund as well, we give them money every year to do these kind of stabilization projects; we also work with the Roaring Fork Conservancy to do the same thing and in cooperation to stabilize a lot of stuff in Garfield County. We've always relied upon the engineers NRCS to do that and also the members of the different soil conservation districts. Every one of them are members of that particular group that are asking us to do this and again it somewhat of a cost to the property owners as well. It's not all free to them and they are willing to put their money up and do it, but they do need a sponsor to go forward to open up federal funds to allow the staff. In the past, NCRS soil conservation folks all of the legwork for us, what we do it just a sponsorship. Yes, there are matching funds as we did at Mitchell Creek, Canyon Creek, South Canyon as well as Jolley Mesa and the fires that wereup behind the other areas; we did stabilization on those projects as well.

Carolyn – My question and what seems different to me is to my knowledge, we have purchase easements on private property in the past.
Chairman Martin – We would do that, what we have done is get temporary permission; we're not doing the work. Again, the County is not doing the work; we're the sponsor, helping them out. The US Conservation District, the NCRS would be doing the work with their engineers and their contractors. Our contractor was to move barricades one time. Set them in place but we didn't go on private property to put those in place; that is totally up to the private property owner and the NRSC folks. They move and set those things themselves.
Carolyn – That's what different about this one, the state's telling us that is not accurate. Garfield County will have to go purchase permanent easements and that we would be responsible for maintenance in perperituity because we would be the owners of the easements. I think it's new.
Betsy – I was told it is a new part of how they are doing this and that's why I asked.
Commissioner Samson – They are shifting the burden to us.
Betsy – You can interpret it anyway you like, I just ask simple questions.
Commissioner Samson – Let me be sure I have this straight in my mind. So number one, it's going to cost us $100,000.
Betsy – Well, I'm making a conceptual estimate because I need to know where the Commission stands on this and then we can get real estimates. However, $86,000 and change is the share burden for the grant for the County and then my estimate is $15,000 to hire consultants for the Army Corp of Engineer permitting, which we've done many times before for our own projects and hired consultants to do so. Then the easements, which you recently went through with the County Attorney's office on the emergency projects that are now under construction on CR 100 and CR 115. We had to get several easements for those projects, so that is a similar process we would go through; however, I didn't think it fair to burden the County Attorney's office. I put a number on that for an outside consultant to do so.
Carolyn – Well, we didn't purchase permanent easements on CR 100 and CR 115.
Commissioner Jankovsky – There's a difference between temporary and permanent easements. If I were a landowner, I would not want the County to have a permanent easement on my property.
Commissioner Samson – Well, it depends. I went and saw the Yvonne Chambers property yesterday and basically, what has happened is that the river has changed course and she's lost a tremendous amount of real estate. Because of that, I'm not an engineer, but that river is coming right down on her property now and next year she will probably lose a whole bunch more. My concern and what's been raised here in the past if we could ….Inaudible …necessitate so that could be averted, but I don't think any three of us wants to get into the business of doing something where the County is going to be held responsible for taking care of it forever. We cannot do that. So, what I'm getting a feel for the three of us and especially myself, is that it would nice to help, but I don't know that we could help in that way if our hands have been tied, if the rules have been changed. The question I have is there anything else that we can do to help these people. I know some of these people with some of these other projects, I haven't been there and I don't know specifically but I don't think we want to get to the point where we're on the line for the duration on this – we can't do that.
Chairman Martin – Well, I think we need to go put these questions directly to NCRS, the chief engineer, have him come before us and explain the exact process so we can make a final determination.
Commissioner Jankovsky – I don't think we need any more information; the permanent easement thing bothers me.
Betsy – Yes, me too. I had extended conversation with John Andrews.
Ed – Are we faced with any time deadline?
Chairman Martin – The projects cannot go ahead until we have a sponsor so they are dead in the water right now. That stabilization is best done in the fall when the water is lower etc. Charles Ryden is here, he's a victim of one of the problems, and he's president of the Bookclifts Conservation District. Charles are you willing to give us a permanent easement on your property to fix it? The question on permanent easement is new to the County to acquire a permanent easement for maintenance on this project. Were you aware of that?
Charles – No, it's never been that way before.
Commissioner Samson – The rules have changed and that's what has us in a spin.
Charles – Well, a permanent easement, we can't go along with that.
Chairman Martin – That's right. That's what I say, I don't think anybody would. Can you give us some details on what you understand on this project?
Charles – I was just coming to listen to see what was going on.
Chairman Martin – We wanted to be a sponsor or at least we have in the past, we want to make sure we do the right thing on stabilization because it also affects county road 243; we need input and do the work as soon as possible. We need to contact Mike. You're part of that request on East Elk.
Charles – East Elk has a big problem coming in the future but it's something nobody can control because of the narrows up there in the canyon are full of logs and it will be a huge washout someday.
Chairman Martin – Maintenance there ...inaudible....federal government in getting that cleaned up is a huge issue we need to talk about on that stream flow. That is a different challenge but it still relates to this one. I think we need to get our local field office and have them right here and we can ask these direct questions because even Charles who is there for how many years on the Soils Conservation…?
Charles – I've been president way over 20-years.
Chairman Martin – And you don't know anything about permanent easements and the requirements. We need that information.
Carolyn – Commissioners, the others from the County Attorney's office is that this is not a county road so there may be governmental immunity issues here that you need to look at that would add to your cost. Do you want me to ask Drew to look into the sovereign immunity issues in regard to this project?
Chairman Martin – Well that would be one of the questions that will probably come up since the rules are changing on us here; everybody shifting the burden. We'll try to get it on the agenda for October 10th and ask some direction questions of Mike and the other folks, get everybody we need to get some answers.
Charles – Okay.
Carolyn –Since Betsy nor Ed will be present next meeting, I need to have your contact number so the County Attorney can call you.
EXECUTIVE SESSION – CAROLYN DAHLGREN
PURSUANT TO 24-6-402 (4) (B) AND (E) C.R.S. LEGAL ADVICE. INSTRUCTION TO NEGOTIATORS AND POSSIBLE SETTLEMENT OF LITIGATION IN GREEN TREE V. CARRILLO, ET. AL.
Carolyn – This in regard to litigation that's on-going, Green Tree v. Carrillo and involves your Treasurer, she is actually the named party but as you know you are the provider of money, so we're asking for an executive session that includes the Commissioners and the Treasurer. We will need Cassie, Carolyn, Georgia, the Board and Jean.
Motion
Commissioner Jankovsky – So moved. Commissioner Samson – Second. Motion carried.
Break before the session began.
Carolyn – I did want to let you know that for your PID Board Meeting I spoke with the Chairman of the PID as well and Betsy who is going to be out of town, we split your PID Board Meeting so on the 10th you will have your opening of the bids to get work done on the roads and then on the 17th will be the full PID Board Meeting.

Chairman Martin – Jim, have you received any invitation or request.
Jim Hackett – I've received no request. The bid opening is actually on October 6th. It will just be for them to make a decision on who they want to work with.
Carolyn – Sorry, yes. We'll be back to you on the 10th for that.
Commissioner Samson – Moved to come out of executive session. Commissioner Jankovsky – Second. Motion carried.

Public Direction and Motion

Chairman Martin – I do believe we need to give staff direction to accept the settlement that has been reached between the taxpayer and the Treasurer and to allow that to take place.
Commissioner Jankovsky – Yes, I will make a motion that we approve a settlement agreement and release of claims between Alejandro Jesus Carrillo and Garfield County Treasurer. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Chairman Martin – Georgia, please go ahead and fulfill that settlement.
Georgia – Okay.

PUBLIC HEARINGS

CONSIDER A REQUEST FOR AN AMENDMENT TO THE TEXT OF THE UNIFIED LAND USE RESOLUTION OF 2008, AS AMENDED, TO ADD A PROCESS THAT WOULD ALLOW THE BOARD OF COUNTY COMMISSIONERS TO RECONSIDER A DECISION. APPLICANT IS ANNJMC, LLLP – KATHY EASTLEY

Fred stated that you were apprised of this for a continuance for the second matter, so the question is, can he can do this and then he can go and then proceed with Mr. Meyers.
Chairman Martin – It's still a notification and so I have to open the public hearing and listen for a request.
Tim Thulson – Thank you Mr. Chairman.
Carey reviewed the notice required is by publication and have been provided with proof that it was published on September 1, 2011 in the Rifle Citizen Telegram and it accurately describes what is proposed, the location etc so that has been accomplished and you can proceed.
Chairman Martin – Any challenges to that notification.
Commissioner Samson – No.
Chairman Martin swore in those who wanted to testify.
Kathy presented the exhibits A – F and Chairman Martin entered them into the record.
Tim Thulson – We request this be continued until the 10th of October.
Chairman Martin – I think we also had a request from our County Attorney. Anyone here today to give testimony in this matter. We have no one other than the folks that are here. What's the pleasure of the Board, continue?

Motion

Commissioner Jankovsky – I make a motion that we continue this hearing until next week, October 10, 2011.
Commissioner Samson – We don't want to close the public hearing, we just want to continue it until next week.
Chairman Martin – The reason being if we close the public hearing notification is then due again.
Commissioner Samson – Second. Chairman Martin – In the afternoon starting at 1:00 p.m.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDER A REQUEST FOR A ZONE DISTRICT AMENDMENT, FROM RURAL TO COMMERCIAL GENERA, FOR A PROPERTY LOCATED AT THE INTERSECTION OF CR 221 AND STATE HIGHWAY 6 JUST EAST OF THE CITY OF RIFLE. APPLICANT IS MYERS & ASSOCIATES PROPERTIES, LLC. – KATHY EASTLEY

Kathy Eastley, Bob Meyers applicant, Carey Cagnon and Yancy Nicholson were present.
Carey asked Mr. Meyers a series of questions regarding noticing requirements necessary to open the public hearing.
She determined they were acceptable and advised the Board they could proceed.
Chairman Martin swore in the speakers.
Kathy Eastley presented the Exhibits A – U. Chairman Martin entered Exhibits A – U into the record.
Kathy Eastley gave the staff report saying Myers & Associates Properties, LLC are owners of a ±8.5-acre parcel located east of the City of Rifle at the intersection of State Highway 6, CR 233/CR 221 requests review and approval of a Zone District Amendment to rezone the parcel from the existing rural zone district to Commercial General.
The site is located at the eastern end of an existing commercial area containing Powerline Park Subdivision, Big R Commercial Park Subdivision, Rocky Mountain Hotshots, and Copeland Concrete.
The parcel is encumbered on three sides by right-of-way with CR 221 to the north, CR 223 to the east and Highway 6 to the south. Zoning in the area includes Rural to the north, south and east and Commercial General zoning immediately to the west. Existing uses on the subject site include two dwelling units and accessory structures. The Rural zone district does require a Land Use Change Permit to allow for two units on a parcel, it is unclear if the second unit was pre-existing, permitted by the County, or if it is a zoning violation. She explained the Planning Commission recommendation.
The Planning Commission determined at the August 10, 2011 hearing that the Applicant had met the required standards and findings and therefore unanimously recommends that the Board of County Commissioners approve the request to rezone the 8.55-acre site from Rural to Commercial General.
Applicant:
Bob Meyers – Meyers and Associates properties is LLC and its Meyers and Company is actually the potential occupant of this property. I own property in Basalt and we've had our business in the valley for many years. We bought this property in the mid-90's as a potential expansion site and/or ancillary uses for our Basalt uses. We are trying to make sure that we have all of our options open right now and one was to make sure that this property was zoned correctly so in case we needed to move or have additional facilities, we would have them available to us with property that we own. That's largest what we're about and we also have a little issue going on right now with Roaring Fork Transportation Authority; who is trying to condemn some of our property in Basalt for use as a park and ride so this is very timely for many different perspectives. It is consistent with both the Garfield County 2030 Plan and the City of Rifle's Plan and indeed, there was some confusion for a number of years as to what the actual zoning was when we bought it. Originally, it was agricultural/industrial and we had never applied for any other zoning because to store things on the property if we needed to with that zoning. We checked with the County Planning Department at one point and the GIS showed it as being zoned commercial so there was some confusion for a couple of years and we finally ascertained that it was not based upon the Resolutions that previous Commissioners and yourselves had passed. We felt it was appropriate to try to get everything squared up and straightened out, which we would be able to use the property for what we might be doing in the future.
Comments from the Commissioners
Commissioner Jankovsky – I think this is appropriate, you look at a concrete plant right next door and look at the mining across the street, look at the definition of county roads, etc. and it fits well for what they are requesting.

Motions

Commissioner Samson moved to close the public hearing. Commissioner Jankovsky – Second. Motion carried.

Commissioner Jankovsky – I will make a motion that we approve a zone district amendment rural, general, commercial for property located at the intersection of County 221, State Hwy 6 and the applicant is Meyers and Company Associates so the 8.55 acres owned by Meyers and Associates LLC. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

CONSIDER A REQUEST FOR A LIMITED IMPACT REVIEW FOR A LAND USE CHANGE PERMIT FOR A COMPRESSOR STATION, LOCATED APPROXIMATELY 3.5 MILES SOUTHEAST OF RULISON OFF OF COUNTY ROAD 329 – THE REQUEST IS FOR A FACILITY WITH 6 COMPRESSOR UNITS ON A 5.74-ACRE SITE, PART OF AN OVERALL 663 ACRE PARCEL – APPLICANTS: NOBLE ENERGY INC. AND JOAN L. SAVAGE – GLENN HARTMANN

Grant Griffin representing Noble Energy with Olson Associates, Glenn Hartman and Carey Cagnon present.
Carey reviewed the documents necessary to open the public hearing and determined they were adequate so the Board could proceed.
Chairman Martin swore in the speakers.
Glenn submitted the following exhibits A – O. Chairman Martin entered Exhibits A – O into the record.
Glenn provided his staff report and staff presentation saying Williams Production RMT Company, LLC (Applicant) proposes to construct an 80 foot communications tower on an existing Colorado Oil and Gas Conservation Commission (COGCC) approved natural gas well pad (TR 41-35-597) located on property owned by Chevron USA, Inc. The subject site is 30' x 45' in size and shall contain a communication facility, communications building with solar panels, and a propane tank and generator. A wind-powered turbine will also be mounted on the communication tower to provide power to the facility. This facility will replace an existing communication tower that presently resides on the well pad.
A new communication facility is required due to the Northern Parachute Valley seeing more activity from drilling, gathering, processing which is placing more demand on the communications infrastructure supporting this valley. Presently, Parachute Valley communication network runs between the Sage Brush Gas Plant to the William's Administration Building north of the Town of Parachute with other communication sites such as Greasewood, TR 41-35-597, Mt. Callahan, and Gas Plant. He explained the staff recommendations.
Commissioner Jankovsky asked a question on the first 2 compressors if they were permitted.
Applicant:
Grant – I'm not sure if your building code required a permit for the foundation of the compressors. They were on skids and I'm sure that is why, so at this time, I do not know and Ms. Savage hasn't said if they were required. He complimented Glenn on the fine job, the staff report and presentation. He continued giving feedback on the sound analysis. We expect to be 49.7 at that point at full build out of all six compressors. The other point we discussed earlier was the SPCC report, the Spill Prevention Control Measures, there were several comments from the fire department concerning lack of information and old information from when it was originally created back in 2007. What Noble will do is they'll update the SPCC plan to reflect dates, information and also provide the County the SPCC plan after construction and operation of the facility. My knowledge is that we cannot finalize the Spill Control Counter Measures plan until we can get as-built construction drawing because the plan has about 90% generic and the other 10% is site specific it can't be finalized until after the construction of the building, which is the CDPHE requirement. It has to be done in 6-months of the construction. What I talked to Glenn about is providing you guys the finalized SPCC plan within the first 6-months of the construction of the additional compressors. He continued saying some of these conditions can be removed and explained fully.
Condition 8 – Revegetation.
Commissioner Jankovsky – So we need to change condition number 8 or just strike it.
Grant – Glenn had a few questions about the traffic concerning the construction phase of the four compressors and I provided him that additional information. We expect the construction on each compressor will take about 2-weeks and there will be two onetime construction deliveries of heavy vehicles with the heavy equipment on it and two daily construction type trucks. I feel I adequately addressed No. 10 unless you feel there is other information we need.
Glenn – We are comfortable with what the applicant provided. We anticipated it was going to be minor and more of a technicality. Under those conditions, Noble … inaudible… has provided to us and we'll make sure all reviews, comments will be addressed. A couple of minor clarifications on a couple of conditions and some of this is reflected as we've been working with the application closely and their responses came in to us today and we're trying to be responsive to those. Condition 4 is currently drafted says "prior to installation" and that is in regard to this noise issue. We're comfortable since we anticipate getting the updated report and that is a minor issue with that being redrafted to read "prior to operation." The other clarification is under Condition 12 again the issue for the Spill Protection and Prevention Counter Measure Plan was a focus. We're suggesting that an initial sentence be added to "specify that they comply with that plan as it exists today as submitted" and that clarifies some of the Rifle's concerns that they meet the provisions of that plan.
Grant explained the issues with the Protection and Counter Measures Plan presenting that they can provide the update within 6-months of actual construction. We have to get a PE stamp on it, signatures everything and if it's not finalized CDPHE won't accept until she has an as-built drawing. We are making sure that there wasn't a Commission approval where we couldn't meet it because we can't get the plan until after construction. We are trying to figure a way to get around that.
Chairman Martin – The seems like a water augmentation and the water engineer for the State of Colorado rules and policies. You cannot have a land use approved unless you have an augmentation plan and you cannot get an augmentation plan until you have an approved process. That's one of the Catch 22's you have to take a risk and are we willing to do so. That's what they are asking.
Carey asked for clarification on the sentence Glenn added.
Glenn – It would just be an additional sentence "the applicant shall comply with the provisions of the submitted Spill Protection Control and Counter Measures Plan." The issue of timing on submitting an update, I guess I'll refer to the Board in terms of discussing how to address that and Carey may need your help on how that might work within this condition. The last comment from Building and Planning staff is in Condition 13, we knew that the Rifle Fire Protection District had some specific concerns. We're suggesting at the end of the first sentence that would include the requirement that a copy of the emergency response plan for the site would be provided. That would now read, "Prior to the issuance of a land use change permit the applicant shall provide the Building and Planning Department with a copy of the emergency response plan for the site and then continue with a letter from the fire fighters for the fire protection district."
Grant – We will provide you guys with an emergency response plan.

MOTIONS:

Commissioner Samson – Moved to close the public hearing. Commissioner Jankovsky – Second. Motion carried.
Commissioner Jankovsky – I will make a motion to approve the request for a limited impact review for land use change permit for a compressor station located approximately 3.5 miles southeast of Rulison off County Road 329. The request is for a facility with 6-compressor units, 6 including the 2 that are existing on a 5.74-acre site part of an overall 663-acre parcel owned by Joan L. Savage with the applicant being Noble Energy Inc with the 13 recommendations as recommended by our planning staff with changes to number, talked about number 4; I'm almost comfortable with existing noise analysis.
Commissioner Samson – I think they said they wanted to change the word "prior to installation "and make it "operation", which is fine with me.

Commissioner Jankovsky – Okay, I'll make that change. Change it to "prior to operation in the first sentence." I'm going to recommendation number 8; I think we can start out, this sentence which would be if "less than ½ acre of land is disturbed no security bond shall be required." And then go into the rest of the recommendation after that. Okay, I would just strike number 10 completely I don't think you need a traffic study from what we have been told for the amount of traffic on there, so we can strike that completely. Number 12, change that "prior to operation they shall comply with the existing SPCC plan."
Commissioner Samson – As applied today.
Commissioner Jankovsky – Yeah, "the existing SPCC plan as of today and shall provide a new SPCC plan within 6 months and that's the completion of the 6 compressors, I want to open that back up to you guys. I don't know if these compressors are all coming together; or who may end up with another compressor you know over time, so I'm not sure how to exactly state that.
Chairman Martin – They don't get to participate now.
Commissioner Jankovsky – So I would like to ask you guys for some help with that.
Commissioner Samson – I believe it says that includes the proposed 6 compressor units. So that's what we leave it at; that's what they are asking for so that's what we leave it at.
Chairman Martin – They all have to be….inaudible…. they would have to go ahead and leave the requirements as it is today.
Commissioner Jankovsky – They shall comply with the existing SPCC plan and then upon, there needs to be something in there about the 6 month; within 6 months after completion, they have to…
Chairman Martin – Upon completion then resubmit so they can stay in compliance. Glenn, you have clarification I do believe.
Carey – Sorry Mr. Chairman , once you close the public hearing staff is no longer available to you either.
Chairman Martin – Only for clarification.
Carey – No actually, not according to the language of your code; however, upon majority vote you are welcome to reopen it and then I believe both would have some feedback they could give you to clarify.
Chairman Martin – You know that code gets in the way all the time doesn't it.
Commissioner Jankovsky – I think maybe we go to the last sentence there; "it says the applicant shall include with said update documentation of safety and emergency procedures, technology and we go to that and then within 6 months of completion the compressor until shall be submitted and be in compliance with a new SPCC plan."
Commissioner Samson – That'll work.
Chairman Martin – Did you get that Carey?
Carey – I did get it, are you comfortable with the timelines are you clear on the implication of those time times, or are there questions that you would like to direct to…
Commissioner Jankovsky – I'm a little concerned about, I'm not sure about, you know if it's 6 months within the completion we got another 2 compressors added and then 5 years from now another 2 compressors added that means the new plan could be out….inaudible.
Chairman Martin – That gives all 6 of them; two in place in already ….inaudible…it will be 6 months before you could…..**.**inaudible…go ahead and take that and be in compliance.
Commissioner Jankovsky – "And be in compliance with that within 6 months completion of those." Okay then item 13 you have started that with "there shall be a copy of the emergency response plan shall be provided."
Chairman Martin – You put in a sentence in front of the recommendation on number 13.
Commissioner Samson – A copy of the emergency response plan of this site.
Commissioner Jankovsky – The site shall be provided.
Chairman Martin – Is that acceptable?
Commissioner Samson – That's acceptable.
Chairman Martin – Do you have a second on that motion?
Commissioner Samson – That is a second.
Chairman Martin – Counselor anything to consider?
Carey – My only question to you still is whether you were clear on the timelines related to condition number 12. I want to make sure that you have all the information that you need from staff and the applicant to clarify if you are comfortable with this.
Commissioner Jankovsky – Fairly comfortable, your stating they shall comply with their existing plan.inaudible….and then upon completion the installation of the 6 compressors, 2 existing and 4 more that they shall submit a new SPCC plan and be in compliance with that within 6 months.
Carey – And do you feel confident you know when all 6 are going to be completed?
Commissioner Jankovsky – According to and I missed this during the discussion, but according to the Chair he believes it will happen within 6 months.
Chairman Martin – I don't think that all compressors will be in there in 6 months. I think that under the circumstances, they have to comply with the spill and containment plan and then upon completion they need to resubmit the revised scope plan after the completion of the ….inaudible….
Carey – So it maybe years down the road.
Chairman Martin – The request to do it after the completion of their last installation ….inaudible…we need to have that in compliance all the way through and a new plan submitted at the completion. Comfortable with that?
All in favor: Samson – aye Martin – aye Jankovsky – aye

TO CONSIDER A REQUEST FOR A LAND USE CHANGE PERMIT FOR A LIMITED IMPACT REVIEW OF THE CHEVRON USA, INC. APPLICATION FOR A COMMUNICATIONS FACILITY ON .03 ACRES OF A 1,900 ACRE SITE LOCATED OFF THE GARDEN GULCH EXTENSION ROAD (FILE NO. LIPA 6934) AND TO AUTHORIZE THE CHAIRMAN TO SIGN A RESOLUTION TO MEMORIALIZE THE BOARD OF COUNTY COMMISSIONER ACTION TAKEN AT THE PUBLIC HEAING HELD ON OCTOBER 3, 2011. THE APPLICANT IS CHEVRON USA, INC. AND OPERATOR IS WILLIAMS PRODUCTION RMT COMPANY LLC. – MOLLY ORKILD LARSON

Phillip Vaughan, Molly Orkild-Larson and Bill Foote from Williams were present.
Carey reviewed the documentation submitted by the applicant to satisfy the public noticing requirements and deemed then acceptable. She advised the Board they could proceed.
Chairman Martin swore in the speakers.
Molly presented the Exhibits A – L and Chairman Martin entered Exhibits A – L into the record.
Molly gave the details of the project saying Williams Production RMT Company, LLC (Applicant) proposes to construct an 80 foot communications tower on an existing Colorado Oil and Gas Conservation Commission (COGCC) approved natural gas well pad (TR 41-35-597) located on property owned by Chevron USA, Inc. The subject site is 30' x 45' in size and shall contain a communication facility, communications building with solar panels, and a propane tank and generator. A wind-powered turbine will also be mounted on the communication tower to provide power to the facility. This facility will replace an existing communication tower that presently resides on the well pad.
STAFF RECOMMENDATION
Staff recommends the Board of County Commissioners **approve** the request for a Land Use Change Permit for a Communication Facility to be operated by Williams Production RMT Company, LLC on a property owned by Chevron USA, Inc. located in

NE¼NE¼ of Section 35, Township 5 South, and Range 97 West of the 6th P.M. in Garfield County. The staff recommendations were explained in detail.
Applicant
Bill Foote – In the northern direction, it's about 20 miles and southern direction to Mount Callahan is 14 miles or somewhere in that area. The 20-foot tower will stay in that same range but we're very restricted on the amount of bandwidth, the amount of traffic we can carry across. The existing radio shot actually hits the ground. The radios are operating at approximately 10% of what they are capable of operating at if there were air free.
Chairman Martin – That's the company communications system. We are carrying the major traffic for all of the wells so we have communications to each of the pads where we can determine various tank levels, power wells operating in, we also have locations in the northern part where people so that provide business communications and phone communications in the event of an event.
Applicant:
Phillip Vaughan – Thank you Commissioners for your time today, thanks to Molly Larson for your coordination on the application and on the site visit. Thank you Ms. Cagnon for your participation as well. We appreciate everybody's effort on this. As Bill had indicated earlier the purpose of this communication tower is to take the existing 20 foot, turn this into an 80 foot to provide 100% productivity versus 10%. Bill in his review of this is detailed in these respective radio shops both Greasewood Gulch and down to Parachute, how those have been compromised because of the lack of height in the tower. The purpose of this is to end up with an 80-foot tall tower. We do have a small building that is going to be constructed beside this and that will incorporate all the tower equipment for running the communication. Mounted on the outside of the building as you saw on the presentation and application, we will have solar panels that will help to power this facility with it being so remote there are not electrical lines running to this facility and then secondarily there will be a wind generator mounted on the tower itself. So between wind and solar that will power the communication for this location. In the event that there are either days where there are wind issues for multiple days and/or issues from the solar standpoint; we do have a 500 gallon propane tank that is on site, there will be a generator within that building enclosed that is sound attenuated that would run and allow for the powering of that facility during that particular time. What you'll find in the application is information in regards to the operation and construction, construction will be a fairly quick process because obviously we're talking a singular tower base, correction of the tower and the construction of a building on-site. Operation will require very little hands-on operation of the facility, approximately one employee about every six months to take a look at this. We have mitigated and identified the impacts of the facility both through the colors we utilized in this facility and the noise study for the facility and know we are well in compliance with COGCC recommendations or law for 41 decibels within 350 feet of this operation and code is 65. That's our proposal and we would ask for your support today and in addition to Commissioner Jankovsky's question about the elevation was a very good question. At 8900 feet out clock is ticking so if you are inclined to approve today, we would ask that you all could incorporate into a motion the ability for the building department to issue the respective building permits. We have made billing permit application previously and not been approved waiting land use review. If we can have your assistance there and appropriate we would be pleased.
Chairman Martin – I was going to comment about the wind generators, that is an interesting approach as well because wind does blow up there not to mention the batteries inside with that generator and propane just in case is there. It will generate some kind of power four different ways and that is nice to see. Storage of some power.
Actually, you are setting a new standard, maybe we should look at solar and wind as a requirement and it would make it harder on someone else.
Land Use Change Permit
Carey – The procedure today came in that you already have in front of you a proposed Resolution to look at should you chose to move forward with the approval. Your motion today could be to approve the Resolution as drafted in front of you with authorization for the Chair to sign a land use change permit, because that does require that the Resolution get a number and be recorded before that information can be filled in before a land use change permit. Rather than bringing it back in a week, we could include in the motion allowance for the Chair to sign.
Chairman Martin – It is a new request, there is a change of the existing so therefore you need a land use change permit.
Phillip – There was no land use change permit issued for this 20-foot tower and I don't know when that installation occurred, these folks were not involved in that installation when that occurred so there's not an existing land use change permit. If there was a land use change in place that would be another discussion, but knowing there is not permitting in place and the increase to 80 foot in size, that's why we met with staff knowing that a limited impact was appropriate for this.
Motions
Commissioner Samson moved to close the public hearing. Commissioner Jankovsky – Second. Motion carried.
Commissioner Samson, okay if I understand correctly you'll like to have a change here instead of going through just approval process to start with this type of a situation from now on passing Resolutions, which will take care of the problem.
Molly– We are wanting to move in that direction, yes.
Commissioner Samson – I think it is good idea, so with that I would move that we approve and pass the Resolution concerning the approval of a land use change permit for a "communication facility" to be operated by Williams Production RMT Company LLC. This site is located now on a 1,920.74-acre property owned by Chevron USA, Inc. Along with that we would instruct the planning department to approve the building permit as soon as possible to make this go forward and authorize the Chair to sign the Resolution.
Commissioner Jankovsky – I second the motion.
Chairman Martin – Also record the four different conditions of approval.
Commissioner Samson – They are listed there, yes.
Carey – Included in your authorization for the Chair to sign the Resolution do you also authorize the Chair to sign the land use change permit.
Commissioner Samson – Absolutely, I forgot that, thanks for bring that to my attention.
Commissioner Jankovsky – I agree. In favor: Jankovsky – aye Martin – aye Samson – aye
COMMISSIONER CALENDARS AND REPORTS
Commissioner Samson – I think I reported to you that I went to the Federal RAC meeting and we will be getting I think, $39,000 for the improvement of the dams on the Battlement Mesa Reservoirs and they will begin that in early summer of 2012.
Commissioner Jankovsky – Will $39,000 accomplish that?
Commissioner Samson – No, they are matching money at the state.
Commissioner Jankovsky – Is that a Forest Service?
Commissioner Samson – Yes and these Youth Conservation Corp will be involved with that.
Commissioner Jankovsky – In our meetings tomorrow with Garfield Clean Energy, I also have the Library Board, flu shot on Wednesday and one more budget presentation on Wednesday afternoon; going to BLM open house in Silt on the 6th of October and there is something we may want to get on our radar screen because I think we're going to have another travel management plan in that. We need to be aware of that as well and that has to do with the master plan for the whole Colorado River Basin, BLM lands. I'm going to the EAB meeting in Rifle on the 6th.
Chairman Martin – I'd like to thank you guys for showing up at the Special Improvement District on Monday, the 26th, we accomplished a few things there. It was a very good forum at Aspen Glen, the information flowed fairly well and the citizens were

very interested in that how things work. We also have a budget kickoff presentation, which actually started our work which we will all work as a team effort to meet, that's trimming about 7 million dollars so we'll see how well we do. We have a workshop again as you said at 8:00 a.m. tomorrow; a budget review; also attend the EAB meeting on the 6th at 5:30 at the Sheriff's Office Annex. We will be listening; we will not be making any decision, presentations – just informational. Then I also have the legislative priorities on CCI in Denver at 10 a.m.

Adjournment

OCTOBER 17, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 21, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.

ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATIN
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Regular work session

1. **8TH Supplement to the 2011 Adopted Budget – Lisa Dawson**

Drew acknowledged notice was proper for the public hearing.
Chairman Martin – swore in speakers
Lisa – This supplemental includes increases and decreases to the 2011 budget. There is an increase in revenue of $2,109,566.00 and an increase in expenditures of $2,161,233.00. The difference is $36,167.00, which is the purchase for equipment for the Roaring Fork Valley air monitoring system, which the board approved on September 16th. Also $15,500.00 for the commissary funds; part of that is offset by commissary revenue.

Motion
Chairman Martin – Motion to close public hearing? Commissioner Samson – So moved.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move at this time that we approve the 8th supplemental to the 2011 adopted budget as presented.
Commissioner Jankovsky – Second and allow the chair to sign.
In favor: Samson – aye Martin – aye Jankovsky - aye

2. **CONSENT AGENDA**

hhh. Approve Bills
iii. Changes to Prior Warrant Lists
jjj. Authorize the Chairman to Sign the Resolution of Approval for a 1-Year Extension to Complete conditions of Approval for the Land Use Change Approval for Extraction of Natural Resources (AKA The Blue Pit Extension) – Applicant; The Dolores (Dee) B. Blue Revocable Trust and Dee Blue – Fred Jarman
kkk. Authorize the Chair to Sign the Land Use Change Permit for Chevron USA Inc. (LIPA-5970) for the Hiner Gate Office Expansion – Professional Office – Molly Orkild-Larson
lll. Authorize the Chair to sign the Intergovernmental Agreement with Colorado Mountain College for Funding of the Section 5304 connector Transit Services Feasibility Study – Carolyn Dahlgren

Drew would like to discuss item 2 c; this matter is before them for signature of a resolution that approved a one-year extension to the land use approval concerning the Blue Pit expansion. Drew received a letter after a series of conversations with applicants counsel Mr. Thulson from the Balcomb and Green Firm. This morning he is asking that item 2 c be withdrawn from the consent and actually, the applicant has communicated their intent to abandon this application.
Summarize; the Blue Pit would like to dismiss the 106 action against the county, withdraw their land use application/approval, ask for a resolution memorializing that and in a separate but impactful other item withdraw the request for a text amendment in the afternoon.
Bill Roberts – It has been a long road and he apologized for wasting the board's time. Basically the 106 was really an unclear item and he thinks more importantly he learned through that that would be basically him bringing the burden of proof that this thing was dealt with wrong. Whether that would happen and how long that would happen and it was going to be very expensive to start the briefs.
Commissioner Jankovsky – Where are we now with Blue Pit; are you reapplying are we back to square one?
Tim Thulson – We are back to square one.
Bill Roberts – To take the application, where they did have the extension in place, which they will be addressing. But to enact that permit he was basically losing half of what he already had and that is very important in this proceeding that he go back to his original permit because what that did in that approval was axed that in half.
Chairman Martin – It's a business decision. Minus c, do we have a motion to approve the consent agenda?

MOTION:
Commissioner Samson – I would move that we approve the consent agent with the exception of item c and authorize the chair to sign those items that need to be signed. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Drew will draft the resolutions both for the text amendment and for the withdrawal of this application for the first meeting in November.

3. **Treasurers Update: Georgia Chamberlain**
   a. **Consideration/Approval of Resolution Concerned with Reimbursement for Tax Lien Sale Certificate #2007-0026 Assessed to Harold & Barbara DeFore Certificate Holder Conley Resources, LLC, George Conley – Georgia Chamberlain and Andrew Gorgey**

Georgia is asking reimbursement for the tax lien sales certificate 2007-0026; an application was made to issue a treasurers deed. During the title search, they found an affidavit of production, which means these minerals were double assessed. They were assessed both as mineral rights and then assessed in production. That is why they are abating or asking for the reimbursement of the tax sale to the investor. In the amount of $39.92 plus the $85.00 premium bid that was bid and $22.89 for the interest.

Motion
Commissioner Jankovsky – I'll make a motion that we reimburse for tax lien sales certificate number 2007-0026 assessed to Harold and Barbara DeFore, certificate holder Conley Resources, LLC.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

   b. **Consideration/Approval of Resolution Amending Garfield County Investment Policy – Georgia Chamberlain and Andrew Gorgey**

Georgia – The last investment policy was updated in 2005 and with the recent change in the economic climate and the unprecedented downgrading by the S&P of the US Instrumentalities; their investment advisory has suggested that they update the investment policy to allow for investments in US Instrumentalities. The investment policy is the investments are more conservatives than what is allowed in the statutes. They are going out for bid for an RFP for investment advisors.
Drew thinks they are signing this document only in your capacity as treasurer. He would delete the public trustee references; there are two of them. The public trustee doesn't have a role in the investment policy. On page 9 at article 14 and 15 he wanted to know with respect to reporting to the commissioners about the status of investments; how does this happen, it says it is in a timely manner and you get monthly reports. But how do the commissioners get that information?
Georgia – They should be on the mailing list.
Chairman Martin – They receive a packet directly from those folks with all of the break outs.
Drew – 15 is simply a direction to review this annually would we just calendar this again for a year from now.
Georgia – That sounds good.
MOTION:
Commissioner Samson – I would move that we approve the resolution amending Garfield County investment policy as presented by our county treasurer with the deletion of the 4th paragraph, page one under introduction and scope and the references to public trustee.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky – aye
Georgia – In this investment policy, it refers to the ability of the board to appoint an investment advisory committee; currently on that committee is Georgia and Ed Green, Ernie Gerboz was the citizen at large and he retired or resigned from the committee. She didn't know if they wanted to appoint another one and reactivate that committee. Since we are in the process of going out for bid on the investment advisor as well as banking, she didn't know if the board wanted to appoint, have a new appointee for these RFP processes.
Chairman Martin thinks it would be wise if they had three people. Look at and then present that as a formal request for a presentation.
Commissioner Samson – Do they need to advertise that as a position? How has it been filled in the past?
Georgia – It was filled; it wasn't advertised before.
Commissioner Samson – We just asked someone that had an interest?
Georgia – Yes.
Chairman Martin – Background and what the investments are.
Georgia – As Mr. Gerboz had been a past president at the local bank.
Commissioner Samson – Someone who is kind of retired in finance would probably be an ideal person right?
Georgia – Or someone that has a background in finance but doesn't have an active interest in it right now.
Chairman Martin will follow up with that and see if they can't get someone to do a presentation, a request to be considered by the board.
Commissioner Jankovsky – When will you be in front of us with a recommendation for an RFP?
Georgia – The bids should be back in the first part of November; it would be the first part of December, with the help of Jim Hackett, it will be the first part of December. It would be someone who could start the first part of November to look over the bids.
Citizens Not on the Agenda
Tom Newland, Public information individual from the South Bridge Project and Craig Gaskell, Private Manager present. He passed out the maps showing the alternative 10B and explained the phases of the development.
Craig – The last time they met with the board was February of this year. Not a lot has happened since February, the project team did select a preferred alternative that is currently being carried forward with the environment assessment process. That alternative was previously called alternative 10B that goes across the south end of the Glenwood Springs municipal airport. There is a tunnel underneath the airport, it crossing the Roaring Fork River and next to State Highway 82 right between the Jackson Ranch and the Holy Cross Energy Electric facility. Since that time, they have done some additional analysis on the cost of that alternative and how you might phase the alternative.
COUNTY MANAGER UPDATE – ED GREEN

a. Human Services Commission:

i. Aging: CMC RSVP; Columbine Home Health, Traveler, Senior Nutrition and Vet Tran

Patty Daniels, Director of High County RSVP submitted a packet of statistics and explained the packet contained in the Board's packet for RSVP. **Columbine Home Health – Hans Lutgring**

How Garfield Funds were used:

Hans – They focus on both Medicare and Medicaid, private insurance and home health services. They are the only current provider of sliding scale companion services on the Western slope. It allows them to go in and help older adults stay in homes, which is where they want to be. It costs less keeping people at home. Moving forward in the face of health care reform, we don't have all the answers to those questions yet. They will be the ideal tool to help minimize some of the unnecessary health care costs by preventing unnecessary hospitalizing, unnecessary institutions and keeping people where they want to be. What they do continues to have to evolve; he thinks another piece of trying to minimize unnecessary health care costs, have good relationships with all of the health care providers across the care divide. What they have been doing is actively meeting monthly with Valley View and all the assisted livings, nursing homes and care providers in the valley. We have a good relationship with the VA Hospital in Grand Junction; they have an increase latitude to provide VA pay for services not through Medicare, not out of pocket designed to keep them where they want to be and recognizing that an increasing amount of what they need to be successful at home may not be able to be captured under their insurance benefits otherwise. They view this organization as a good community partner here.
The Traveler – Mildred Alsdorf
In September 2009, they provided 1,243 using 637 service hours covering 5,622 miles and collected donations of $852.75 from their riders. In September 2010, they provided 1,240 rides using 613.5 service hours covering 5,775 miles and collecting donations of $1,408.80 from riders. The Traveler provided 1,414 rides in September 2011 using 795.95 service house covering 7,017 miles and collected donations of $2,037.25 from riders. In 2011, they have provided 178 additional rides in 182.45 more hours covering 1,242 more miles compared to 2010. Their donations show an increase of $628.45 including a donation of $109.00 from Morgan's. There was an increase in the number of rides in all municipalities except rural Garfield County, which has a decrease of 39 rides in September. For the quarter, they are seeing that most municipalities are exceeding the 25% of the projected number of rides except for the Town of New Castle, which is at 17.62%. They are also seeing a number of no shows on the Traveler. It was one to three per month and in July; it was ten, August nine and eleven in September. They are serving more individuals with head injuries during this same period. A table was provided showing the type of rides provided during the first quarter; also shown is the number of new riders, type of assistance provided, hours and mileage. The projected number is the total from July 1, 2010 thru June 30, 2011. They are seeing an increase in riders needing assistance, in a wheelchair and those underage. They are at over 32% of the number of miles traveled last year in just three months and servicing more new riders.

b. Board of Human Services:

i. EBT/EFT Disbursement

For the month of September 2011, client and provider disbursements for allocated programs totaled $261,181.83. Client benefits for Food Assistance totaled $646,803.75 total EFT/EBT disbursements for August came to $907,985.58. A copy of the certification summary has been included n the board packet and the department is requesting board approval and signature.

Motion
Commissioner Jankovsky – I make motion that we pay EBT/EFT $907,985.58 and allow the chair to sign. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky – aye

ii. Program Updates

Mary – These are included in the packet; if there are any questions she would be happy to answer.

c. Board of Health:

i. Air Monitoring contract CDPHE – Mary Meisner

Mary – Submitted a request for an amendment to the CDPHE air Monitoring contract, it is to the master contract. This is for replacements of parts and repair of the Rifle Particulate Matter Monitor and it is in the amount of $5,588.00.

Motion
Chairman Martin – Do we have motion to accept?
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

ii. Immunization Master Contract CDPHE

Mary - There is an increase amount of $10,373.00 and total core services delivery funding for 2011 equals $30,053.00.

Motion
Commissioner Jankovsky – I will make a motion to amend the master contract for immunization in an amount of $10,373.00 and authorize the chair to sign.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

iii. Request of Board of Health for Signature Authority for Contract Amendments to Master Contract by Public Health Director

Mary had a request to bring before the board. It is for signature authority for contract amendments only for the master contracts. This would be a limited signature authority. It would allow her, for example, to sign these two contract amendments that she just brought before the board. They will never have amendments if there is a decrease; they send them a letter and that is in the contract language. She spent time with Carolyn Dahlgren and they were trying to think of more efficient/effective way to conduct business for her as a director.
Carolyn believes that Mary is asking for limited signature authority only on amendments that we are given more money, no other kinds.
Ed – Would that be on the consent agenda?
Chairman Martin – Yes. I think it needs to come through both boards, so we know what Mary's constraints are, and we know what the state is doing to Mary's office so they can also act as the Board of Health, otherwise they are just muted and left out of the information.
Carolyn – You would need to have a formal motion as Board of Health and BOCC authorizing, or the other way around.
Drew – I'd do this as a resolution at the next meeting. Because the board is being very specific about signature authority for state contracts and CDPHE and with the ratification. I would rather do as resolution and take it up in November.
Commissioner Samson thinks it is important for the board to be in the loop so when we get the phone call from someone they know what's going on. It would be prudent to direct the legal staff to draw up that resolution.
Chairman Martin – He too likes to know what is going on.
Commissioner Samson – I think we should direct Drew to draw up the resolution and bring it to the first meeting in November.
The Board agreed.

iv. Caring for Colorado Dental Grant Award

A letter was sent to Mary Meisner on October 3, 2011 from Chris J. Wiant, President and CEO from Caring for Colorado Foundation congratulating her on receiving an oral health grant from them in the amount of $56,528.00 for the Garfield County School Based Dental Health Program.
Mary – This is the fourth school year they have been in the schools doing this program and she thinks it has been very successful. Mary would like to continue to do this and it does require a signature from Chairman Martin and herself. It is increase funds, no change with the same scope of work as the past four years. This is the first time the grant has actually been awarded to the county and they will be funneling it through the county. Carey wrote the grant and they are excited it was approved.
Commissioner Jankovsky – In the contract that the requirements were evaluation and reports and Carrie is in charge of that. Will we use this entire amount?
Mary – Oh yes.
Commissioner Jankovsky – It was supposed to be attached to a project plan and budget.
Mary – It was detailed in the grant.

Motion
Commissioner Jankovsky – I'll make a motion that we accept the grant from Caring for Colorado Foundation for Garfield County school based in the health program in the amount of $56,528.00 and allow the chair to sign. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

v. Program Update – Carrie Godes – Special Projects Coordinator

Carrie gave a power point presentation and explained the update.

PUBLIC MEETINGS:

i. Colorado River Water Conservation District Report – David Merritt

David gave an update and explained in detail what is occurring with the River District. Discussion was held.

Motion
Commissioner Jankovsky – I'll make a motion that we provide a letter of support for the draft environmental assessment and fonsi in the Colorado Water Users commitment to provide 10,825-acre feed to the 15 mile reach of the upper Colorado River.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

ii. Approval of a Change Order to Master Petroleum's Bulk Fuel Contract – Jim Hackett & Betsy Suerth

It is staff's recommendation to approve the change order in the amount of $90,000.00 and increase the overall contract to $660,000.00 and to allow the chair to sign. This remains within the budgeted line item for bulk fuel.
Commissioner Jankovsky – Are we out of fuel?
Betsy – We are using more at the county pumps; that's good news.
Ed – There are a new set of pumps at the fairgrounds too which encourages folks to use it.

Motion
Commissioner Samson – I would move that we would approve the change order in the amount of $90,000.00 and increase the overall contract to $660,000.00 to Master Petroleum for bulk fuel.
Commissioner Jankovsky – Second.
Chairman Martin – Note also that it stays within the budgeted line item.
In favor: Samson – aye Martin – aye Jankovsky - aye

iii. Request for Approval of a Resolution and Authorization for the chair to Sign the Intergovernmental Agreement with the Colorado Department of Transportation for the Construction and Maintenance of the West Parachute Interchange – Gene Duran And Randy Whitee

This IGA is for the purpose of setting forth the funding and obligations for the construction and maintenance of the West Parachute Interchange. The IGA is the standard agreement from CDOT. The issue to be resolved is the commitment from CDOT as to their $6,000,000.00 commitment to the project by the terms of agreement. A resolution will be provided by the county attorney. They are requesting a motion for approval of a resolution and to authorize the chair to sign the IGA with CDOT for the acquisition of right-of-way for the construction of the West Parachute Interchange.

Carolyn – By this contract your committing another mill to construction and we don't know what will be left over on the 1.4 and most of the 1 million on design has been spent correct Randy?

Randy – Correct; today it's been $680,000.00 spent to date.

Commissioner Jankovsky – Why do they have roundabouts in here as opposed to stop signs?

Randy – New designs get the traffic flowing; it is what it is now days.

Chairman Martin – It's a standard they are using like in Grand Junction at I-70 and 24 Road. That is pretty close to what the design will be.

Commissioner Samson – It's been a long time coming and it's not done. He remembers this is one of the first things he started two years ago as a new commissioner and he is very baffled at how long it takes. We are still not there; but he is glad to see they are getting there. I hope that the completion date of December of 2013.

Randy – The plan is to get it out the advertisement the first of December and start work the first of the year and have most of it completed by the end of 2012.

Chairman Martin – Are we willing to take a larger risk of $6 million dollars going forward?

Motion

Commissioner Samson – I would move that we pass the resolution granting authority to the Board of County Commissioners of Garfield County Colorado to execute an agree with the Colorado Department of Transportation for the construction phase of the Interstate 70, I-70 Parachute west interchange upgrade.

Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

Carolyn – Commissioners we need a separate motion to authorize John to sign the actual contract as well.

Commissioner Samson – So moved. Commissioner Jankovsky – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

iv. PDO Buyout – Lisa Dawson

Lisa is making the request for BOCC approval for the 2011 PDO Payout Plan. If approved, finance will follow established procedures to pay out 40% of accrued personal days off (PDO) to "buy back" the hours over the maximum at 40% of the employee's pay rate. This will occurs in the employee's January 2012 pay period. The only employees eligible are those who have taken at least 120 hours of PDO in their 12-month pay cycle. Lisa provided excerpts from the 2009 Garfield County Personnel Policies and Procedure Manual.

Lisa has attached charts to show what it has been in the past. This payout is paid out of the wage budget; there is no supplement needed. It has run on an average of $13,000 to $16,000.00.

Motion

Commissioner Jankovsky – I'll make a motion that we approve the PDO payout per section 4 C1 of Garfield County personnel policy and Board of County Commissioners as presented and allow, guess it's not allow the chair to sign this.

Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

Unanticipated Grants:

Ed – One other issue he and John talked about earlier was the unanticipated grants request. They did some research in the last week regarding the earth day, employee coupons, Lift Up, Habitat for Humanity; it all totaled about $128,000.00 and in the research it was really unclear to them whether they wanted that to be a part of unanticipated grants or if they wanted it to be a draw down on the general fund balance.

Chairman Martin – Either way it gets to be general fund dollars.

Ed – It's just a question of where you want to keep some flexibility on the unanticipated grants because if you add it to unanticipated grants it draws them down to $12,000.00 for the rest of the year.

Commissioner Samson doesn't think they want to do that.

Ed didn't think they did.

Chairman Martin – We are not going to spend that anyway; but we can always put it back to the general fund.

Ed – Is it your pleasure that we pull that out of the general fund balance?

Commissioner Samson – Please.

Commissioner Jankovsky is shaking his head yes.

National Business Aviation Association Convention:

Ed – Dale, he and Michelle attended the MBAA National Business Aviation Association convention last week. Mike you remember a few years ago you attended with us and that was right as the economy was collapsing. Things are changing; the aviation industry is picking up and they saw a lot of traffic particularly pilots this year. That is good for us because we encourage them to use our airport. Next to them was the airbus booth. They have a brand new airbus 350 that they were hocking and during that convention, they sold six new airbuses 350's. $400 million per!

4. COUNTY ATTORNEY UPDATE – DREW GORGEY

a. Consideration/Approval of Collateral Assignment of Lease to Alpine Bank (Mountain Family) – CAROLYN DAHLGREN

Carolyn – This document was anticipated in the long-term ground lease with Mountain Family. A very interesting thing happened; none of them knows who created the document but they can tell it is a combination of the form collateral assignment that they have approved for use out at the airport and of the banks standard assignment of rentals. They are assuming it was Bob Emerson at the bank that created it. But because it is a combination of two documents there are some oddness in it. Most of it is really at the level of typos. For instance, there is something left in here about hangars. Those are easy to solve and they would like is signature authority for Annette and her attorney Jim Neu and herself to work with Bob Emerson on the substantive problem which is unlike out at the airport. You don't have a set of minimum standards and rules and regulations to refer to. All of the "minimum standards that deal with Mountain Family's ground lease are in the lease itself". Unless the collateral assignment actually refers to that, it creates some drafting problems because we the county would want any replacement tenant, should Mountain Family go south. But any replacement tenant would have to be willing to do what you want Mountain Family to do, which is to serve the same population that your DHS and Public Health serve. That's not all they do but that's what the focus of this is. You would want any replacement tenant to be willing to deal with the structures of federal money that your Chairman hates. Because there are some, which goes, she thinks it is 6-years beyond essentially CO when the building was approved for occupancy. It is her firm beliefs that it will not be an issue. She is hoping

the board will give signature authority but if they are not willing to that then they will negotiate a final document and bring it back on the consent agenda.
Annette – This is a line of credit, truly a line of credit, they are fortunate that they did not have to do any long-term debt. This is a safeguard for them in the event they need extra cash until they rebuilt cash reserves.
Commissioner Samson – Instruct them to do so.
Chairman Martin – To authorize signature.
Commissioner Jankovsky is fine with that.
Chairman Martin – Mr. Emerson is representing Alpine.
Annette – She has yet to confirm that, she will confirm today.
Commissioner Samson – I would move that we direct our legal staff to draw up a resolution.
Carolyn – It's not a resolution; it's a collateral assignment document.
Commissioner Samson – Collateral assignment of lease to Alpine Bank concerning the Mountain Family property in Rifle.
Commissioner Jankovsky – And allow the chair to sign. Second.
Chairman Martin – Looking for a completed collateral assignment about these rights; it will also be on the consent agenda afterwards.
Carolyn – You can do it that way; she heard the motion authorize signature.
In favor: Samson – aye Martin – aye Jankovsky - aye

b. Consideration/Approval of Termination of IGA with City of Glenwood Springs for Parking Lot Development – 8th and Pitkin – Carolyn Dahlgren

Drew – The draft resolution is in the packet along with the June 6, 2011 letter from Glenwood Springs Mayor. This is just to clarify the record and it is the official closure of the IGA for the 8th and Pitkin parking lot.
Chairman Martin – Its part of the negotiating agreement they did on their improvement of the lot of Colorado and allowing that to be open.
Carolyn – If we don't record this Jeans records will still show all of the old agreements as to that lot.
Motion
Commissioner Jankovsky – I'll make a motion that we terminate our Inter Governmental agreement with the City of Glenwood Springs at for the parking lot development on 8th and Pitkin and allow the chair to sign. Commissioner Samson – Second.
Commissioner Jankovsky – Just a comment that we are going to allow the public to park in there after 6 p.m. and allow weekend parking. Will there be signage?
Ed – Yes. In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – We will continue to work with them. When is our next meeting with the city of Glenwood, do we have that scheduled?
Ed – Not that he knows of.
Chairman Martin – We need to do a follow-up on this one as well.
Ed – Carbondale is the next one he has on the 15th
Commissioner Samson – We have one with New Castle.
Jean – October 25th.
Commissioner Samson – 6:00 p.m. October 25th and Carbondale is November 15th, 6:00 p.m.

a. Update on US Forest Service Travel Management Plan and Possible Direction to Staff Regarding Quiet Title Litigation Regarding County Roads

Drew – Some time ago, the board authorized the county attorney to initiate quiet title action as to roads in dispute within the forest service boundaries. He had asked for an opportunity to try to meet with them directly. Commissioner Samson made an important call to management within the Forest Service and they went over, he, Cassie, and Tamra and sat down with them to try to work it out. They made some excellent progress and the purpose of this agenda item is just to have a discussion with the board.
Chairman Martin - The problem is and in Washington. Simply because they requested a letter saying, they would agree to work out these issues administratively. They failed to get that letter.
Drew – They will get everything that they are capable of getting to the board.
Commissioner Jankovsky feels they need to go through with this and show that these roads are county roads so in 10 to 20 years from now they won't be going through this whole thing again and that they are county roads and they were there prior to the Forest Service being an entity within the Federal Government. They are county roads that go across Forest Service land. He thinks they need to continue with this and legally establish that and memorialize it.
Cassie – That's the threshold question before they even need to go through road by road. If they do want to establish them as county roads regardless of their status on the travel management plan, then they don't need to discuss it any further than they already have. Drew would like to continue their two schedules meetings.
Chairman Martin – If they can resolve that without going to court; that's a plus. They need to make sure that they have documents that prove that they continue to be county roads, private etc. that are open to the public.
Commissioner Samson will remain positive that they will be able to locally do that and people in Washington DC will honor the work that has been done here.
Chairman Martin – What were the two roads?
Cassie – disputed a owner – CR 30 below sunlight – it is a designated tail part of CCC trail – CR 137 actually not on forest property they will process map correct – 150 they will correct as well – owns up to the trail crosshead
Martin – What were the two roads that are not being disputed?
Cassie – They are being disputed as to ownership. They are not being disputed as to what is going to be done with them. The first is County Road 30, right below Sunlight. They have said it is a designated trail, they believe it is part of the CCC Trail and they are going to process an erratum with regard to that. At least that is what they indicated. Also County Road 137 is the one that actually is not even on Forest Service property so they are going to process a map correct. County Road 150 they said they would correct that as well, indicating that the county does own up to the trailhead. Although the road crosses Forest Service property.
Chairman Martin – And private property.
Cassie – Correct. Mr. Glen Adams said he would process an erratum regarding the portion the county does own. It is also her understanding even though the board authorized quiet title total action on 241 back in May and they haven't initiated that because of all the other added in, that they are working with them now on that.
Chairman Martin – Ownership needs to go to the county on 241, which is east Elk Creek.
Commissioner Samson doesn't think there is a problem with that either.
Cassie – There is a legal problem; they are going through the legal steps with regard to that. But it's not like its angry litigation.
Chairman Martin – No, they are trying to be very friendly with it but they are just trying to get the paperwork in order so that there is no more argument of who has ownership and who control the maintenance and the cost of maintenance etc.
Cassie – With regard to the other roads, it was more the roads are going to remain open. The Forest Service isn't saying they own them or you own them. They are not saying they're going to be opened or they are going to be decommissioned or whatever. Its designation under the travel management plan not ownership, which are two completely different issues.

Chairman Martin – Yes and no, they are attached. Just keeping them open as a public right-of-way is very important to them. It may not be to the general management plan; but they are public right-of-ways that need to remain open and they represent the people, the public that have the right to travel on those right-of-ways. That's what they are trying to establish.
Cassie - There are a lot of roads the Forest Service has agreed to keep them open. They do not agree that they are county owned roads. So you do still want to pursue quiet title to actually own the roads.
Chairman Martin – Yes.
Commissioner Jankovsky – They are county owned roads and they were there prior to the Forest Service becoming an entity.
Drew – They will report to the board one more time before they file anything. They have an important meeting scheduled with Betsy's counterpart within the Forest Service first. Then they will reconnect with the same group that they had before. They appear to be cooperating even though the appeal of the travel management plan has effectively been abandoned in favor of the quiet titlist. It's in their interest too to get this worked out. They are not fighting us in anyway.
Chairman Martin – I have documented and photographic evidence that prior to 1891 there was a road and the traveled road was from Carbonate to defiance and it is transfer trail. That's how it got its name by taking the records from Carbonate to defiance down that road and that is again a public right-of-way from Glenwood Springs now to Carbonate which is called transfer trail. It needs to remain open simply because it is a guaranteed rite of passage and public road. Therefore, it challenges the Forest management plan to close it down. They don't want that to happen; they want to work with them. Again you have to recognize these roads have been there prior before the forest preservation which again they refer to. We do have documentation on these road and they will provide them. At that time there is no argument but they have to have it recognized by the courts. Again going back to the position, they were trying to create in next year's budget, that's the road verifier's position. That's his task, to be able to verify the roads which exist and under what authority do they exist.
Commissioner Jankovsky – He and Fred have a meeting with the BLM on Thursday at 10:15 a.m. because they are coming out with their travel management plan and their BLM plan for this Colorado Region. So they will be working with them on that and be ahead of the curve inside of behind. He will bring up transfer trail as well.
Chairman Martin – That's one of the examples; the other example was the county owned toll roll by deed that went from Sweetwater over to Trappers Lake across the wilderness area. That is a deeded right-of-way and was a toll road for people going to and from. The county collected numerous dollars in revenue. Now it is part of the wilderness and not recognized as a county owned piece of property. Those are the kind of things that they don't want to miss. Work with the Forest Service so those issues are not into the future.
Commissioner Jankovsky – When they meet with the BLM Tamra will be there and they will look at every road as they do it with the forest plan and try to make sure they don't have these types of issues with BLM.
Chairman Martin – The JQS trail is another one; authorization to go ahead and build that as an allotment road to the Roan Plateau. That was done back when and it was built with private funds and maintained by the county on an agreement. JQS trail was a stock trail for allotments. It was opened up with the permission and became a guaranteed right and at that point, we have them protect those rights into the future.
Commissioner Jankovsky – BLM roads cross-forests.
Chairman Martin – Because of patented mining claims; mining claims that went across in the control of the Department of Revenue to issue those mining claims across forest service. At that point, it was a guarantee to get to that mining claim.
Cassie – You want to continue discussing but also you do want actual ownership of the 16 disputed roads.
Commissioner Jankovsky – Otherwise other county commissioners will be going through this 20 years or 100 years from now. Let's just memorialize it so it doesn't get lost and the Forest Service 20 years from now trying to close these roads again.
Drew completely understands what the board wants and he believes consistent with their other direction of mediating rather than mitigating, he thinks there are ways to this short of suing for quiet title on 15 roads. He doesn't think they are fighting the board; he believes they are aware of their internal bureaucratic constraints. He believes they help get the commissioners where they are trying to go. There is a huge administrative piece that taking on these miles of roads; roads being the legal definition there is a heavy cost of maintaining them. Absorbing these into the county system and out of the federal system puts federal coming towards maintenance at issue. He has to explain all of those aspects to the commissioners before they file and he will do that.
Commissioner Jankovsky – These roads, in most cases are primitive and they will remain primitive but they do provide access. He totally agrees with having to work and trying to work through mediation on this but he thinks once they get to that point wherever it gets up higher on into the Forest Service; they will be going to court.
Chairman Martin – There's two examples; state doing the entire inventory with all of the roads which is the State of Utah, the BLM and forest Service on ownership of those roads and how the process took place. Elk quiet title was established. Then there was also a local county government in reference to doing an inventory, which is Moffitt County, and their approach working with both the Forest Service but mainly with the BLM on how that agreement came in place. How they approached maintenance, ownership was established and what recognition there was on both sides from schedule A to what level of maintenance needed to be done. Those are the example they can look at without reinventing the wheel. The Forest Service and BLM are willing to work with them and establish through the bureaucracy on ownership and requirements on each side.

5. **Executive Session:**
   a. **Pursuant to 24-6-402 (4) (a), (b), and (e) C.R.S., Possible Transactions Involving Real Property, Legal Advice and Instruction to Negotiators.**

Motions
Commissioner Jankovsky – I will make a motion we go into executive session for these possible transactions.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I move we come out of executive session at this time.
Commissioner Jankovsky – Second.
Chairman Martin – Any direction or action to be taken after executive session?
Drew – No Mr. Chairman the topics for discussion were limited to the topics announced and instruction was given to negotiators no public action required.
In favor: Samson – aye Martin – aye Jankovsky - aye

REGULAR AGENDA

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

Drew – There is a developing issue he needed to raise with the board at some time before the end of meeting.

2. **PUBLIC MEETINGS**
   a. **Discussion Re: Affordable Housing – Building Incentive and Moratorium – Carey Gagnon**

Carey – After last Monday's meeting the board has tasked their legal staff with coming forward today with additional information on both the building incentive concept and also with a general outline of what the issues would be, they would need some clarification in order to present a draft moratorium to them. What is in the packet today is a memo outlining some possible options for the building incentive. Three options were discussed. She has also provided them with several examples of how they could calculate the forgiveness if a developer is to build a free market residential unit. How many would they have to build, what would that trigger look like before they would be relieved of the obligation to provide an affordable housing unit. Originally, she came forward with one to

one language and she knows that didn't necessarily meet the needs of the board. She has provided the board with some other alternatives and tried to demonstrate through examples how those calculations would actually work. At the end they will see there are still some outstanding housekeeping issues that they would need to consider and finalizing any sort of resolution should the board choose to move forward with it, there are some practical housekeeping issues with the planning dept as far as tracking this, how they would want to memorialize it on the record to make sure that developers who are approved for some sort of affordable housing relief that it gets incorporated into their public approvals. Some issues that she doesn't have the answers to how this building incentive would interface with financing for developments is outside her area of expertise. If the board is interested in doing any sort of relief for the housing authority on the back end as well if we are not going to be providing rooftops; is there some other form of benefit that they could provide the housing authority with.
Commissioner Samson – that will be okay. He is not saying he agrees with it.
Carey – The other thing to keep in mind is that even though this is not a text amendment itself, because of the impact it has on the land use code it would be appropriate to run it by the planning commission first. It would go through some dual public hearing processes.
Chairman Martin thinks they are very much on this issue and they may have other options to offer.
Commissioner Jankovsky would like some good ideas to come back to them.
Chairman Martin – They should not exclude them; they will run that by them.
Drew asked if it was too late to get this into the November planning commission.
Fred – It depends on notice and he would lean on them to tell him what the statute…inaudible….this type of creature is.
Drew – Same as if it was; statute requires if anything impacts the zoning resolution.
Fred – Commonly it is 30 days.
Drew – November 23?
Fred – It's possible.
Drew suggests since they want the planning commissions input, if want up this up and running January 1, 2012; that's the window. They need to get it to the planning commission and any other tinkering they want to do they can get when it comes back to them after planning commission.
Carey – Rather than bring it back before the board they would move it forward parallel to the text amendment. They would both go before the planning commission on the 23rd and back to the board on the 5th.
Commissioner Jankovsky would like them to be separate.
Drew – If the board doesn't do it that way, he thinks the board wouldn't approve it until after the first of the year which would cut into the incentive time.
Chairman Martin – That's option three.
Katherine – Does it include the timelines that Mr. Jankovsky specified about the building permit and the CO?
Carey – Yes. It is a one year to pull the building and then 2 year for the CO; but it could be modified.

3. **PUBLIC HEARINGS:**
   a. **Consider a Request for an Amendment to the Text of the Unified Land Use Resolution of 2008, as amended, to Add a Process that Would Allow the Board of County Commissioners to Reconsider a Decision – Applicant; ANNJMC, LLLP – This Application was Continued from the October 3, 2011 and October 10, 2011 Hearings – Kathy Eastley**

THIS WAS WITHDRAWN

Commissioner Calendars

Drew – This is a function of calendars and some deadlines. The commissioners are scheduled for training on Wednesday. He is mentioning the calendar first because they have an item that is somewhat of an emergency. The Clerk and Recorder has been in regular contact with the reapportionment committee representatives through the secretary and the Secretary of State. There is a detail in reapportionment that became known very recently that impacts our residents particularly in the Apple Tree community. The community is a sizable community in terms of population. The reapportionment divides that community in half. Actually state house district to state house district.
Commissioner Jankovsky – 57 and 61.
Commissioner Samson – Is it split in that precinct?
Jean – It is all currently in precinct 13 but the proposed lines to split between house district 61 and 57 go down the middle of the mobile home park which means because we cannot have split house or senate districts in the precinct; she would essentially have to put them in their own precinct or move them into a precinct that's in house district 57 which would be in a Silt precinct.
Commissioner Samson – What would be the easiest for you; Jean.
Jean - If they were left in the 61st, if they did not put that line. Commissioner Martin was at the same reapportionment hearing that she was at in this room and the other thing that has come out of this; they pointed out at that time they were doing the same thing with the people who live in north and West Glenwood. She understood from the commission members they would consider those and rectify that; well that's not what happened. They moved most of those citizens into the 61st but there are a handful of citizens in West and North Glenwood that will be in same situation where they will have to create a separate precinct for those probably less than 100 voters.
Commissioner Jankovsky – does that tie Sweetwater into that?
Jean – Sweetwater would have to stay in 61st; they would have to stay in the 61st. Sweetwater and western part of Eagle County are now in the 61st.
Chairman Martin – There was a little problem with No Name a well.
Drew asked Jean to explain to the board the uniqueness of the Apple Tree community and why so difficult.
Jean – With Apple Tree, everyone who lives at Apple Tree Park has the same basic address, which is 5033 County Road 335 with a space number. She has been in contact with the people at the Secretary of State's office and she can work the system to do that split; it's just that part of the whole process is not splitting those communities of interest. Its' keeping them together. She is not talking huge numbers of voters in either instance and she doesn't think it will throw off balance.
Drew asked if she knew the approximate total number of voters in the Apple Tree Community.
Jean – Her guess is probably at the most 150.
Drew – Did he understand that she could make this system work in terms of figuring out which side of Apple Tree goes to the 61st and which one goes to the 57th?
Jean could with great difficulty; it would be a lot of hand entry. She could make it work. Her whole problem is the fact they would have to create a very small precinct or move people in with the precinct that doesn't represent where they actually; polling place they would need to go to Silt to vote.
Drew – He is raising this because today's is the boards last meeting on the reapportionment commission. It has submitted their plan to the Supreme Court. If the board wants to object, they would have to direct him to intercede and he doesn't have extensive research on this. He spoke with Jessica Shipley who works with the reapportionment commission and as he understands it, the procedural step would be to file a statement of opposition directly with the Supreme Court. The issue is whether the board would direct staff to do that and then ratify that direction at the November meeting and the issue is the 150 voters. Do you just work it

out administratively so half goes one way or half go the other, let that be or do you give direction to him to try to intercede with this agreement?

Jankovsky thinks they give Drew direction to intercede to the Supreme Court. He thinks potential with those 150 voters in Apple Tree; they have to go to Silt. It is very likely they will not even vote. He would hate to see that and he thinks it is very important they continue to be part of New Castle. The same thing with Glenwood Springs; he thinks they all need to be in the same district and he doesn't know how many that is, it is probably less than 150.

Jean – That probably is even a smaller number than Apple Tree. Looking at the map, they don't know exactly what the addresses are. Now they are working with Rob to get addresses and he can tell them exactly what the addresses are. Looking at the map, she couldn't tell. She see that it was people who lived up toward Mitchell Creek, people who are north of the Mountain Shadows subdivision, and then a few households in west Glenwood between the Oasis Creek subdivision and Highlands East that have been left out and left in the 57th. It's just a handful.

Drew – Do your calendars allow for a meeting next Monday ratifying this?

Commissioner Samson has a mayors meeting at 10:00 a.m. in Silt; if they made it 8:00 a.m., it would be fine.

Commissioner Jankovsky is open.

Chairman Martin – That's the 24th they are talking about. He wanted to go ahead and post that.

Drew – Just a special meeting of the board to authorize this action or ratify the deadlines.

Chairman Martin – Can you go back to apportionment and the guidelines they are supposed to observe; that is not splitting any precincts to attain their numbers. They are doing that and so we must intervene. They need to preserve their precincts and they need to go outside those precincts to obtain their numbers. That was what their goal was and they didn't live up to it.

Jean – They talked an awful lot about keeping the community of interest together. She will have to move their precinct to accommodate some of this already; but the fact they are splitting little tiny fractions of people who should all be together. That 25 or 30 households in Glenwood Springs that in house district 57 and the entire rest of the community and they included New Castle because they understood that many of the people here talking that day said that New Castle should be included with Glenwood Springs in house district 61. They initially pulled it out and they rather went against what they said they were going to do. She thinks part of it is just the way the census blocks are and they have people drawing those maps that really don't understand where those lines are going.

Drew – We'll make sure to notice it for next Monday; everyone is interested in election issues and particularly drawing of those lines so that everyone will have an opportunity to come in and talk about it. If there is a filing deadline before Monday, he needs the board's direction to be able to file that.

MOTION:

Commissioner Jankovsky – Yes, so moved if there is a filing direction before Monday, you have our support to go ahead and file that.

Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Issues:

Commissioner Reports – Commissioner Samson needed to decide on a time to leave for Denver for a meeting all day.

Carey –The National Mineral Law Foundation puts on the conference.

Commissioner Samson – Going there to get educated on oil and gas law, local regulations, environmental regulation, common interest, and conveyance.

Drew is going to class in Denver, Tuesday night and then to West Minster.

Chairman Martin – Leave here 4:00 p.m.

Commissioner Samson – Meeting all day on the 19th. He and Drew are leaving Thursday to talk to commissioner and the assistant attorney general about FML and maybe other things (in Utah). On Friday he and Drew going to Eagle for the FML.

Drew – It is the county attorneys working group.

Commissioner Samson – Any indication of how many will actually attend and how many will be phoning in?

Drew – No, but it is 8 counties that have formed FML districts will be sending their county attorneys and hopefully at least one county commissioner. The purpose of the meeting on Friday in Eagle is to discuss proposed legislative changes to the Federal Mineral leasing district act for the State of Colorado.

Commissioner Samson – Which will be reviewing our findings with Senator White. Monday the 24th there is a special meeting at 8:00 and then the mayors meeting will be in Silt. He has invited Kirby Winn to come and talk about oil and gas.

Chairman Martin – There is also a work session with DSO on the 25th and he believes that has been cancelled and moved to a different date.

Commissioner Jankovsky – We have a 6:00 p.m. meeting with New Castle on the 25th. Also on the 25th at 9:00 a.m., CTSI will be here to talk about budget, going to higher deductibles for both liability and property. It is a workshop at 9:00 a.m. on the 25th and for staff who deal with workers comp.

Commissioner Samson – 26th he has nothing and on the 27th he has a communication board meeting at 1:30 in Rifle. The fair board is from 6:00 to 8:00.

Jean – That is being held at the Columbine restaurant.

Commissioner Samson - Thursday the 27th.

Commissioner Jankovsky – has a meeting with BLM on Thursday at 10:00 a.m. on the 20th to talk about their management plan for the Colorado River basin primarily. A meeting with CORE at 1:00 p.m., they want to introduce themselves. On the 21st he is helping out in the communities meeting in the morning and he has a budget meeting in afternoon.

Chairman Martin – The Farm Heroes annual meeting at the fairgrounds, 6:30 on the 28th is a social gathering if they wish to be there.

Commissioner Samson – We had originally planned for Nancy Crammer with Colorado Tourism to be on the 8th, he had Jena send an e-mail and asked that it be put on the 22nd because at 7:00 p.m. on November the 8th the State Attorney General John Suthers will be here at the community center and he will be attending.

Chairman Martin – November 12th, which is a Saturday will be the appreciation and awards dinner 4H at Coal Ridge High School at 5:00 p.m.

e. Approval of Minutes
f. Commissioner Agenda Items

Chairman Martin – We will continue this meeting and call to order the PID meeting or Travelers Highlands.

ADJOURNMENT

ATTEST: CHAIRMAN OF THE BOARD

_____ _____

OCTOBER 17, 2011
TRAVELERS HIGHLAND PUBLIC IMPROVEMENT DISTRICT

1. **24-6-402 (4) (b), (e) Executive Session (BOCC and PID Board) Re: Drainage Liability**

Carolyn – The notice for this meeting was more complicated than usual. Not only do you have to be notice under the BOCC's policy on publication of agendas and the open meetings act and the PID statute; but also your notice today was published in accordance with local government budget laws. She does have a copy of proof of publication in the Rifle Citizen Telegram. It was published October 13, 2011, and she read a part of the notice. The PID board will hold a public hearing on October 17, 2011 immediately following the regular scheduled Garfield County Board of County Commissioners meeting. The PID board will receive public comment prior to consideration for adoption of the 2011 and 2012 PID budgets. The PID board will act by resolution today to adopt the 2011 budget and make appropriations for October through December of 2011. Then the final 2012 budget will be presented to the PID board December 12th. At that time and place, the PID board will also certify the final mill levy for the PID. What she is trying to do is to get the public improvement district in line with the regular BOCC agenda process through the year so that it won't be off schedule. It will make life a lot easier for the assessor office, your staff and treasurer. Today the board's action on the 2011 budget is required but they will not have to act on the 2012 until December 12th when they are acting on the BOCC budget. She checked with the clerk and Jena and no one from the PID has come to look at the proposed 2011 or 2012 budget but Mr. Hanlan.
Chair Martin – He is representing a taxpayer and member of the PID. He asked if they needed to go into executive session at this time.
Carolyn – It would be most helpful if they had an executive session because the PID board and the BOCC are in the same situation as to liability, it is appropriate to have a joint meeting. It will be very brief.
Karl wanted to raise that we are streaming but he hasn't seen it on a live stream.

Motion

Chairman Martin – It's on the intranet only within the county. We have a request for an executive session to discuss legal liability.
Commissioner Jankovsky – So moved. Commissioner Samson – Second.
In Favor – Samson – aye Martin – aye Jankovsky – aye
Chairman Martin - Motion to come out of executive session.
Commissioner Samson - So moved. Commissioner Jankovsky – Second.
In Favor – Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – Only legal advice and identification of liability issue; no action to be taken after executive session.

2. **Update on Intersection Improvements – County Road 300 and SH 6 & 24, Including Final Project Cost and Stakeholder Participation (BOCC and PID Board)**

Betsy Suerth – Today the projects estimated final cost is $960,000.00, which is quite a bit less than what they thought a year ago or even six months ago. Splitting that cost three ways with the partners being the private developers, the operators and the county; would be $320,000.00 each. They started at $385,000.00 for the operators along with the other partners so that puts them $65,000.00 over what that split would be today based on the estimated cost. They still have some outstanding invoices but small. There are a couple of options before them and these certainly aren't the only cost share configurations. You can come up with all kinds of them. She is just presenting a couple of different ones for their consideration. Share option "A" shows 320 split among the three partners; which would mean Travelers Highlands share of $215,000.00. That is on your memo; on page two at the top of the page, you have the final intersection costs and a table. Again, these are just two options of many; but she thought she would provide this to get them started. Option A at the $320,000.00 per; which backing out of that would mean that Travelers Highlands PID share would be $215,000.00.
Commissioner Jankovsky - Who are the developers?
Betsy – They are Strong PUD, has already paid $72,000.00 some. The UNI Gravel Pit who has already participated in the intersection contribution material; it was about $35,000.00 worth on his own no obligation. Then Travelers Highlands.
Commissioner Jankovsky – So Travelers Highlands is in there twice; Travelers Highlands share and as a developer.
Betsy – There are a couple different options; that's why you see two different ones. Share option "A" shows the $215,000.00 for Travelers Highlands share and then share option "B" shows $182,000.00.
Commissioner Jankovsky – But Strong and UNI are coming in with $287,500.00 or $320,000.00.
Chairman Martin – No; Travelers Highlands was $73,000.00, UNI was $30,000.00 and Strong $73,000.00 and that's all that they are going to be paying.
Betsy – The sum of the three developers; Travelers Highlands, Strong and UNI add up to $324,000.00 add up to that $287 so it's the sum of. The option "B" your operators are paying more than anyone else is and she doesn't know if they want to go that way. Option "A" is easy to implement; they would simply revise some invoices and provide a pro-rata refund to one of the operators who has already paid their share of the original configuration. You could come up with your own way to divvy this up.
Chairman Martin – One of the things they had requested …in audible…on internal roads. He knows that they spent $25,000.00 and put it out to bid to do that. That's going to fill a couple of pot holes and put about an inch and a half of gravel; but it will be gone pretty soon. If we were able to continue an overall share in reference to Travelers Highlands, subtract from our deduction and convert that to internal improvements, he thinks they would be monies ahead. Actually taking care of the people that are there beyond the $25,000.00 right now.
Betsy – Turn to page three you will see a proposed budget that follows what Chairman Martin is saying she believes. For the year 2010, there were no expenditures but the $522.00 for treasurer's fee. Go to year 2011 and you see there is revenue of $171,000.00 with some treasurer's fees and then a proposed expenditure of $25,000.00 on the internal roads as the chair indicated. She believes the miscellaneous costs of $10,000.00 anticipating this board would want to consider reimbursements for the PID formation. That was a shot in the dark on the cost because they don't have any information on that. She does know Mr. Hanlan is here to provide that. These numbers can be altered today. For the external improvements, which is the share of the intersection cost she plugged in $50,000.00 and that would add up to an expenditure of $89,000.00 in 2011 and would leave $110,000.00 in fund balance. Go onto 2012 budget with revenues dropping significantly based on the valuations dropping as your well aware. Treasurer's fees included here estimated based on that revenue projection; this is showing on internal roads expenditure of $100,000.00. Again just plugging a number in but she understands that a contractor has recently thrown out that same number as well. Again, $50,000.00 expenditure for the external improvements, that's the reimbursement for the intersection cost and if you were going to stick to that $50,000.00 for a couple of years in the future, that $200,000 or so would be paid off in four plus years.
Chairman Martin – Internal road improvements.
Commissioner Jankovsky – Right internal road improvements $100,000.00 would then include drainage at all?
Betsy – It would include however, you want to spend that money. There's another approach too; as the Chair was indicating earlier to spend $25,000.00 on some material and some grading and that would
likely be as the contractor had indicated last week, disappear into the mud if you will pretty quickly. You could perhaps spend $25,000.00 on some drainage design, then go ahead next year, and do a real project probably worth $100,000.00 to try to get some decent drainage.
Chairman Martin – You could spend double that if you really had too.

Betsy – Yes or even more. She would say she has never been an engineer who designs subdivisions. That's really the kind of person they need for this design. But you could phase it she is sure and do drainage improvements in the neediest area first would be the most logical way of doing it. Those who have been affected or impacted more so than others and phase the drainage improvements in as fast as they could.
Ed – Isn't drainage the most critical issue?
Betsy – It is. And she doesn't know if $100,000.00 would even cover what they wanted to do; but it certainly would take a big chunk out of it and get them started.
Carolyn – Has Mr. Gould not laid the material?
Betsy – No. They have a contract in place with Mr. Gould who has also indicated that if they decide not to do this work he would be okay with that. She didn't want to put words in his mouth; so she would certainly want to check with him if they wanted to change their mind about that.
Chairman Martin – It needs to be done for the safety of everyone.
Betsy – She believes he intends upon meeting with the chair and Wyatt Keesberry who's representing; he's the project manager basically on the project. So the three commissioners will go out there and figure out the best way to spend that $25,000.00. Then they could get started on design next year with the $100,000.00.
Carolyn – Does $100,000.00 only buy engineering design?
Betsy – No, she thinks that they could probably do design for less than $20,000.00.
Chairman Martin – Depends on how in-depth you want to go.
Betsy – That will be up to them but they do already have infrastructure out there and you have to work around that.
Chairman Martin – The other thing is the liability that goes to 6 & 24 as well because of the intersection and the improvements of the drainage on the north side of 6 & 24. Actually to compliment that and not overwhelm; because there was a lot of engineering that went into it. Hopes that we would be able to stop from going on the railroad tracks and everything else. They also need to inquire about the pipeline that is going on the north side of the intersection as well. How will that affect the engineered drainage; who's going to be liable if something happens there. This would probably be the pipeline company and how they are going to bore into the intersections. That's a BOCC and CDOT issue. Because it's designed, completed, improved forward; don't want to lose that.
Carolyn – There's a piece they are missing as you think about these budgets with the 2011 and 2012 and that's the pre formation cost that Mr. Hanlan has here. Not pre-formation, cost of formation.
Commissioner Jankovsky – That's in there.
Carolyn – Right but she is wondering if they should reverse their agenda to hear so you can hear about that before you even start think about this 15/85% split. Because actually the budgets that Betsy is presenting to you vary that 15/85%.
Chairman Martin thinks that was in the direction that the board gave her 85 towards repayment, 15 for internal roads etc. He thinks that was the decision they made prior to this meeting.
Carolyn – It was; but the dollars amounts are over that 15.
Betsy – Yes, so what she did, being fully aware that 15/85% split direction from the PID and the BOCC back in July; she looked at what she thought needed to be done out there and then she looked at what
the fund balance was and simply worked with that. It doesn't match that split at all, so if they were to consider these budgets before them; they would have to reconsider that direction.
Carolyn- The table shows for 2011 budget 20% of funds for internal and the 2012 amount what is that Betsy?
Betsy – 2011 budget uses 20% of fund for internal PID costs and 30% for the external at the intersection. That leaves 50% in the fund balance. In 2012, it's proposed to use 100% of the revenues and $29,000.00 of fund balance for the internal improvements and then again $50,000.00 of fund balance would also be spent for the external improvements. It really is entirely different than what the boards intent was a few months ago.
Carolyn – However if the formation costs; which haven't yet …in audible, which are only $3.50, that would change the percentages.
Chairman Martin – I don't think that's going to happen.
Commissioner Jankovsky thinks they don't have any choice but to change the percentage. The amount of work out there is overwhelming almost. He thinks this is a good direction.
Chairman Martin – We don't really have to commit ourselves to the entire use of the fund balance for external or internal. That percentage can go down in the external payment.
Commissioner Jankovsky – Four years to pay it down is not bad.
Chairman Martin – Four years or five years if you want.
Commissioner Jankovsky – Five years would be 40,000.00.
Chairman Martin – Your also looking at the taxpayers that out there too.
Commissioner Jankovsky – That gets back to the mill; what's that do to the taxpayers? How many of them are solvent, how much has gone to foreclosure….
Chairman Martin – Again you bring up the point how much improvement do we have and incentive for them to stay there or how much inconvenience and non-approval do we do which drives them out and then you lose your overall ….in audible….
Betsy – Georgia may have more information on the foreclosures. She didn't discuss that if there are foreclosures in the PID. They have 12,700 delinquency in 2010 and $11,470.00 in 09 and 10 but they come in 10 and 11.
Georgia – She has not researched the foreclosures.
Commissioner Jankovsky – You show these revenues potentially where $10 – 11,000.00 less because of delinquencies.
Betsy – Yes, there are still properties out there that are still delinquent on their taxes. Much less so than it was 2 years ago or a year and a half ago.
Georgia – Its bankruptcies that affect the tax abatement more than foreclosures because in foreclosures the pay the taxes.
Chairman Martin – That goes back to the discussion; what is the incentive to stay or walk away. What are the improvements and maybe the incentive to stay? We may make adjustment there and may have to in extending that off to the 4 year or 4 year period instead of three year.
Betsy – You certainly could do supplements as the BOCC for the regular budget. This is not engraved in stone; you can change it throughout the year.
Chairman Martin – Let's make some decisions.
Carolyn – Don't you need to hear Mr. Harlan's pre formation cost before you can make a decision on the 15/85%?
Chairman Martin – don't we need to ratify the 2010 budget?
Carolyn – 2010 we didn't have a budget.
Chairman Martin $27,500.00
Carolyn – That's statutory.
Chairman Martin – Now we're going into 2011 and the expense thereof a miscellaneous expenditure which would be Mr. Hanlan. Mr. Hanlan do you have proof that there is an outstanding cost.
Karl – Monies were spent yes. It's less than $10,000.00. He passed out information. He explained these were cost associated with formation. But things that did not apply; he is obligated as attorney not to share privileged information and part of that is the bills that he sends to his clients. What he did do was redact everything that did not, in these bills, apply to formation costs. You can read the

descriptions and then what the front page reflects is just the total amount, roughly $8,500.00 in attorney fees for formation costs. They worked very closely with Jean's office in making sure the mailings went out. Those are relatively insignificant; a lot of it is his office is drafting documents. Moving through the process, he did an LID in Eagle County and had that formed a couple of months ago and these numbers are consistent with what it cost. His rates have gone up a little bit in the three years; but it is very consistent with this amount to get through a very similar process. This number is a little bit different than the attorney's fees number that he had originally submitted and part of the reason is the three years when he looked back through, if he couldn't remember what the entry related to specifically he didn't include it. So there is probably about $600.00; he was pretty sure of what they were doing but honestly it's been 3 years. Recognizing this was a new; this is something the county had not before either to the extent there was some time spent making sure everyone was comfortable with the process. He appreciates the direction they are going. They appreciate the board is trying to address the issues in the subdivision. It's nice to see what they had envisioned back in January, 2008 when they started the process. The bankruptcy thing is frustrating. It certainly not a place they would like to be. It actually relates to another property in the county.
Chairman Martin – We need to look at the budget again to see if we are able to do that; reassess the priorities.
Commissioner Jankovsky – We just picked up another $1,200.00 for fund balance. Are we looking now for approval of the 2011 budget?
Chairman Martin – Yes as it has been defined by our engineer and our contract employees
MOTION:
Commissioner Jankovsky – I'll make a motion that we approve the 2011 budget as has been supplied to use by our consultants.
Chairman Martin – It should also address Mr. Harlan's issue…in audible….
Commissioner Jankovsky – Yes it does as well because that it is in the miscellaneous costs is in there to cover the formation cost so yes I would, I am considering that in approving the budget.
Carolyn – With the extra money, if you will, go in the fund balance.
Commissioner Jankovsky – Yes.
Chairman Martin – That's an established revenue of $171,876.00 expenditures there of $89,106.00 as presented, fund balance will actually reduce that balance.
Commissioner Jankovsky – The expenditure will be a little bit less almost $87,000 remainder going to the fund balance.
Commissioner Samson – So about $113,000.00– Second.
Carolyn – To keep the record clear, this is actually an action of the PID board not commissioners.
In favor: Samson – aye Martin – aye Jankovsky – aye
Carolyn – Asked them to switch gears not and be the BOCC. Staff spent some time with the outside auditor and he thought the best way to handle the PID monies as a component unit of county government and standard accounting practices. You should have a special revenue fund so that money sitting in the treasurer's fund, which has been segregated, it will become part of New World Systems under a special revenue fund. She has drafted a resolution for the BOCC because the PID cannot create that. The BOCC has to create the Travelers Highland special revenue fund.
Commissioner Jankovsky – Can we finish our PID meeting first?
Carolyn – Sure.

3. **Update on Internal Road Grading and Payment Voucher Process (Oct. 10 Bid Award) (BOCC and PID Board)**

Chairman Martin – Believes they discussed that particular issue from drainage to road improvements and putting that fund balance together to allow them to have the different options and different approaches. Do we still wish to go forward; he thinks is one of Betsy's questions? Do we still wish to go forward with the expenditure of the $25,000.00 plus dollars on the roads that we have presently? Leave them the way they are or use $25,000 to fill in the potholes and put some gravel down for roads that we discussed. We need something there; we need to go ahead and yes use the $25,000.00 and do the best they can and show that and then the following year put our engineering plans together and then have a phased in process.
Commissioner Jankovsky – Is there any way to use fabric?
Chairman Martin – Not this year.
Betsy – She thinks with the material out there, there is just not a lot of options until you fix the drainage.
Commissioner Jankovsky – Agrees with John that they need to make these, he hates to spend $25,000.00 and just have sopped up in the mud; but right now, it's just not passable for people.
Commissioner Samson – We already approved that so are we just reaffirming.
Commissioner Martin – Yes, we're giving the direction because even the contractor said we had the option to reconsider. He thinks they need to give the contractor the go ahead, fill in the big holes and ruts and then put the inch and a half.
Betsy – You will go out there and detail that with him.

4. **Discussion of Overall Development Plan for TH PID – Internal Improvements needed**
5. **Possible Reconsideration of May 2, 2011 Decision and Direction to Staff to Prepare IGA: 15%/85% Internal/External Improvements**

Chairman Martin – Do we wish to stay with that or revise it? Budget wise he thinks they have already made the decision to move it to about 20%.
Betsy – Okay.

Consideration of Organizers' Pre-Formation Costs

Chairman Martin – We took care of the pre formation cost which was submitted by Mr. Hanlan. That's in the 2011 budget expenditures. We did have some savings from $10,000 to $8740.

6. **Consideration of Procurement of engineering Services – Conceptual Design for Drainage**
7. **Treasurer's Update and Hearing on Adoption of 2011 and 2012 PID budgets, Action on 2011 Budget**

Carolyn – You already acted on 2011.
Chairman Martin – 2012 with the estimated …in audible…is there based upon the 50 mills that we have in place.
Carolyn – You don't have to act on 2012 until December, 2012.
Chairman Martin – Is that still accurate in reference to the revenue projection?
Betsy – Yes, it's based on the most recent assessor's evaluation.

8. **Consideration and Approval of Draft Resolution Certifying Mill Levy for Calendar Year 2012 (30-20-515), Continue to December 12, 2011 for Final Adoption of 2012 Mill Levy and Submission to Assessor.**

Carolyn – That also needs to be continued because it could be that Lisa Warder will have some different figures for you in November.
Chairman Martin – So we have to make sure that we get that so that we can certify that. Now the PID has to certify back to the assessor, the assessor then back to us and then we get to go through…we still have to go that process am I correct?
Carolyn – You as the BOCC you will receive it.
Chairman Martin – But we also as the board of PID have to make sure it goes forward through the process.
Carolyn – Yes, on December 12th.
Chairman Martin – We need that information; there's a form to go with that based upon the assessors rejected valuation and the mill levy.
Carolyn – and you get this on December 12th.

Commissioner Jankovsky – Move to PID.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
PID Board Adjournment

BOARD OF COUNTY COMMISSIONERS MEETING
OCTOBER 17, 2011

Carolyn thinks they could move on to number three, which is the payment voucher process and the resolution establishing.

CONTINUED OCTOBER 17TH MEETING OF THE BOARD OF COUNTY COMMISSIONERS

1. **Executive Session (24-6-402 (4) (b), (e)): Re: Drainage Liability**
2. **Update on Intersection Improvements – County Road 300 and SH 6 & 24, Including Final Project Cost and Stakeholder Participation**
3. **Update on Internal Road Grading (October 10th Bid Award by PID Board):**
   a. **Payment Voucher Process**
   b. **Consideration and Approval of a Resolution Establishing the Travelers Highland Public Improvement Special Revenue Fund**

Carolyn – This is because we started discussing this and they weren't formally in session. But the direction the board gave them is that the voucher should go to the PID chairman and then as she started to say before, the resolution establishing the special revenue fund will be familiar to them because it is just like any other fund that they have set-up as the BOCC. The question before you is whether or not you want to allow the special revenue fund to take in money from the general fund or if you want it to be only for receipt of tax money from the PID and for authorizing expenditures out of that. There are some special revenue funds where you allow general fund money and in others where you don't.
Chairman Martin – I'd be cleaner otherwise; scenario would be a lot cleaner for auditing.
Carolyn – Without the general fund monies; yes.
Commissioner Samson – Why would you want to do that?
Carolyn - If you wanted to spend general fund money on the roads and the PID.
Commissioner Jankovsky – ...and get reimbursed?
Carolyn – Okay, all right, well then I will yes and get reimbursed.
Commissioner Jankovsky thinks they are already out there on external improvements $200,000.00 right?
Carolyn – Okay then I will need to change this resolution if that would be to take out as a revenue source funds transferred from the general fund and to take out under authorized payments inter-fund transfers back to the county's general fund. I would be asking for the Chairs authority to sign with those changes made. There is one other thing she needs to find out on the authorized payments; she talked about inter-fund transfers to the road and bridge fund for reimbursements for the PID's share of the cost of the intersection improvements. She is not sure it's a road and bridge fund; she thinks it's the capital improvement fund.
Chairman Martin thinks she is right.
Carolyn – So that is the other change that needs to be made. As she said in the recital such a spec revenue fund is appropriate to the status of the PID as a component unit of county government and the establishment of the funds supports efficient government financing and budgeting and transparency in the use of PID and countywide taxpayer's property tax payments.
Chairman Martin – We need a motion on that resolution?
Carolyn – As the BOCC to approve the fund with the changes that you just instructed me to make.
MOTION:
Commissioner Jankovsky – I'll make a motion that we approve the resolution establishing the Travelers Highland public improvement and special revenue fund with the changes that have been noted and allow the chair to sign.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

4. **Possible Reconsideration of BOCC/PID IGA Provision: 15%/85% Expenditure on Internal and External Improvements**

Chairman Martin – Another item we have already received information being 20% instead of the 15%; so that adjustment has been made.
Commissioner Samson – Does that have to be ratified by this board?
Carolyn – Yes because it's part of an IGA, which we haven't drafted yet. Both of them have to do with an IGA.
Chairman Martin – Again ratifying all of the action taken in the PID back to this board with the information but again that was the first suggestion. That would include that 15% to 20% change.
Carolyn – The BOCC doesn't have to act on pre formation costs; that's only PID.
Chairman Martin – Can we have an agreement that we are going to accept the 20% and 80%?
Commissioner Jankovsky – I'd like to not even have the percentages in there; because it looks to me like they change in 2012. Just simply approve them via budget cycle if that's appropriate.
Carolyn – you want to make an annual decision.
Commissioner Jankovsky – An annual decision based on budget approvals.

5. **Consideration of PID Board Request that BOCC Staff Time (Public Works, Procurement, Legal) Continue to Be Provided Free of charge to the PID**

Carolyn – It would include the finance department as well by the way. Public Works, Procurement, Legal and Finance. At first, the direction was that the PID would pay the BOCC for at least Betsy's staff time and then by both the PID and the BOCC; Betsy's time would be free. Now are you going to allow public works, procurement, legal and finance to continue to support the PID?
Chairman Martin – The BOCC is on the hook no matter what; they're going to pay the bill.
Commissioner Jankovsky – Do we need resolutions on this?
Chairman Martin – No; we could assess a fee and then take it out of the administrative cost; there's a provision in the PID and the budget on administrative costs and we cover that out of the 20% they hold back.
Carolyn – You don't have in your budget that you approved you didn't approve any administrative.
Chairman Martin – Out of the fund balance is where it really comes from. Then you make the adjustments in reference to the payment as well as you do to internal and external expenditures.
Carolyn understands that in years past, whether it's an LID or a PID, the BOCC has supported these districts.
Chairman Martin – Yes they do; but he is saying there is provisions to recover the money to put back into the appropriate funds by taking the other taxpayer dollars of the special district and reimburse the county special fund or the general fund for those obligations.
Carolyn – Not the way we just set-up the resolution.
Chairman Martin – I'm saying that there is possibility of doing that; do we wish to entertain that is his questions.
Commissioner Jankovsky – I don't think so.
Chairman Martin – Do you need a motion on that Ms. Dahlgren?

Carolyn – No just direction to us.

6. **Reception of Draft Certification of 2012 Mill Levy, Continue to December 12, 2011 (39-1-111 and 30-20-515)**

Carolyn – Would you please formally receive the draft mill levy so that both the PID and the BOCC can continue the mill levy until December 12th? She is not sure what they have to do to do that.
Chairman Martin – Other than acknowledge that we have received that. A motion that we have received that draft certification.
MOTION:
Commissioner Jankovsky – I'll make a motion we have received the draft certification of 2012 mill levy and continue that until December 12th, 2011.
Commissioner Samson – The mill levy being 40 mills – Second.
Carolyn – That's what suggested.
Commissioner Jankovsky – And the mill levy being 50 mills.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Carolyn – We didn't actually get; you acted on the PID budget but didn't ask for John's authority to sign the resolution adopting the PID budget.
Chairman Martin – Let's go ahead and just make sure that we can ratify the authorization.
Carolyn – A resolution concerned with the adoption of the Travelers Highland PID district 2011 budget.
Motion
Commissioner Jankovsky – I'll make a motion that we adopt the resolution concerned with the adoption of the Travelers Highlands public improvement district for 2011 and appropriations of funds for October through December, 2011. Commissioner Samson – Second.
Chairman Martin – With the authorization for the chair to sign.
Commissioner Jankovsky – And authorization for the chair to sign.
Carolyn – We will attach to that the budget that you approved and the treasurer's report of the fund showing the revenues that go along.
In favor: Samson – aye Martin – aye Jankovsky - aye

BOCC Adjournment

NOVEMBER 7, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 7, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.

ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
Planning Commission Resignation Letter – Phil Vaughan
Phil Vaughan read into the record his resignation letter as of January 12, 2012. I have served on the Garfield County Planning Commissioner from 1991 to present. I have served as a member of University of Denver on the Strategic Panel of State Government. Now, I plan to focus my attention on Colorado State Government to provide needed leadership and instituting key structural changes that address the state fiscal crisis. I promise to remain a contributing citizen and businessman in Garfield County. I mostly want to thank my wife Denise, who has been with me through this soon after we were married and since I was 23 years if age. I agree to serve at the January 11, 2012 meeting and give you time to appoint a new person. I will still be available and in our community.
Kudos to Phil Vaughan
Chairman Martin – We are very honored that you did serve as long as you did. It will be an empty nest without you Phil. Thank you very much for contributing and taking the time out of your life, Denise's life and all the best to you..
Commissioner Samson – I would like to personally thank you Phil for what you have done. I've known you since you were just a little kid and I know you've done an admirable job, Garfield County owes you a tremendous amount of gratitude and I would like to express that at this time and to your wife. I understand and applaud you for your decision in helping the state; our state needs a great deal of help. I'm working my way through as we talked earlier, the report that you worked on with the University of Denver Strategic Panel. I am behind you 100% with support for that. I hope that you and many people like you can do some good for our state. Our state is not as bad as other states but we do have some financial crises that we need to face. I am glad people like you are willing to step up to the plate and take an interest in that because it will require some hard decisions made in getting Colorado back on track. Thank you from Garfield County and willing to do what you are going to do with the state.
Commissioner Jankovsky – Phil, thank you for your services. Words cannot say enough for 21 years of volunteer service to help our County and help Planning and Zoning. Thank you very much.
Chairman Martin suggested applause for Phil.

Andriene Crouch Representative on Land Issues
Louis Buettner Land Surveyor and representative for Andrienne Crouch, a resident of Garfield County on Missouri Heights. Andriene has commissioned me to correct some problems she has on her title of her property. One of the problems she has is dual ownership of some property. The County Commissioners were named as grantees of this property and she has been named the grantee of the same property. I have presented this Board the three documents, one is the history and two are petitions so the history was supplied because my research on these matters of her properties has reflected that the County staff is unaware of this problem and a lot more similar for all of us. What I'm here to do is basically ask the Commissioners to give us what we need, paper title to the land so I know you folks will want a member of your staff to review and go over all of it.
Chairman Martin – In response to Louis question about who to contact that would beDrew Gorgey, the County Attorney who will be representing the Board on this issue. You have two road petitions, one is for a 1913 and the other is for 162.
Louis – The County has called her driveway 162.
Chairman Martin – We will have to review the requests for petition of vacation, there is a process that we have to go through. The first one is a legal review and a report from the legal staff with all the facts that we have on file. Then if we choose to do a petition, we will have to notice that petition and Louis, Adrienne and the public would be notified.
Louis – I'm here to start that review. This area is approximately 3 to 4 acres.
Commissioner Samson – You say she has been paying taxes on this land.
Louis – Yes, as the County staff was not notified that you folks own the property therefore they tax Andrienne, her parents and they taxed others before. They've been taxing that land for over 50 years.

Commissioner Jankovsky – So this is where the driveway comes down, which is 162 and up above is 162A so you're just looking for us to vacate the driveway down to her house.
Chairman Martin – Then, there's an ancient 1913 road.
Louis – The 1913 road does not match the driveway.
Chairman Martin – That is another issue on a different matter with the legal description.
Drew – The County Surveyor has been out to this property on these issues as recently as the last 10 days and Mr. Buettner was gracious with his time and I spent about two hours walking the land a good two months ago. We have been working on these issues ever since he and I met. It's not a quick process, I appreciate the additional information today, and I told Mr. Buettner this morning that this was one of the areas of dispute that is high on the list to address through the larger road research project. The preliminary feedback from the County Assessor is that there is a disagreement and professional opinion, that's not uncommon in professions generally, particularly surveys and they simple don't agree with the case as currently presented. Further, even if the key fact in dispute is decided in favor of Ms. Crouch, it simply does tot impact the ownership of 162 and 162A. We've also been working closely with planning staff and there have been some interval approvals that Ms. Crouch has availed herself of the benefit of and we're working on that now. All that said, Mr. Buettner and I agree that we're not rushing to court. We're going to try and work this out, that's my plan, we will mediate this informally until we have a Resoltuion. We have been working ever since Mr. Buettner was here the last time.
Chairman Martin – Thank you very much and you will continue to work with Louis.

REGULAR WORK SESSION:

67. **COUNTY SHERIFF UPDATE: LOU VALLARIO**

Lou Vallario reported the particular challenges we face with people in our jail who have mental health issues. Oftentimes these people wind up being arrested for acting up criminally. There is a large percentage of people in jails and prisons that have mental health illness. I would like to explain the most recent case that was a challenge to the deputies and our inmates. We have discussed this at length and over time but this particular gentlemen is more challenging that most of our inmates then explaining that he assaulted four of my deputies as well as the Glenwood police department officer. He damaged a several hundred dollars of property. We were trying to put him in our safety cell and he ate the padding off the walls. He created a biohazard problem where he would like to smear feces all over himself and our deputies would have to clean that up. This type of difficult is beyond our capability here in our jail and the obvious solution is to try to get him committed to Pueblo Mental Health Hospital. In talking with Drew and his legal staff they did a great job of jumping right on having the Colorado West Mental Health to assist us with the evaluation and all the paperwork to Drew and Kate. We contacted the district attorney as his criminal case is pending. The judge managed to get an order to have this gentlemen brought to the state hospital so he can be taken care of more appropriately. I wanted to let you and the public know that we do have some very challenges such as this in Garfield County. Kudos to Drew and his legal staff for the excellent work in assisting me in this endeavor. The second thing I wanted to talk about was an article in the Post this weekend. We had a gang issue that occurred in the County. We developed our TAG team, worked with ICE etc. One, this disturbing because we had three validated juvenile members who were out on a crime sphere from Denver to Steamboat to Basalt and Aspen and other places, stealing cars, breaking into cars. What started this investigation resulting in solving numerous crimes across the state was a man in New Castle heard his car start in his driveway. He went out with a gun and found a 14-year old with a gun in his waistband attempting to steal his car. The man was able to hold him until the New Castle police department arrived and arrested him. We keep talking about these gang things hearing a push back about it's just wantabes and kids acting out, etc. This is a clear indication that these kids are not acting out; they are bona fide gang members, committing serious crimes willing to carry weapons and use those against our citizens and law enforcement. All are under arrest with one having a . detainer placed by ICE on the presumption he may be here illegally. I wanted to reemphasis this issue but not alarm the community. I want the community to realize we have DUI, drug issues just like every community. My concern is not to dismiss just because this is good ode Garfield County that these things don't happen here. They do and this is clearly elevated illustrating of what we deal with. Other than what I reported, things are going well at the Sheriff's office, our patrol staff is fully staffed, and we still suffer from vacancies in the detention side of the house.
Chairman Martin – Thank you Lou. We appreciate the information as well as the good job.
Commissioner Samson – Two comments, thank you for the work you are doing and thanks for the preservation of the 2nd Amendment for the rights of private citizens.
Lou Vallario – There's no doubt that everyone should know that I do support the Second Amendment, I support the concealed handgun laws and we do what we can to help our citizens. I have an average of one deputy for every thousand citizens so sometimes the citizens have to be responsible and protect themselves.
Drew Gorgey - Kate Johnson is your assistant county attorney, she's an excellent attorney for the sheriff and although the sheriff is trying to give me credit, the credit is due to Kate Johnson.
Lou – Kate has been wonderful in handling everything from open records requests to this particular issue, you have a good staff at the county attorney's office, and you should be proud of them, as they are awesome.

68. **CONSENT AGENDA**
    a. Approve Bills
    b. Inter-Fund Transfers
    c. Changes to Prior Warrant List
    d. Authorize the Chair to sign the Resolution for Noble Energy Inc. for approval of a Compressor Station (LIPA 6835) located 3.5 miles southeast of Rulison off of County Road 329 on property owned by Joan Savage (Parcel No. 2405-084-00-024) – Glenn Hartmann
    e. Authorize Chair to sign Resolution Designating Limited Signatory Authority to the Director of the Garfield County Public Health Agency Regarding Amendments to the Master Contract with the Colorado Department of Public Health and Environment
    f. Wire Transfers – COPS Debt Service for December 1, 2011
    g. To Authorize the Chairman to sign a Resolution concerned with rescinding Resolution No. 2011-10, which approved a Land Use Change Permit for Extraction of Natural Resources (sand & gravel) known as the "Expansion of the Blue Pit". Applicant is The Dolores (Dee) B. Blue Revocable Trust and Dee - Fred Jarman

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to approve the Consent Agenda, items a – g and authorize the Chairman to sign those items that need to be signed. Motion carried.

69. **COUNTY MANAGER UPDATE: ED GREEN**
    A. **PUBLIC MEETINGS:**
        I. **SINKHOLE IN RIFLE VILLAGE SOUTH – JANET KETELSLEGER**

Ed – Today is a presentation by Janet Ketelsleger regarding the sinkhole that has been her recurring problem.
Janet – You have papers in front of you and the document with the map that shows my issue. She explained the location on the map of where her house is located. My house was built in 1997. Lee Allmon and Steve Campbell had concerns about adding additional houses there because of the drainage issue and other concerns. The P&Z approved it with certain situations in 1997. I bought my house in 2003. Steve Campbell approached me to see is something could be done about the drainage as it was becoming a problem to the Lake Touyee property. In 2004, Steve brought in his equipment and filled in the sinkhole. The HP Geotech report makes mention

about it's filled in, needs regular maintenance to keep stop these sinkholes. The sinkholes are huge and the ditch cut is stealing my property.
Chairman Martin – You need this addressed with some type of assistance or something.
Janet – There has never been any maintenance out there. I called R&B, they come out, looked and decided not to do anything. The sinkhole is there and it's 10 to 15 feet into my yard since May. It's getting close to the house and I don't know what to do because I can't seem to get anyone to do anything to help me.
Chairman Martin – You are bringing it to our attention.
Bruce Nelson, a friend of Jan's and I live in Rifle. I think she is doing very well. The surface is a problem to me. Jan has a problem and we as a county. I believe it's county property where the sinkhole starts and because the county approved the subdivision. The water that is causing the problem is coming from the entire subdivision. This is occuring because the county has not maintained the issue. From a legal standpoint the county attorney and Commissioners may have a problem. R&B Department representative said they had not received any authorization from the County Commissioners to do anything. That's why we're here today.
Chairman Martin – That is interesting, that hasn't been presented to us nor have we received any emails other than the one included in our packets.
Bruce –Commissioner Samson was kind enough to come and look at the problem with me last Thursday, we walked the property and actually had the opportunity to talk to the owners to the north at the lake.
Chairman Martin – Lake Toueye, which is a water skiing private lake.
Commissioner Samson –I thank Rose and Jan for letting me go there, I had an eye opening experience. I've done some research in the BOCC minutes. I think the way we are going to have to face this is to instruct Drew to look at the legalities. Having lived in Rifle all my life, I know the land in discussion. In my estimation there are some definite major problems in constructing houses on that terrain and that type of soil. I don't think it should have been developed.
Bruce – I remember Rifle South from 1983, I was doing the audit for the county. The 5 houses were built by Larry Bradley.
Commissioner Samson – There is a problem that will not go away; it's only going to get worse. My question is whose responsibility is it to take care of it and do regular maintenance. The drainage between the two houses is county property, correct.
Chairman Martin – I think the only reason the county holds that is because of the tax lien title.
Bruce – No, I think the county holds it because there's a road easement going through there. I'm not sure.
Chairman Martin – I'm not either.
Chairman Martin – No taxes have been paid and it reverted to the county. We put a ban of no building in that particular area.
Bruce – The sinkhole is probably 12 to 15 feet deep.
Commissioner Samson – There are many sinkholes.
Bruce – There is a safety issue there, with kids playing and if one falls in at the edge of that collapses, then we are going to have a bigger problem.
Commissioner Samson – My recommendation and perhaps we should hear what Mr. Gorgey has to say but it would be for him to begin researching, what is the County's liability, where is the ownership etc. and take it from there.
Drew – You have county staff that have been researching this for some time, they are ready to provide information to you today.
Commissioner Samson – Have you looked at the legal documents?
Drew – No, this came to light to me late last week.
Betsy –What we know about this property is that the particular access where the issue has been on going is an access for the property behind Rifle Village South. I'm not even sure if it's part of that subdivision's legally but it is a legal assess for property behind Ms. Ketelsleger's home along with many others. That's a legal requirement for any property to have legal access to their driveway. The county road is south of the Ketelsleger's home and is the public access for those homes. This is the access to private property behind these lots.
Bruce – Is it different from Steve Campbell and Lee Allmon's property access.
Betsy – From what I understand, they own that property behind you. I don't know if it's an LLC.
Chairman Martin – Obviously, we need to do some more research.
Betsy –I haven't done research on who owns that property.
Chairman Martin – That definitely needs to be done.
Betsy – The other thing that we know is that the county has done all the county regulations and codes regarding any requirements for engineered foundations, floodplain permitting, elevation permits, etc and of course all of the homes in this area do have to go through that process historically and received elevation certificates. Whether they engineered their own foundations or not, that's a site-specific thing that we haven't gotten into but it is an area that HP Geotech has regularly done studies on for those site specific issues. It's an area that people are responsible for taking care of their own property, drainage and their engineered foundations.
Drew – Mr. Chairman, what I can do since the property is in Rifle, R&B and Engineering are all in Rifle is just schedule a meeting in Rifle and go there, get everyone together with some assistance from building and planning.
Chairman Martin – There is also a development application for Larry Bradley, which plays an important role in this particular issue because it was many meetings about that particular property, drainage etc so that application and approval process needs to be looked at as well as ownership, etc. Access relates to Lake Toueye is the other one which is accessed from the south to the north. It's north of the property.
Bruce – Our concern is the erosion from the water going down. It's actually filling their irrigation ditch is going underneath the highway filling their lake and goes out into the Colorado River.
Chariman Martin – There was a discussion on access and ownership of land. I'm trying to get all the facts together to make the proper decision and get things accomplished. This has been an issue for some time. It used to be way out there next to the lake and now it's moved way back to the south. I agree with you that something has to be done soon, we will do our research, due diligence and bring it all forward.
Drew – I will be quick about it. I guess from the what I know about it, the issue is determining where the County's responsibility begins and ends and where the private responsibility begins and ends. I will find out and report to you quickly. In fact, I'll commit to 2 weeks from today other schedules permitting.
Chairman Martin –We need to have contact information for you so we can get in touch with you, Jan.
Jan Ketelsleger, 15 Shotgun Drive, Rifle 319-4513 cell phone.

II. GARFIELD COUNTY FAIR BOARD AND BYLAWS, POSSIBLE DIRECTION TO STAFF - LEVY BURRIS

III. FAIR BOARD APPOINTEES - LEVY BURRIS

Levy Burris – I am coming before the Board to ask for direction in regards to working with the county attorney and his office to review the FairBoard By-Laws. I am asking the reappointment of the four active current board members to serve in 2012. I would like to notify the Board and the public that we do have four openings and ask that anybody interested submit a letter to the Board or the County FairBoard.

Fair Board appointees

Chairman Martin – Let's make sure we have a board and use to contact Drew. There is a request to appoint the remaining four members of the FairBoard.

Levy –The names are Joyce Gornick, Kip Kastanza, Eileen Sheets and Levy Burris.
Drew – Determined that Levy had contacted all four and they consent to reappointment.
Motion
Commissioner Samson – I would move that we appoint the four stated individuals for another 1-year term to as Garfield County FairBoard. Commissioner Jankovsky – I second that motion. In favor: Jankovsky – aye Martin – aye Samson - aye
By-Laws
Chairman Martin – Your request is to go ahead and to seek assistance from the county attorney in the rewriting of some of the By-Laws.
Drew – The component parts about the project are the By-Laws, Fair Fund and what Lisa Dawson is talking about with you before the Community Events fund. One is the role of the events coordinator and how all of this fits together. I believe is the discussion, it would be helpful to have one other role of the events coordinator and it would be helpful to have a Commissioner present to talk through that and make sure that the direction we are heading is consistent with the direction you want us to have.
Commissioner Samson volunteered.
Chairman Martin – We will have the direction given to Mr. Gorgey to work with the FairBoard and a representative from this Board which would be Mr. Samson.
Levy – Provided information regarding the 2011 Fair saying we provided some handouts to get some feedback from the citizens, Fair vendors and anyone willing to provide information. I think we had a very good Fair from the public's perspective. Internally we know we have some issues that need addressing and try to make 2012 better.
Chairman Martin – I also noticed the board is recommending the Fair Coordinator be Steve Herero.
Levy – Correct.
Chairman Martin – We'll consider working out the contract.
Kudos to the FairBoard
Commissioner Samson – I thought you did an admirable job. I talked to many people, I was there every day at events and I didn't hear one negative thing. I heard many private individuals say they really appreciated the work the FairBoard did and I would just like to say thank you for all the work you did.
Levy – I will pass that onto the FairBoard meeting tomorrow night.
Commissioner Samson – We need to direct the administration to put that in newspaper. Who should they contact and that information. Levy as the FairBoard president or come to Fairboard meeting, second Tuesday of the month at 6 p.m. at the Fairgrounds.
By-Laws
Commissioner Jankovsky – I noted on the By-Laws some concerns and will talk to Drew. I don't think there is much about the fiscal responsibility that the Treasurer had and I had some questions.
Drew – She is still in the room so I can go ahead and say this, there was a joint meeting of the Commissioners and the FairBoard since last public meeting and one of the structural issues is whether or not the Commissioners will continue to retain responsibility and control of the Fair Fund. I don't think there is any desire to change that from any order. I think what you are asking me to do is be more detailed about it from the Fair side.
Commissioner Jankovsky – Yes, I look at the By-Laws and there is nothing in there about fiscal responsibility and this needs somehow to be addressed.
Drew – I'll make sure that happens.

I. SALES TAX REFUND AND FUND SOURCE – LISA DAWSON OIL AND GAS RESOLUTION 11-13

Lisa Dawson – I have a memo in your packet regarding the sales tax refund distribution. As you will recall in June the BOCC voted to distribute up to 50% of the estimated $3.9 million dollar sales tax refund and you are distributing that to the taxing entities that received that. So 50% goes in 2011 and 50% is distributed in 2012. Lisa explained the chart, distribution amounts. The finance department would like to make these payments before the end of the year. The direction we would like to get from you today is if that amount can be taken out of the oil and gas mitigation fund.
Drew – Two things, Resolution 06-112 established the Oil and Gas Mitigation Fund, it currently has a balance of approximately $21 million. You have amended 06-112 at least two times. In addition to 2011-13, there is another amendment 2010-09 so the one that you have is the most current comment on the underlying resolution. The issue of whether you can draw on this fund is probably more of an accounting issue than a legal one. I say that because the components of the oil and gas mitigation fund are among other things, federal mineral lease payments to date. Those are the ones that pre-date the redirection to the new FLMD and severance taxes. For federal lease payments there are federal guidelines about how you can or cannot use that money. It's one of two things. I think you probably should amend Resolution 11-13 to broaden the applicability of the oil and gas mitigation fund before you do anything but if you really think about it, you are expending out of the general fund now areas impacted by the oil and gas industry out of the general fund taxes. What you ultimately will be doing is backfilling those impacts, so I just want to make it correct in your resolutions before you send any dollars out of the county. I don't think it will take long to fix that no later than 2-weeks for today. Your IGA with each of the municipalities does say it does come out of the general fund. I don't want you to have to go back to every municipality and do that, I'd rather take care of it from the accounting side and have it all be correct before you act.
Commissioner Samson – We need to direct you to come back with the language in 2-weeks as to how we need to amend the resolution.
Drew – Yes.
Chairman Martin – To make sure that this is an error done by the Department of Revenue State of Colorado on over collecting on sales tax and then distributing to all of the entities within Garfield County, which are all the municipalities, emergency communications, the public library and those who received sales tax dollars. We have done this to assist these entities. We have committed the 50% of money; 50% of that so it will not complete all of the fund balances for all those folks to cover this particular issue. This is directly an oil and gas issue but it happens to be an error on the State of Colorado. I would prefer the funds to pay this 50% of the costs come from the oil and gas mitigation fund.
Drew – You have been using general fund money to pay for impacts from oil and gas, if the general fund is owed money by the oil and gas mitigation fund that's all you're doing is moving it over. I just need to account for that properly.
Ed – Does 4 B the clause that allows for the use of this money.
Commissioner Jankovsky – I think 4B could be used but 4D also, so I think Drew wants to clarify and come back and there might be a 4F.
Drew – It is something along the lines of being reasonably related.
Lisa – Drew, you don't want us to disburse the refunds until this corrected.
Chairman Martin – Correct, until the Resolution is corrected and signed. We want to get this done as soon as possible.

II. COLORADO MOUNTAIN COLLEGE/COLORADO STATE UNIVERSITY REQUEST FOR LETTER OF SUPPORT FROM THE BOCC TO ACCOMPANY A US DEPARTMENT OF ENERGY BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE GRANT APPLICATION

Ed – CSU and CMC are seeking a grant from the Department of Energy to develop feedstocks for bioenergy.

Nancy Genoa explained this was occurring at the CMC Rifle campus. There is a grant and she is requesting a letter of support from the Commissioners since CMC Rifle Campus has been invited to participate, one out of 250. CMC came in the 50 top entities. There will be six grants awarded from the USDA and DOE. At this point we are in the final phases of getting our proposal together that will be going to the DOE November 22, 2011. We are working with Colorado State University and feel very honored to be working with other research institutions like the University of California at Berkley, UC Davis and others laboratories that are in this process. The bio refinery is in the process of just getting ready to produce the first batch of butanol and watching patiently in the background waiting to see if we are able to do this. I think we will be very successful as John Prater, our professor, is in charge of producing our first batch. The first batch will be from our switch grass, which is being ground in western Colorado at our Fruita site; this is where the CSU's experimental farm is located. This grant is interested in the butanol but it is mostly the green chemicals coming off the butanol and how that would be used. We're asking CMC for about $1 million to get us this part of this grant. It will allow us to hire another full time faculty member, allow us to continue the equipment that we have purchased out there and to add to it, and to have someone that can help us run the plant. We will not only be able to do the switch grass but if there are others who want to come in and use the plant, it will be available to do that at a cost kind of thing. We're excited about this and I'm very thankful that you have signed this letter of support and very open to questions you may have. We will know about the funding in February or March and as soon as we get the notice, we'll get into full step with the kind of research that needs to take place. We're moving forward with the butanol process currently. Probably within the next month to two months, we will have run our first batch. We hope to be able to put it in the Rifle's vehicle and see how it goes or I will see if some CMC people want to put it some of our vehicles. It is a very clean fuel even more cleaner that ethanol. That's what we are planning at this point. It could be county vehicles also. The other interesting component of the work that we are doing is that switch grass and the kind of grasses that we are looking at can be grown on land where nothing else is being grown on. I think that this also gives us an economic development for our area ranchers and farmers to grow this kind of grass. It's a very sustainable crop, it doesn't take much water at all and then in the production cycle of it, we're hardly using any kind of water, it's all coming back in the process. It is very useable. They are looking at Cheat Grass.
Chairman Martin - BLM and the Forest Service have a lot of cheat grass and if we were able to find something positive to do with it they wouldn't have to eradicate it or attempt to because it's taking over the entire western United States.
To use food products that are not in the chain for the humans and animals is great.
Commissioner Jankovsky – Can CMC make a presentation to Garfield Clean Energy?
Nancy – I think that we probably need to now as we are getting down to these final phases. As far as this grant is concerned, I know they are informed of what we have been doing. I think we also need to hold another big symposium like last year to keep the County well informed of what's going on. It's a great idea.
Commissioner Jankovsky – Garfield Clean Energy needs to be involved with CMC.
Nancy – I will try to get that on our next agenda. I will also come back and inform you of whether we received the grant.

III. GARFIELD COUNTY EMTAC 2011 ANNUAL REPORT & NORTHWEST RETAC REPORT

Eric submitted the Regional Emergency Medical and Trauma Services Systems Development Biennial Plan, update and a list of member representatives and officers serving on the EMTAC: Rob Furgeson Grand Valley Fire, Jake Spaulding Carbondale Fire, Ken McCracken Rifle Fire, John Gredig Burning Mountains Fire, Aaron Taylor TransCare Ambulance, Dustin Dodson Grand River noting that for 2012 Doug Gerrald will be the Chair, Rob Furgeson Vice Chair, Nancy Frizell Treasurer and John Gredig Secretary. I will give you a quick summary of our annual report and add that our primary goal is the education component. We will be utilizing a lot of our funds and resources that we get as impact towards providing on-going nationally recognized education within the county for our EMS and hospital providers. This past year those included Advance Medical Life Support, Advanced Cardiac Life Support, Pediatric Class and in addition we had EMS assistant primary instructor classes. This has provided the county many cost savings to the agencies involved. Budget wise, once again status quo we were on budget in our 2011 and 2012 all the expenditures are mostly the same as in the past. Ambulance licenses requirement have been submitted to Dale Hancock, we are ready for those to be returned and we are good to go for 2012.
Chairman Martin – As soon as Dale finishes his review and I sign them we will get them back to you.
Eric – From the NWRETAC I provided each of the Commissioners with a copy of the plan and we were one of the RETAC's in the state that had our plan approved as submitted without any modifications. The state made their approvals in October. This year we have a consolidated grant where we have multiple agencies, a group purchasing process and save about $58,000 on buying equipment. Part of the plan it to actively participate in the legislative and regulatory process to make sure the interest of the providers and public in NW Colorado are represented in that so that the rules and regulations that are created at the state level don't adversely affect our organizations. Another project that we will be working on over the next two years is the update the RETAC MCI plan and approve the coordination between counties. This is being done in conjunction with the work that you are doing here in Garfield County. You folks are the seed for that, you have a great new format and the other 4 counties in the region are looking at making their formats compatible with that so it would be a lot easier to deal with mass casualty incidents that occur across county lines. A great example of that was in September; DeBeque Fire Protection District had an MCI exercise, school bus versus a station wagon. That was on the line between Garfield and Mesa County. There was great participation from hospitals and EMS agencies from both counties.
Nancy – I am still the representative for the State Trauma Advisory Council, which is the next level up on all this stuff we are doing here. And to update you on the main areas covered in that organization this year, the big one was the regulations practice rules of the EMTA was moved from the Board of Medical Examiners to CDPHE EMA and Trauma Division. They now evaluate and approve all the practice rules for EMT's versus the physician board doing it before. They also work on medical director rules and CQI's for EMTs. That board has been very active and getting the process down. A proof that is with changes in medical care they can better expeditiously change the practice rules if needed for EMTs. There was an extension revision of the process for grants from the State Department of Public Health and Environment the EMS Trauma Division a few years ago. An additional dollar was put on the driver's license to provide more grant funding for EMS and Trauma and earlier this year there seemed to be some problems with the extensive process and who could apply for the grants and how it's evaluated was accomplished. That is both for individual agencies as well as education and system improvement grants. That was a big process that our RETAC coordinator Eric Schmidt was intractably involved in and it will be a better process next year. The other thing that the state area has dealt with is the change in the EMT level mean to match the national organization. There is now an AEMT, which is an advanced EMT and a paramedic on the national level. Colorado has retained the EMTI because that is especially in the rural levels an important function level. Overall, now EMT's are called Emergency Services Providers. The state has also had a project of trying to enhance regional medical direction, all agencies have to have a medical director and all regions of the state are dealing with different projects to enhance the medical direction in a local area. In our region, the local agency and local control remains most important with resources to the medical directors. I also was recently appointed to the State Trauma Advisory Council, which is a branch of the other committee I was talking about, and they are looking at the trauma designation systems to see if it should be different in Colorado compared to where it already is. Our two hospitals are designed as trauma facilities and reviewing the rules. My objective on that is for them loose track of what really happens in the rural setting in western Colorado as opposed to most of the rules and activities are a Front Range or Metro area issue and want to make sure that we still have that rural viewpoint. Other areas dealt with at the state in all levels is injury prevention and I'm a coordinator of that state committee and how that plays out locally is we have an initiative to work with Sunlight Mountain Resort to do a helmet initiative with the safety day in January. This will potentially be an on-going project.

Chairman Martin – These are dedicated people, never ending, always challenges. Thank you very much for doing what you guys are doing. We will get those ambulance licenses reviewed and send back to you.
Commissioner Samson – Thank you for what you do.
Nancy – Do you need to reappoint us?
Chairman Martin – There may be a request to do such and term limits, the old board request that these appointment be done.
Eric – I should have said a request to retain.
Motion
Commissioner Samson – I would move that we approve of the reappointment of the agency representatives from EMAC as well as the officers and RETAC as well as stated in the memo. Doug Gerald, Rob Furgeson, Jake Spaulding, Ken McCracken, John Gredig, Aaron Taylor, Eric Schmidt, Nancy Frizell and Dustin Dodson. On the RETAC Doug Gerrald Stacey Pemberton and Nancy Frizell as primary members, Rob Furgeson, Cleo Castle and Aaron Taylor as secondary members. Commissioner Jankovsky – I second that motion.
In favor – Jankovsky – aye Martin – aye Samson – aye.

IV. RATIFICATION OF CDPHE ACA RIZO IMMUNIZATION CONTRACT WITH CDPHE

Ed - Commissioner Martin already signed this agreement, Mary is not here. This is an opportunity to participate in the study of immunization activities including patient data, potential improvements in infrastructure and processes. It is for $13,100 and request the authorization of the Chair's already signed document.
Chairman Martin – The explanation was that it had a time sensitive signature timeline and had to be done and submitted, Mary requested I do so and then a request a ratification.
Motion
Commissioner Samson – I would so move that we ratify the Chair's signature on the CDPHE ACA RIZO Immunization Contract.
Commissioner Jankovsky – I will second that motion.
In favor – Jankovsky – aye Martin – aye Samson - aye

V. GRAND VALLEY CEMETERY DISTRICT BOARD RE-APPOINTMENT – MARITA DOUGLAS

Martia Douglas sent a letter of request to continue her position on the Grand Valley Cemetery District Board.
Chairman Martin – She volunteers every time. It is good commitment to that board.
Commissioner Samson – She must be doing a good job and everyone is happy with it.
Motion
Commissioner Samson – I would move that we reappoint Martia Douglas to the Grand Valley Cemetery District.
Commissioner Jankovsky – Are there other members of the district?
Ed – Yes, I think Martia is the only one for reappointment at this time.
Commissioner Jankovsky – I will second that motion.
Commissioner Samson – I would say for how long but I don't know.
Ed – I think they are four years.
Chairman Martin – It is four years but I think Martia has done this as long as I've been a Commissioner.
Commissioner Samson – Another four-year term.
In favor: Jankovsky – aye Martin – aye Samson - aye

VI. RECOMMENDATION TO AWARD A CONTRACT TO PALISADE CONSTRUCTORS, INC. FOR THE COUNTY ROAD 137 DRAINAGE IMPROVEMENTS PROJECT – JEFF NELSON

Ed – You have a request for approval of a contract Palisade Constructors, Inc for drainage improvement project on CR 137.
Jamaica and Gene present. We're here to ask the Board to approve the award of a contract to Palisade Constructors, Inc for the county road 137 drainage improvements project. The contract amount is $358,826.40.
Commissioner Jankovsky – Is this correct that we have in the budget for $1 million.
Jeff – Yes.
Chairman Martin – There will be an intervention, a coal patch this winter and then how are we going to treat it next spring.
Jeff – In the spring, we will come in and lay down asphalt to specifications.
Commissioner Jankovsky – That will part of the $1 million.
Jeff – Yes. This will carry through into early 2012.
Motion
Commissioner Jankovsky – I will make a motion that we award a contract to Palisade Constructors for county road 137 drainage improvements in the amount of $358,826.40. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Jeff – Bill Gaechter thanked you for doing this. He has had a lot of impact.
Chairman Martin – I think everyone on CR 137 will thank us after springtime 2012. There may be some inconvenience between now and when the project is done but I understand there will be a way to get up and down the road before it's completed cut.
Jeff – It will remain open.

VII. APPROVAL OF CHANGE ORDER #2 TO MASTER PETROLEUM'S BULK FUEL CONTRACT - BETSY SUERTH

Ed- Fuel has gone up quite a bit this year and as a result, we need a change order.
Betsy – We are asking the Board for approval of change order No. 2 to the Master Petroleum's Bulk Fuel Contract. This is the second approval of a change order. The first was done at the end of October 2011, which brought the contract to $660,000, and this change order will bring the contract to $860,000.
Commissioner Jankovsky – I will make a motion to approve this but can we see what the price of fuel is today versus the price of fuel last year and see how many gallons of fuel we are using versus the number of gallons used a year ago to have an idea of what's going on with fuel.
Betsy – I'm unable to tell you the gallons usage but it is consistent with 2010. There really hasn't been any increase in usage, this is solely the result of fuel price increases. When we bid this, we asked for a RAC price and those RAC prices are recalculated on a regular basis, which is in our contract. They have the right to do so based on the market. What happened was in 2010 when we were working on that budget we were basing it on the current fuel pricing. In 2011, that cost went from approximately a little over $2 a gallon to $3 a gallon earlier this year, that is a 50% increase. What you are looking at today from the original contact price, which was $570,000 and now you are looking at a contract price of $860,000. It is directly related to that 50% increase of that RAC price. We did go through an intense analysis, it was almost spot on to where we were last year. What happened this year was that we began a purchase order process internally that was new to us in the New World Systems and the R&B staff was tracking the fuel invoices monthly both gasoline and diesel and that is for motor pool and R &B. That amounts to several line items; those line items were consolidated into one purchase order. What that did to us, we were checking back to that $570,000 budget and we weren't checking back to each line budget, which we're not in a line item budget so that is consistent with how we manage our budget. It did not alert us to bumping up against a 570 instead of each department's gasoline or diesel line. That's why we're here so late in the year. We learned

from that, that we need to make up separate PO's and separate PO numbers obviously in the New World System so that we are tracking against each line in Motor Pool for Road and Bridge as we are moving through the year invoicing.
Commissioner Jankovsky – I see where we have a $400,000 budget for gasoline in the Motor Pool. Do you know what the budget was in R&B for diesel?
Betsy – I don't have my budget book with me today I left the office on Friday in Rifle without it. What you will see later this month is a supplement that will show all those budget figures. This is a change order, the supplement has to go with this, and it will be processed when finance processes all the budget supplements at once I believe on November 21. You are not actually looking at a supplement today.
Commissioner Jankovsky –We need fuel and we have to pay for it.
Betsy – It's the market.
Motion
Commissioner Jankovsky made a motion that we approve the change order for gasoline and diesel fuel purchases in the amount of $200,000 to the overall contract making it $860,000. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
Lisa was going to get those numbers for diesel.
Commissioner Jankovsky – I can look in my budget book.

B. **PUBLIC HEARINGS:**

1. PUBLIC COMMENT ON THE 2012 PROPOSED BUDGET

Ed – This is a public hearing related to comment on the 2012 budget.
Lisa presented the budget and I have the notice that was posted.
Drew – Confirmed the required notification in the Citizen Telegram on October 6, 2011 and pointed out that today's agenda that you published timely for an open meeting refers to the 2011 proposed budget and not the 2012. The printed notice is correct. I will make a ministerial change in the notice for today.
Chairman Martin - Swore in the speakers.
No comments from the public.
Discussion
Commissioner Jankovsky – I have been working with Betsy and Ann all last week going line by line item looking at the budget. It has been a good process and I do have a number of items where I would like to have input from the Commissioners. I would like to set up a workshop if possible where we can go through some of these things line item by line item. Part of it will be this Board's direction on our budget philosophy. Some of the things I'm looking at are why is there an increase for $2000.
Chairman Martin – You are looking at actuals versus proposals.
Commissioner Jankovsky – Yes, I'm looking for justification and there has been justification but I would like the Board's input on that. I would like to have a workshop, probably ½ day or more. I figure we could move through it fairly quickly, we have done a good job of reviewing and Ann provided the actual through September. I think it would be a good process and it was good for me to know where things are in the budget and it's a good process for all three of us to finish it up.
Commissioner Samson – Thank you for all the time you are putting into that Tom. I appreciate you and your business background and being able to help the two of us out. You sent out an email that we were going to have a meeting on Tuesday, the 15th. I would ask Ed and Lisa if we could change that because I'm going to be tied up with the kidney stone deal for the 3rd time. Is that what we're talking about and I had asked maybe for the 11th. I realize the 11th is Veterans Day, which is a holiday for the County.
Lisa – I have two requests would you like this to be done as a special meeting instead of a workshop so if there is direction yo us to make additions or deletions to the proposed budget that we could get those decisions made sooner rather than later. We need to present to you the final proposed budget on December 12 and with the holidays and various workshops and conferences we don't have that many days to put together the final proposal. When we do have this, we would like a special meeting instead of a workshop.
Ed – Does the 16th not work?
Commissioner Samson – The 16th Drew and I have a FMLD meeting at CMC in the morning but we could do this in the afternoon.
Drew – I want to make sure that if you're scheduling anything where you making decisions on the budget that you have time to notice. I was looking at the notice for today and it doesn't have the site to the local budget law.
Lisa – Two weeks was for the public hearing. During this time, we have time to make changes to the budget.
Drew – Can I answer that this afternoon so I'm not guessing. My point is you have, the purpose of published notice about the budget is to afford the public the opportunity to come in and comment. If you are scheduling a special meeting where you are going to be making decisions about that, just like any other decision that you make in public, you want the public to have the right to inform your decision. If that is so, I think I think it probably should be noticed.
Ed – Can you continue the current public hearing?
Drew – Yes, you can absolutely. That's a great idea.
Chairman Martin – What I would like to entertain is on Monday the 14th is in Carbondale, if we continue this I don't think it will go all day long in Carbondale but I would like to think if we could continue our meeting here on the budget, bring it back in the late afternoon /evening to continue late and finish that up.
Commissioner Samson – That's a problem for me, my operation is on that Monday. I made it as late as possible in the afternoon.
Ed – We can do the 16th in the afternoon.
Commissioner Jankovsky – I believe we will need ½ day and maybe more.
Drew – In the afternoon but we can reschedule this but we had scheduled the first meeting of the Road Research Team.
Ed – We can resechuele that and in order to reduce the time you could convene it at the Sheriff's Annex or the Airport.
Commissioner Samson – We are meeting tomorrow on the Sheriff's budget and then that night is the Medical Marijuana Forum.
Drew - 1:30 pm on the 16th here.
Drew – What is the remaining budget related work sessions or meetings including approval. I think the regular meeting of December 12 is for adopting the final budget and then there is now a continuation of this public hearing to November 16 at 1:30 at the BOCC. There is a discussion tomorrow morning that involves some budget items. Are there any other scheduled dates for the budget?
Lisa – No.
Commissioner Jankovsky – If something happens in this meeting on December 16 or we can't get through the entire budget.
Drew – It's today, tomorrow, a work session the 16th for a continued public hearing and December 12th for adoption. Is the remaining calendar for budget unless …
Ed – On December 12, you have to certify the mill levy etc.
Commissioner Samson – You are saying if we don't have enough time on the 16th, we could just continue it.
Motion
Commissioner Jankovsky – I will make a motion that we continue the public hearing comments on the 2012 proposed to November 16th at 1:30 pm at the BOCC's meeting Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

70. **COUNTY ATTORNEY UPDATE: ANDREW GORGEY**

A. **CONSIDERATION/APPROVAL (WITH SIGNATURE AUTHORITY) 2012 – COUNTY ATTORNEY ENGAGEMENT OF SERVICES CONTRACT – ANDREW GORGEY**

Drew – Commissioners we only have one agenda item before we go to that, we have finalized our updated position description with the HR department and I'm anticipating posting for an assistant County Attorney today or tomorrow. That is in anticipation of Ms. Dahlgren's retirement on January 3, 2012.

Commissioner Jankovsky – December 1 Ms. Dahlgren will have some leave time, is that correct.

Kudos to Kate Johnson

Drew – Actually, we are expecting that she will be with us through mid-December then she has some accumulated leave and holidays etc but January 3 is her last official day. I talked to you earlier about Kate Johnson; you also know that she took a leadership role last Thursday and Friday with the Juvenile Court helping with a retreat to update the 9th Judicial District Case Management Plan. This is a document that helps not only our county but Rio Blanco and Pitkin Counties manage their dependency and neglect docket. She spent a lot of time on that and provided some leadership. Mary Baydarian and I were able to be there for ½ the time. Kate was outstanding and I wanted you to know that.

Wednesday, we have oral argument in the reappointment in the Supreme Court. Cassie Coleman will be representing the county at that hearing. There were several statements of opposition and so we have to budget the time from the Supreme Court, we get just a couple of minutes but that should be sufficient to state your case and they are holding the oral argument at the legislature. That's a unique opportunity for Cassie. Those are the only updates I can think of right now.

Commissioner Jankovsky – So you will be there on the case and Cassie will be handling that.

Drew – Yes, Cassie will be handling that because on Wednesday the 9th from 10:00 am to 2:00 pm we're hosting the next legislative work session on changes to the Federal Mineral Lease District Act. I'm glad you reminded me of that and I would actually suggest to notice yourselves as appearing at that meeting. It's not a public meeting or a work session or anything. Just letting everyone know that you will be there. You don't have to attend, but if you are present and learn where your fellow commissioners believe the act to be heading, it will be here in Glenwood.

Commissioner Samson – I will be there and it would be nice if the other two would like to be there.

Chairman Martin – I have a conflict tomorrow and want you to know, I had the only time possible to walk through on the contract with Gould Construction at Travelers Highlands and the representative appointed by the board to represent the special district at 10:00 am walk through and I will miss the two sessions on our work session tomorrow.

Commissioner Jankovsky – The Sheriff is at 8:00 am. You have to leave at 10:00 am. You will miss the South Canyon and Thermal project.

Drew – With that, the only agenda item under our section today is consideration and approval with authority to the Chair to sign the 2012 engagement of services contract with me. Because it is with me, Ms. Cagnon is here to answer any question you may have.

Chairman Martin – It was submitted and part of our packet.

Commissioner Jankovsky- I will make a motion that we approve the County Attorney's engagement letter for 2012 and allow the Chair to sign. Commissioner Samson – Second.

In favor – Jankovsky – aye Martin – aye Samson – aye index *****

71. Executive Session

A. **PURSUANT TO § 24-6-402 (4) (E) C.R.S. DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS REGARDING ENGAGEMENT FOR SERVICES.**

Drew reiterated the agenda item.

Commissioner Jankovsky – I would make a motion that we move to Executive Session. Commissioner Samson – Second.

Motion carried.

Drew and Jean were not in the Executive Session.

Later, Drew and Jean entered the Executive Session.

Commissioner Samson moved to come out of Executive Session. Commissioner Jankovsky – Second. Motion carried.

No action taken at this time.

Drew announced the action was limited to the items on the agenda and no other action.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

Betty Scranton presented handouts, *The International Council of Local Environmental Initiatives (ICEI)* along with the United Nation's Sustainable Development Agenda 21. "The Green Retro-Fit" saying the "Sensible Accounting to Value Energy Act" is forcing lenders to consider a borrower's expected energy costs. This is just another step in forcing the 'green retro-fit' on all homes, multi-family and commercial properties.

She handed out "The New World Order is Here" It has a Name – "United Nations Agenda 21 Sustainable Development," which is basically to reduce the world population, get people off the rural lands, reduce standards of living, dominance by the chosen few.

Camilla Spurlen of Pitkin County – I am here because this woman that just presented (Betty Scranton) is a breath of fresh air. My background is history, political science and philosophy. I have been following this stuff for 20-years and I used to teach. I cannot tell you how frightening this is so I hope you dig deeply into it and you spread the word and don't ignore it. It's not something that happening tomorrow, it's happening right now. There is a Bill floating in Congress out of the UN to inadvertently subvert gun rights and I take the 2nd Amendment very seriously. I did not have time to copy this article; it is more information from the American Policy Center, Tom Devise. He has been fighting this for years. I just wanted to add an emphasis to this because we are losing our country, the United Nations and Federal Reserve, we can have the right people in power, it's subverting and it has been going on a long time. I could spend hours laying out things that these two organizations have done. One thing about the Federal Reserve, 1913 was a pivotal year in this country, income tax, Federal Reserve and direct election senators; I think the 17th Amendment floating out of that where it used to be the states elected senators so they were responsible to the state's directly. Now they are national as you know and they become life term senators, which was not the intent. The Constitution is being gutted in every direction. Thank you for your interest.

Chairman Martin – Thank you very much. It is always interesting to learn.

REGULAR AGENDA: BUILDING & PLANNING ISSUES

5. **COUNTY ATTORNEY UPDATE – LAND USE ISSUES: ANDREW GORGEY**

Chairman Martin – This is a reconsideration.

Drew – Earlier today, the Board took action on my engagement of services letter and subsequent to that, we identified one change to be made and in order to do that the Board would have to move to reconsider their action earlier today, make the change and vote on it.

Motion

Commissioner Jankovsky –I'll make a motion that we reconsider the County Attorney's engagement letter and amendment it concerning the "Termination for Cause" section and allow the Chair to sign. Commissioner Samson – Second.

In favor: Jankovsky – aye Martin – aye Samson – aye

Motion

Chairman Martin – The motion is to go ahead and insert in the letter of engagement the new text as approved by this Board.

We need to keep it clean and we need another motion; the first is to allow that letter of engagement with the changes to be voted upon.
Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye
Drew – You are correct in the two motions and we should have the new documents ready before the end of the day.

6. **PUBLIC MEETINGS:**

A. REPORT RE: STATE OPINION CONCERNING CERTAIN GROW OPERATIONS IN UNINCORPORATED GARFIELD COUNTY – CAREY GAGNON

Chairman Martin – Your next item is a report on the State opinion concerning grow operations.
Drew – Yes and that's Ms. Gagnon.
Carey – Background again regarding the letter you have in your packet for today dated October 19, 2011. This is a reminder of where we are at here in the County. You will remember that the County placed a moratorium on new Medical Marijuana operations June 21, 2010 pending the vote of the people as to what type of operations you plan to allow. That moratorium has been extended several times and now applied only to OPCO, Optional Premises Cultivation Operations or Grow Ops, which is the only type of operation that is now permitted in the County. Last time I came before you in August with a question as to how to respond to the State's request for local verification, these requests are part of the State's licensing process. When they were doing their investigations on the State applications, they send a letter to the local jurisdiction asking for local verification that the business is in compliance with all local regulations. Because we don't have any local licenses or land use regulations in place yet, I wasn't sure how to respond to these requests. Based on our discussion and direction, I ended up sending a letter back to the State that identified several grow ops that are here but from whom we have received an application by the State deadline. The three particular businesses the State is asking about, I could not confirm or deny that they were in existence prior to our moratorium and could not confirm or deny that they had submitted an application to the County. In response to that letter, I've now received a notice back from the State and the three affected businesses have also received similar letters stating the State's position, which is unless there is some local action taken by the December 17, 2011; then they face a denial of their State license application, which would require not only their OPCO shut down but their MMC dispensaries as well. I would proposed because the only outstanding question on these three at this point because we have no local license or land use regulations the only outstanding question is, were they in existence prior to the County's moratorium which was implemented on June 21,2010. I've been in contact with two of the three businesses and they have provided me with some evidence that shows when they started operations and where in the County they started operations. But it would be appropriate for you as being both the licensing authority to hear the same evidence that I have heard and the only thing for at this point to satisfy the State's request is a statement that yes, they were in existence prior to our moratorium. They would still be expected to comply with any local licensing and land use regulations once they are are put in place. All this would do for now is allow them to continue through the State process if they present you with sufficient evidence that they were in existence and it would not come to the local approval yet.
Chairman Martin – Is that a public meeting for information and testimony in front of this Board?
Carey – I recommend that we treat it as a public hearing on the latest question of whether the name of the operation was in existence prior to the County's moratorium. I would also recommend that we notice it under the Medical Marijuana Code there is a 10-day notice period posting and publication required for a hearing on a license application although this is not a hearing on a license application it has some similarities and some notice would be required.
Chairman Martin – That would mean it would have to be special meeting because it doesn't fall within the 7-days we would meet again and it would be pass the deadline I believe the 17th of November where they would have to have an answer. It would have to be before the 17th.
Carey – I think my relationship with Mr. Hartman is good enough that if I describe the process that we're going through that we are affording these operations a hearing and explain, even though their letter came to us on the 21st this is the first meeting that you have had since receiving this letter. We can hold hearings on the 21st, your 3rd meeting of the month and still be within the timeframe as long as let the State know what we are doing.
Chairman Martin – As long as Mr. Hartman would accept that date. Decision time.
Commissioner Samson and Commissioner Jankovsky – Sounds fine.
Chairman Martin – Go ahead and contract Mr. Hartman and advice him of the difficulties we have and then notice the three and they would have 10-days to get their information to us by the 21st.
Commissioner Jankovsky – Are these other three grow-ops or entities, are they no longer in business, the four they list.
Carey – I do not know which of these are still in operation. I believe some of them are, there has been a number of licenses sold over the past year so it is possible that these operations that submitted an application to the County have now sold their license to somebody else that's currently operating. I don't have good answers for you on who is legitimate or not.
Chairman Martin – That would up to the enforcement officer to verify that or counsel on those four companies and they would be deemed not state licensed if they are able to contracted.
Carey – That is correct. It is also likely if they are legitimate operations as they go through the state licensing process, we will again receive another request for local verification at which point we can address each one of these individually.
Chairman Martin – I think that's the direction given.

Recommendation by the County Attroney

Drew – Mr. Chairman, before you leave the medical marijuana issue I would just put on the record a recommendation to include whatever zoning regulations you plan to put in place in advance of the July 1, 2012 deadline. This would be just to give some guidance for the future. I know the Code is in major revision and that's part of the larger discussion but in order to lend structure to this area going forward, our advice would be to address it in some way and that's everything from some sort of grandfathered in provision and moratorium on one side to structure regulations on the other. I know you don't want to get into that today, I wanted to put a marker on the record so that take that up in due course.
Chairman Martin – It is still being written, I don't think that it has been finalized and placed into any Use By Right.
Drew – That is correct.
Commissioner Samson – The other thing is remind everyone at 7:00 p.m. tomorrow night there is a marijuana discussion at the rec center in Glenwood.

PUBLIC HEARINGS:

I. PARTNERSHIP IN DESIGN & CONSTRUCTION OF THE SOUTH BRIDGE - MIKE MCDILL

Mike McDill, City Engineer for the Glenwood Springs, submitted a letter inviting the BOCC to continue to partner with the City of Glenwood Springs to improve access for both the City and County residents south of 27th Street and west of the Roaring Fork River. A current contract is with Jacobs Enginering to complete the Environmental Assessment, develop preliminary design plans, and right-of-way maps. This project could eventually lead to significant transportation improvements at the intersection of Four Mile Road and Midland Avenue, along Airport Road on both sides of the airport, and at the intersection of State Highway 82 and Red Canyon Road. Ultimately, I expect it to lead to a new bridge across the Roaring Fork River in the same area.

Mike submitted an Intergovernmental Agreement (IGA) that has been in place since October 2007 to split the cost of this process equally. This project is supported by a federal earmark grant, a State Energy Impact Assistance Fund grant and the local share has been relatively minimal.
The current status of the project is that the Environmental Assessment document has undergone local and CDOT Region 3 review. It is now in the hands of the CDOT Environmental Review Board, who is expected to take about three months for their thorough evaluation and comments. Jacobs Engineering will then prepare detailed responses to each of their comments before delivering the document to the Federal Highway Administration for their turn at the process. Eventually, this process should result in a final Decision Document. These last steps in this process are expected to run through most of 2012.
Mike – This purpose of the letter is to request the BOCC include $50,000 in your 2012 budget for the County's share of expected local costs for the process. This amount should cover the County's share of the costs to complete this Environmental Assessment process in 2012.
Discussion
Craig Gaskill gave an update to the Board in the absence of Mike McDill.
Chairman Martin – This is an item we have for discussion on our budget which will be on November 16 at 1:30 p.m.
Commisioner Jankovsky – I'm not sure if it's in Road and Bridge or in Capital.
Chairman Martin – We will have to determine what fund it would come out.
Craig – I'm sure everyone's budget is different now than in the past for everyone but we have made great strides in this process and I look forward to seeing some actual on-the-ground results here in the next few years. It might we a few years before we actually build a bridge.
Chairman Martin – Just get a better road.
Craig – It has pretty much turned to gravel and that would probably be one of the first priorities. We have a good partnership now with the federal government, state, county and city. Good things can happen when you have those kinds of partnerships. I appreciate your help with this request.
Commissioner Samson – On an unrelated subject, did you get my response. Does that answer your question? Feel free to call me if you have any others.
Craig – Someone will keep in touch with you Commissioner Samson.

COMMISSIONER ISSUES:

G. APPROVAL OF MINUTES

I. SEPTEMBER 6, 2011

II. SEPTEMBER 12, 2011

III. OCTOBER 3, 2011

Chairman Martin noted the minutes for approval. These were in the packet and subject to review and asked if Mike or Tom had any changes to the minutes as referenced, otherwise I need a motion to accept.
Commissioner Jankovsky so moved. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

H. COMMISSIONER REPORTS

I. COMMISSIONER CALENDARS

Commissioner Samson – We have a budget workshop tomorrow at 8:00 a.m. November 8 and there are four things on the agenda. Then we have the medical marijuana with John Suthers at the Glenwood Springs Recreational Center on Tuesday, November 8 at 7:00 p.m.; Wednesday, Drew and I have the working group including the Attorneys and Commissioners from all counties, Park, Weld, Delta and the five AGNC members dealing with FMLD. Either both Drew or I, or I will be attending the AGNC meeting on Thursday; we're going to have a tour at 9:30 a.m. of the Dinosaur Welcome Center in Dinosaur. Drew or I will attend the AGNC meeting on Thursday, 9:30 a.m. I will be taking Jay Miller from Rifle with us as well as Jane, the Administrative Assistant for AGNC. Then the 4H appreciate dinner on Saturday, November 12 at 5:00 p.m. at Coal Ridge High School. Our BOCC on the 14th is at the Carbondale Town Hall starting at 8 am. And at 6:00 pm on the 15th we're meeting in a combined meeting with the Carbondale Town Trustees in Carbondale. Drew and I will be meeting with the FLM at CMC at 9:00 a.m. on the 16th. We will be done and have our budget session here at 1:30 p.m.
Chairman Martin – We will also establish policies and the review criteria.
Commissioner Samson – On Tuesday November 22nd, Nancy Cramer with Colorado Tourism Council will be here in the BOCC room at 7 p.m. Thanksgiving Day to be celebrated on the 24th. It was Abraham Lincoln that determined it would be held the 4th Thursday of the month of November.
Ed – Mike you have the President correct. I was a history buff in junior high school.
Commissioner Samson – On Monday, November 28 we will be leaving for CCI in Colorado Springs and the conference will be over on the 30th.
Drew stated the County Attorney's have their own conference held before the Commissioners and CCI. Drew will not attend but everyone but me will there, we have some administrative staying here but the CCA will be honoring Don DeFord's career and Carolyn and all the attorney's Don hired will be there and I'll send a letter or something to that effect.
Commissioner Jankovsky suggested a Resolution honoring Don DeFord's career with Garfield County.
Commissioner Samson agreed.
Drew – Absolutely, we can draft that and have something there.

Commissioner Jankovsky – I'll skip the things that Commissioner Samson already talked about. On the 9th, I have a Human Services meeting in the morning and Garfield Clean Energy Meeting in the afternoon; On the 10th I'm in Parachute with Ed, Lisa, Fred and possibly Dale talking about Economic Development to the Parachute Chamber. At the Town Trustee meeting on the 15th there are some items I talked about with Stacey and Elizabeth when I met with them. One is the Garfield County air monitoring so I would like to have an update.
Chairman Martin – Jim Rada is preparing a presentation on air monitoring and the equipment that is needed for the budget and either securing the locations or leases on the locations.
Commissioner Jankovsky – We've already approved the purchase of this year.
Chairman Martin – For 2011 so we need to make sure that is addressed in the 2012 budget.
Commissioner Jankovsky – Stacey asked for a human services update on the number of people receiving entitlements in the Carbondale area and I have that from Mary Baydarian so we can hand that out. They want to talk about Economic Development but they may not want to talk about it so much after their meeting last Tuesday. There was a mention about their housing authority and Garfield County Housing Authority to see if there was some way those two could work together.
Chairman Martin – I thought they were working together because the Housing Authority and Carbondale are working together.
Commissioner Jankovsky – Elizabeth wanted to talk about CDOT and Hwy 133 as well as Thompson Divide. I don't know if I am to cross out Garfield Housing Authority. However, have those other items sent to us as potential agenda items. On the 16th in the

morning, Mike is in FLMA, and there is a meeting for Brandy with Phil Avian at 9:00 am to 11:00 am at the Community Center, to discuss economic development with the Cattlemen's Association. Brandy is with that organization.
Chairman Martin – Tomorrow I have to leave it at10 a.m. for a walk through the Travelers Highlands and since I am the contract person for the Special District Mr. Gould will be picking me up here at 10 a.m. and do the walk through for the work that is to be done for Travelers Highlands. The other good news is that one of the community members, John Vallejo and his family, John Jr. are on a trip to Washington. He called and asked if I knew anyone in Washington that could get he and his son an interview to at least go see the White House. I was able to contract a couple of people that I knew. They passed their clearance, background checks, and received their passes. They will be going on a tour of the White House on the 12th
of November. It is great because the boy is doing a report for Junior High on the White House.

ADJOURNMENT

MONDAY, NOVEMBER 14, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
CARBONDALE TOWN HALL – 511 COLORADO AVENUE, CARBONDALE, COLORADO
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 14, 2011 with Chairman John Martin and Commissioners Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.

ROLL CALL PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Working Committee on Land Use Codes

Walt Brown – On behalf of the Working Committee who was appointed to do some revisions with the land use codes and was asked to make a progress report. He thinks their recommendations will be a bit broader, perhaps a little bit more detailed and that's the reason he is here is to report that to the board and advise them that's the progress they have made and what they may need. He doesn't think there is any consensus from the group as to what they will have; but they are considering a different code system than they have now. Our current code is 400 to 500 pages and the Clarion product has reduced it to about 80 pages. Most of the other codes he has read are significantly smaller and much more easy to use. Whether that occurs or not is kind of up to the committee; but they have made some real progress and some of them are meeting today, some tomorrow and then they have their meeting this coming Wednesday and they would like to have it as the County.

Funding request

Commissioner Samson – You brought up a point; you said you are thinking you might need some money.
Walt – All of them have been in the planning business for years; to write this up it will take a strong effort by one or two people and right now, everyone is a volunteer. The group thought it would be fair to ask for a budget item; they have no idea what will be because they haven't formed the product. But when they get their ideas together they want someone to write it up and present it to the board and that may take some money to hire someone to do it. There are several people that can do this; the original person that wrote this code is Dave Michaelson. He is still in San Juan County, he's a planner, Eric McCafferty wrote a lot of the old code and he is still in town. Tim Malloy is still around. Some of the people that did this years ago are still around; they may or may not be available but they need to know the scope of the project for them to give them a number and then they would come back to the board.
Commissioner Samson has no problem with 30 days and wants them to take as much time as they need to make sure it is done right.
Commissioner Jankovsky appreciates the work they have done and knows that it takes a lot of time. If it takes more time they will allocate time; if takes some additional dollars they will allocate that as well.

RFTA

John Hoffman - Two aspects of our community, we have RFTA and we have the Northwest Colorado Council Government and he feels like he is freeloading on those entities just because he gets a lot of use out of their services and yet he is not really paying in his full tip. He looks at RFTA and he thinks what can be done is say we had ½% tax that was levied for transportation in our county, he would be able to raise $4M and that could get a bus to Parachute and Dotsero. They could connect almost all the way to Denver on busses and we could get them to the end of our county. He knows there are many obstacles but it's a possibility. The Northwest Colorado Council of Governments gives us an awful lot. It gives the Alpine Aging Agency, it gives our elevator service, it gives our weatherization program, it gives the royal resort region programs, it brings forth and surveys that we use to determine what is right and where we are. He thinks that it would be helpful to join that and participate fully at the board level and help it become an even better organization. By full participation, they would get to join with Jackson County, Summit County, Lake County, Eagle County and many of the folks that share the same demographics that we do. It's just a thought he wanted to put out there and he wanted to thank all of them for their hard work and their concerns for the county.
Chairman Martin – We contract with RFTA and on the hogback as well. Also, use Human Services and through the health department so they are in contact with them and do contribute to them already. Isn't there a transportation tax, RFTA tax and a license tax fee on vehicles in Garfield County in this area?
Jean – Only in the towns that passed it; Glenwood Springs, Carbondale and New Castle.
Commissioner Jankovsky – If we were to have a tax in unincorporated Garfield County that would have to go back for a vote. There was a vote in the early 2000 and some people were not in favor of funding RFTA. There are different views within the county; but if they went in his direction, it would have to go back out to the voters.
John understands and knows that there has been some resistance putting that initiative on the ballot but he thinks it would be worth it to ask that question again. He knows that fuel is going up and transportation is always a big concern for our citizens.

REGULAR WORK SESSION:

72. Consent Agenda:
    a. Approve Bills
    b. Liquor license renewal for Sunlight Inc dba Sunlight Mountain Resort – Jean Alberico

Commissioner Jankovsky – We need to remove the liquor license for Sunlight Mountain Resort.
Chairman Martin – We will move that aside; do we have a motion?

Motion

Commissioner Samson – So moved. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

Question on Bills

Commissioner Jankovsky had a question for Ed Green – He has looked at the bills and in there is a bill for computer supplies for software, a ThinkPad, an I-pad; can they get to those items, he knows they are necessary to do work. He is just wondering how did we make the decision to purchase items such as that and how do we keep track of those items?

Ed – We do have sensitive property list and they track those items separately to assure that they have control. As you know the normal cutoff is $5,000; it has to be over $5,000.00 but for sensitive items like that also weapons, or binoculars and other separate items they have a separate tracking system.
Commissioner Jankovsky – You do inventory on those.
Ed – Yes
Chairman Martin – It becomes a county asset.
Ed – What we are finding; he knows Lisa and Dale has one and they are finding it much easier to do e-mails in a remote basis. He asked Lisa Dawson to come up.
Lisa Dawson – We have two categories of assets. One is the fixed assets which is $5,000.00 and above and they track that. Bob Prendergast is in charge. For the items under $5,000.00, they classify those as theft sensitive items and those are everything from cell phones, laptops and a variety of other things. They do an inventory once a year and at the end of the year, they do and end of the year review with the auditors. It's primarily the responsibility of the supervisor to keep track. But they also coordinate with the IT department and with the purchasing department so that they have two separate lists on those items. Then when they do the inventory, they update those lists and at the end of the year, they compare those lists as well. So they have kind of a double check. One of their plans for next year is do training just because of turnover and promotions they have to keep up to date on standard operating procedures. With the laptops and I Pads, the process is before someone purchases those they need to go through the IT department and make sure the purchase they make is compatible with our system. The one disadvantage they currently have with the I Pad is that it doesn't network with our system. It is very useful for looking at e-mail and that is useful for some folks who have to open up attachments. Because with an I Pad it is easier to open an attachment than it is for instance on a smart phone. But it's not the best tool for everyone. If you need a portable device to be networkable then they suggest a ThinkPad or a tablet or something like that. The IT department is involved in advising the purchaser on what's the best tool.
Chairman Martin – Tom you requested item b be removed.
Commissioner Jankovsky - I will recluse myself from that item.
Chairman Martin – We still need to take action.
Commissioner Samson – Is everything in order Jean, no problems?
Jean – No problems. They are making a corporate change and that will be followed up in the next couple of weeks.
Motion
Commissioner Samson – It looked like everything was in order to me so with that I would move that we grant the renewal for Sunlight Inc., DBA Sunlight Mountain Resort liquor license.
Chairman Martin – Second. In Favor: Samson – aye Martin – Aye Jankovsky - Reclused

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

a. **Public Meetings:**

i. EAP Benefit Renewal – Lynn Hazzard & Katherine Ross

Katherine – An EAP agreement is a fringe benefit for employees; EAP means Employee Assistance Program. This is where an employee, without the knowledge of anyone else, can contact an offsite third party if they or a member of their family have any emotional, physiological, sociological type needs that really isn't directly business related and get either referrals, counseling or advice. Her recommendation would be that they direct Chairman Martin to sign the new contract.
Commissioner Samson – So far we have had about 51 people take advantage of this?
Katherine – 51 access to it; it might not be 51 people.
Commissioner Samson – It is for the employee a well as immediate family.
Katherine – Yes. Her verbal feedback says the employee relative to their family member uses it most frequently, but she does not have statistics to prove that.
Commissioner Jankovsky – Is there a limiting number of times you can use this? When someone calls in on the phone, they are talking to a counselor then.
Katherine – Yes or a nurse. At first, they may just be talking to a general person and then they are referred to the right person. They have been updating their websites a lot and providing a lot of information and she thinks that is valuable as Lynn says remember the wellness part.
Commissioner Jankovsky – This is for another two years.
Katherine – Yes; 2012, 2013. And that puts the county in sync with all the other clients. Being in sync with other clients is not key to us in renewal. It was just an opportunity for her to say hold the price.
Motion
Commissioner Jankovsky – I'll make a motion that we approve the Cigna Employee Assistance Program for a 24 month period from January 1, 2012 through December 31, 2013 and allow the Chair to sign.
Commissioner Samson – Second.
Drew – It is subject to the annual appropriations to avoid a multiyear commitment.
In favor: Samson – aye Martin – aye Jankovsky – aye
Katherine – Shall I leave a copy in your office today?
Chairman Martin – Yes, I will be there today.

ii. Grand Valley Cemetery District Board re-appointment – Dusty Richards

Commissioner Samson – She is the only one applying and she is the current president of the board. How long is the term?
Ed can't remember whether it is two or four.
Chairman Martin – Let's clarify.
Ed will include it in the letter of approval.
Commissioner Samson – I would move that we reappoint Dusty Richards to the Grand Valley Cemetery District Board for another term whenever that term ends. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

iii. Update and approval of IGA regarding annexation and de-annexation of roads and utilities.

iv. Approval and signature of Petition for Annexation.

Carolyn Dahlgren – Chairman Martin has already been authorized to sign this IGA, but she brought it back again primarily so that Brian Condie could give the board an update on where they are on the project and close out warranty. It also makes it a lot easier to understand petitions for annexation and disconnection.
Chairman Martin – Let's start with the first one; that is the IGA on road and utility relocations.
Carolyn – Along with that go the motions on three different kinds of utility easements.
Motion
Commissioner Samson – So we need a motion at this time to approve the Garfield County Regional Airport runway improvement road and utility location Inter-Governmental Agreement, correct.
Carolyn – A re-affirmation of your end of 2010 signature authority to Mr. Martin.
Commissioner Samson - And have the chair sign. Commissioner Jankovsky – Second.

In favor: Samson – aye Martin – aye Jankovsky – aye
Chairman Martin – Next one to clarify; utility and easements.

Motion
Carolyn – I didn't give you the legal descriptions because I thought probably that was of less importance to you than just being able to envision them from the map. But what I'm looking for is three different motions. One for the easements in the right-of-way, one for easements outside of the right-of-way and one for the blended easements that go on the slope.
Commissioner Samson – So moved. Chairman Martin – As presented by staff.
Motion
Commissioner Samson – Do we need to put on there for the chair to sign as well?
Carolyn – Please, Marek is hoping to get those recorded this week.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

v. Approval and signature of Petition for Disconnection.

Carolyn – Next are those petitions that are an outcome if you will of Exhibits C the one that has the pink and gray colors.
Motion
Commissioner Samson- You need a motion now for the approval and the signature for the petition of the annexation.
Carolyn – Yes sir.
Commissioner Samson - As presented by staff. Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky – aye
Motion
Commissioner Samson – Now we need approval and signature for petition of disconnect.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

vi. Approval of contract Amendment for Olsson Associates.

Brian Condie, Mark Kubesa and Peter Mueller are present and they have completed the construction phase of the airport upgrade on November 18, 2010 almost a year ago. They are still closing out the paperwork, which he thought would be done by now. It looks like they will use the next six months to close out the paperwork on this large eight-year project. In doing so they have come across, in order to keep the construction schedule on time they required some extra work of not only the engineers but also the contractors. That is why they are coming back now to explain the extra work that they have done, which was not in the original contract that is eligible for FAA funding that he is asking consideration for ART Consulting and Olsson Associates. The board has a list of the items that they are requesting additional funds for. Brian spent about an hour with Marek and went over each item and then they had a conference call with Peter to go over each item. A lot of these are extra because of the unforeseen circumstances with the bedrock, direction then from counsel that they couldn't proceed without funds. Also the city required extra engineering supervision for the water and sewer that was not in the original contract. They did receive savings when the BOCC recommended that they go from a soil cement wall to a retaining wall type building out there, which they used a portion of to offset some of the extra engineering administrative costs.
Commissioner Jankovsky – This is for $33,358.00.
Brian – Correct the increase to their contract.
Commissioner Jankovsky – Is 5% of that the county's?
Brian – This request is contingent upon FAA approval. As far as they have been able to tell it meets their approval. Now they are coming to ask for the BOCC's approval. Bottom line is $1,068.00.
Commissioner Jankovsky – $1,068 if we approve this.
Brian – No this will be contingent upon FAA approval.
Motion
Commissioner Jankovsky – I'll make a motion to approve the contract to Olsson Associates and for $33,358.00 and contingent upon FAA approval.
Commissioner Samson – Do we have to put in for the chair to sign?
Brian – Yes. Commissioner Samson – Second.
Chairman Martin – Okay a motion to approve and authorize the chair to sign.
In favor: Samson – aye Martin – aye Jankovsky – aye
Carolyn – Commissioners we have form documents that we will present for Mr. Martin's signature of which is an amendment to the underlying professional services agreement and release to contract number four with to the 2011 Professional Services contract with Olsson.

vii. Update on Airport easements.

Brian – Looking the easements with regards to the city he has instructed ART to look at all of these easements on the entire airport and come up with a diagram showing not only city easements, power line easements, gas, phone line and that's what they have here. He found several of the easements weren't recorded, or they need some cleanup and they also need some additional work.
Carolyn – When she was going over the maps with Mark Buckler who is Bob Howard's surveyor for ALP and Jim Neu, Jim said this was the cleanest annexation/disconnection he has ever seen in the City of Rifle.
Chairman Martin – Action that we need on our update? Anything they need motion wise?
Brian – This is mostly information. There is still additional work that wasn't covered in the scope and then the easements down there for Holy Cross.
Motion
Carolyn – Yes, authority for the chairman to sign the easements on the west end that were necessitated by the runway realignment project.
Commissioner Jankovsky – I'll make a motion that we allow the Chairman to sign the easements on the west end of the airport as presented. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

b. **Public Hearings:**

Drew wanted to make a brief comment on the public comment from citizens not scheduled on the agenda this morning from Mr. Brown. Mr. Brown identified himself as part of a 14 member-working group and a co-chair of that group with Mr. Lewis Myer. Both Mr. Brown and Mr. Myer believes all 12 of the working group members are known to the board through communications with the planning department. In summary, his report was that the group has been meeting privately in private offices and so forth. Mr. Brown this morning however made some additional requests; he requested to meet at the county facilities, requested funding, requested perhaps some professional, or budget rather towards a professional report and communicated to the board that a report would be delivered to the board in about 30 days. For all of those reasons, just taking that in total, in his opinion the working group is an ad hoc advisory committee to this board. And as such would be subject to the open meeting law and their meetings would need to be noticed and open to the public. If they are working with the purpose of giving a report to the board that puts them in a different category. What he is recommending that the board do is formalize their existence as an advisory board with a resolution one week from today.

He is happy to contact Mr. Brown and Mr. Myer to communicate that opinion and he believes in some respects they have already done some of this by accepting their letters of interest within staff.
Chairman Martin – That is correct. He thinks they also appointed members of that group individually as well as Fred solicited interested professionals to sit on that board. It was advertised but he thinks taking proper action next week is fine.
Drew – As to their meeting this Wednesday, he thinks it is appropriate as long as it is noticed in time and open to public. The board doesn't need to wait for the resolution; they don't need to delay their meeting.
Chairman Martin – Notification would be 24 hours?
Drew – It would as long as it is posted by 4:00 tomorrow its fine.

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

a. **Consideration/Approval (with signature authority) 2012 – County Manager Engagement of Services Contract – Ed Green**

Drew – Copies of this was circulated following the boards negotiations and he believes they accurately reflect the intent of both parties and he would simply ask Mr. Green if he has had a chance to review this and whether in fact it reflects his understanding.
Ed Green – Yes, I concur.
Drew – And to the commissioners the same question.
Chairman Martin believes it follows all the negotiations.

Motion

Commissioner Jankovsky – I will make a motion that we approve the county managers engagement of services contract with signature and authority to the chair. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – I would just like to say manager Green we appreciate the work you do and I look forward to working with you for another year.
Ed – It's a privilege to work here in Garfield County. It's been the best job I've ever had.

b. **Legal opinion regarding § 24-6-402 (2) (f) C.R.S., "day-to-day oversight of property or supervision of employees by County Commissioners." -- Andrew Gorgey**

Drew – This is a provision in the open meeting law that allows the commissioners to supervise employees and property directly. The reason it is relevant is it is not subject to the notice requirements of the Open Meeting Law. It is an exception to them. It does not require an agenda or any publication of the contents of that meeting at all. You had asked me to look at this and I have. As a preliminary matter he would inform the public that meetings of this type, supervisory meetings have been a standard practice in at least one other Colorado county, he would safely say, decades in neighboring Mesa County and in that county they too have a three member board. The board meets weekly and/or several times a month basis with both its county manager and county attorney. The board had asked him to look at this to see whether this was a lawful practice generally and whether this was something the board wanted to adopt in Garfield County. In his opinion, it is a lawful practice under two conditions and he will tell them those in a minute. Whether or not the board wanted to start this is of course up to them. The two conditions are first that supervisory meetings telling Mr. Green whether or not and telling Attorney Gorgey whether he is doing a good job or something that they would like to see him personally do differently is lawful. Using a supervisory meeting as a substitute for an open and public meeting is not. He is happy to read out the context of what constitutes a meeting but in summary, it is making policy, making decisions, things that the board does in their regularly noticed meetings. Those are things that simply could not happen in a supervisory context. For example, if the board instructed him to find out more about topic a; then they could give him that direction and he can find out more about topic a and report to them in either a public meeting or executive session. The second area of caution; the open meetings law as every statute has to be read as a whole. You can't read one section, isolate, and ignore the other parts of it. The same part of the statute talks about supervisory meetings also talks about public notice and gives you the general suggestion that the business of the public is to be conducted in public. He says it this way because if you also read the section governing executive session, it gives you 4 or 5 areas that are proper for executive session. In other words if they are not going to discuss in a regular meeting than you can take them to executive session. He gave them three; first is to receive legal advice on a specific legal issue rather than telling them in public like the one he is doing right now. You can reserve that matter for executive session. The second example would be to instruct negotiators on whatever topic, a contract, a purchase of property, something like that. Rather than do it in an open meeting you would do it in executive session. Third and important example would be personnel issues. A personnel issue is properly an example for executive session unless the subject of the session wants it to be heard in public in which case it is done in a public meeting. He set the framework that way just to suggest as to all the topics that are proper for executive session, if not there they should be in open public meetings and not in their supervisory meeting. The challenge then is to find out what's left. If we are not talking about legal advice, policymaking, not talking about personnel actions or the other things that he mentioned; you truly are left with a review of his performance and the county mangers performance and what you should and shouldn't do. He would add two other pieces of information; the first is that the office of the county attorney is a constitutional office. It is one of the county offices along with the assessor, treasurer and so for that are contemplated by the state constitution and the constitutional provision allows for a county attorney to be either be elected or appointed. He knows of no elected county attorney anywhere in the history of the state as far as he knows. That is a logical result given the nature of the job. The statute, Title 30, also allows for the appointment of a county manager. Although a constitutional office, it's different in kind from county manager to county attorney and further at least one of these offices is optional. This is a long way around saying that at least as to management of the county there are counties that don't have county administrators or managers. Many counties do not employ county attorneys' as employees they just contract out for their services when needed. This is why he believes this section remains in the open meeting law; it contemplates that power of the people is vested in you to run the county. All three of you; you run it. You are not a rubber stamp, you are here to pronounce policy alone, that you can take lawfully an active role in managing the county and that is why the supervisory meeting provision he thinks remains in the statute. He thinks talking to them and putting it on the record is sufficient. If they want a detailed opinion, he is happy to write that out.
Chairman Martin – Is there such a request from the board?
Commissioners Samson and Jankovsky – No.
Chairman Martin – Do we wish to go ahead and have supervisory meetings?
Commissioner Jankovsky thinks it is very important for communication to have meetings. It helps with their communication and he would like to see it done at least once a month if not twice a month. He thinks it is a good way for them to do business and a good way as commissioners to manage the county.
Commissioner Samson feels it would be a good idea. This doesn't have to be noticed; is that what you said?
Drew – It doesn't have to be noticed but he would advise them to notice it anyway. You don't need to publish notice in the same way as you do for the planning commission or this meeting. In every one of your meetings, you end up with a report on their calendars and he thinks that might be one place they could do that. They could set a standard meeting schedule; whatever works best for all concerned. One place might be at the conclusion of the afternoon session of the first Monday of every month for example. The last Friday of every month for example, or whatever they come to.
Commissioner Samson would rather do it right after their meeting on Monday.
Commissioner Jankovsky would like to set up at least once a month.

Commissioner Samson – Is there any particular Monday that is better than another does it matter?
Ed would say usually the second is the least and makes the most sense. Maybe they could schedule it as part of the afternoon and if for some reason you can't do it then, then we'll schedule it for another time of the week.
Chairman Martin – Make sure that it is after the second. Again stay within the guidelines and only talk about two employees.
Ed – They will at least try for the 12th.

75. **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.**
    b. **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 asked if the commissioners would move item 4 a to the end of the afternoon agenda simply because there is information relevant to that meeting that he knows exists but is not physically here right now.
Commissioner Samson won't be here in the afternoon.
Drew – Or they can have a productive meeting without it; it would be helpful but not essential information if they want to just proceed with that today.
Commissioner Samson would just like to go ahead with it.
Chairman Martin – Let's include it, see how well they can accomplish it. If they need to revisit it this afternoon, they will.
Drew would ask that they take 4 b first and he will read both items into the record. Drew read 4b as above as to 4a the same code sections with the addition of a for the same purposes except in a the nature of the meeting, section rather would be purchase acquisition, lease, sale or transfer of real property interests and receipt of legal advice on specific legal questions regarding same.

Motions

Commissioner Samson – I move that we convene into executive session at this time.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – I'll make a motion we come out of executive session.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Chairman Martin – Any action to be taken?

Presentation before the Supreme Court

Drew – There is no public action on either item and for the record discussion as to both items was limited to those announced on the agenda. To Chairman Martin, I do have one additional county attorney update item. It will not require any public comment or action; but the board approved participation in the Supreme Court reapportionment or argument and he did file a brief and argued that case and he asked if Cassie could report to them.
Cassie – Everyone presented - the whole group of opponents. Brownstein Law Firm represents the main group and they spoke for 22 minutes. She spoke for 51 seconds, which was the remaining time at the end of the arguments because all of the opponents had to share the 60 minutes. She talked about how the issue for Garfield County really is about the proposed boundary split, kind of zigzags right through Apple Tree trailer park. District 57 takes all of the riverfront lots; but it went well. She doesn't know when they will have a decision; obviously the court takes it under advisement and we'll know when they know.
Chairman Martin – Will we know before county assemblies.
Jean is hoping they will be able to present something to the board about December 12th meeting about re-precincting. It will be contingent upon what comes out of the court decisions; we'll give you a couple of options. I hope that they will know by then if not they will have plan a and plan b. She needs to get the board's approval for the re-precincting so the parties will have proper information for their caucuses in February and March.
Commissioner Samson – February 7th isn't it.
Jean – Is the republican caucus and the democrats have opted to stay with March 6th.
Cassie – The court will look at the plan as it applies to the entire state. Our little piece of it is very small compared to what the redistricting did everywhere. It is to our benefit that it is small because it involves 90 voters going from district 61 to 57 whereas some of the others ones involve thousands of voters. The fact, it's small I think, it weighs in their favor. They can move the boundary line without affecting so many people statewide and causing the ripple effect throughout the rest of the state. The fact that it is only 90 voters, it may be a big deal for Garfield County weighs in their favor.
Drew wants to put that on the agenda for next Monday. On the reapportionment, the court will remand to the commission to act consistent with the court's ruling or does the court have the final say?
Cassie – No, she thinks the court will look at if the plan meets the constitutional requirements and the federal law and then would remand back to the reapportionment committee that will come up with a plan consistent with what it says. She doesn't think the court is going to; or has the authority to redraw lines how it wants.
Drew – The board was well represented in Denver with Cassie Coleman as their attorney. He will put this on the agenda for next Monday; but he will be reporting about the work product of the working group of county attorney's and commissioners as well as lobbyist from those counties that have FML districts next Monday. They actually have a final drafting session tomorrow to incorporate the changes that resulted from last Wednesdays meeting.
Commissioner Samson wanted to ask for a finalization; he received an e-mail from Nancy Crammer. She is the woman from Northwest Colorado Tourism that will come next Tuesday; did they want the meeting at 6:00 p.m. or 7:00 p.m.
Commissioner Jankovsky prefers 6:00 p.m.
Commissioner Samson will call her and make it 6:00 p.m.

LUNCH - Noon

REGULAR AGENDA: BUILDING & PLANNING ISSUES

7. **County Attorney Update – Land Use Issues: Andrew Gorgey**
8. **Public Meetings:**
    a. **To Authorize the Chairman to sign letters to EnCana Oil & Gas, Inc. acknowledging legal non-conforming compressor stations - Fred Jarman**

Fred – This is more or less a housekeeping detail. As the memo outlines there was a very brief period of time between 03 and 04 where the county was basically in discussion with the state, the COGCC, about whether they had exclusive authority over the compressor stations or not. It took a while to get that answer and ultimately they received that answer from the Attorney General's Office. No, they did not preempt local government and Garfield County could continue as it has for regulating compressor stations. The reason he is here today is that EnCana Oil and Gas USA has requested a letter from the county. They did construct during that timeframe; called the Rifle Compressor Station. Jason Eckman from EnCana is here with him today and they have the evidence that proves it was constructed during that time frame. But they are in the process of ownership change for their midstream assets and this came up during that discussion and they would like a letter from the county that says they are essentially a legal non-conforming use

for building it during that time when that was the county's position. In support of that in your minutes back from a 03 hearing, he thinks the Chairman was actually out that day; but Commissioners Houpt and McCown were there and talked about that issue. They sort of reaffirmed that was the position of the county back in 03. He has a lot of other evidence he can share that proves the compressor station was built during that time. The request is for the chairman to be authorized to sign the letter back to EnCana preserving their status with that compressor station.

Motion

Commissioner Jankovsky – I'll make a motion to authorize the chair to sign the letter to EnCana Oil and Gas for non-conforming status at the Rifle Compressor station. Chairman Martin – Second.

In Favor: Martin – aye Jankovsky – aye – Samson – absent

9. **Public Hearings:**

   a. **To consider a request for a Land Use Change Permit for a Major Impact Review application for a Contractor's Yard Facility on a 35 acre site located at 0998 County Road 309, Parachute, CO (File No. MIPA 6727) and to authorize the Chairman to sign a resolution to memorialize the Board of County Commissioner action taken at the public hearing held on November 14, 2011. The Applicant is Thomas Tompkins – Molly Orkild-Larson.**

Gregory Schaner, Thomas Tompkins and Molly Orkild-Larson were present.

Chairman Martin swore in the speakers.

Gregory Schaner with Colorado River Engineering in Rifle present and he will answer questions on notification.

Carey Gagnon advised the board they were able to proceed.

Commissioner Jankovsky read letter from Battlement Mesa; did they receive notice?

Gregory – yes.

Carey – BLM did receive notice on October 12th.

Chairman Martin swore in the speakers.

Molly read the Exhibits A –Q and then gave her staff report.

Thomas Tompkins (Applicant) seeks approval of a Major Impact Review Permit for a Contractor's Yard on their property located at 0998 County Road 309 (CR 309). The subject property is 35 acres in size of which 7.23 acres will be used for the proposed land use. The property contains an existing single-family residence and 3,200 square foot "garage/mechanics shop" which are located on opposite sides of the parcel. Approximately two acres of land has been cleared of native vegetation around and west of the garage for storage purposes. This area is presently being used for the storage of vehicles, machinery, equipment, and materials of non-agricultural in nature. The Applicant proposes to enlarge the storage area by 5,200 square feet to accommodate snow during the winter.

The Contractor's Yard provides commercial services to the oil and gas industry as a Well Pumper servicing wells. This business requires the storage of pipe and related materials on-site such as lighting. As mentioned above, other equipment, machinery, and vehicles, unrelated to this service are stored on-site, which the Applicant's Representative indicates will be removed as part of this application.

Originally, the Applicant believed that the Contractor's Yard would employ workers, which is reflected in the application. However, during the course of the application's review, the Applicant has indicated that he shall be the only employee and wishes this review to be based on this fact.

Since this commercial business has no employees, other than the Applicant, no potable water or wastewater disposal is proposed. However, in the future, when employees are needed, the Applicant will need to amend the Land Use Change Permit to allow employees to work on-site and address the associated impacts of having these employees such as providing sufficient legal and physical water, and wastewater system (Individual Septic Disposal System), traffic, etc.

The residence and garage/mechanics shop have separate access points onto CR 309. The Applicant indicates that a Driveway Access Permit has been obtained from the County Road and Bridge Department when the garage was built. However, the Road and Bridge Department has not verified this claim.

STAFF RECOMMENDATION

To clarify Conditions 8 and 22, Staff recommends revising these conditions to read as follows:

8. Employees shall not be permitted on-site at the Contractor's Yard except for the limited purpose of picking up and delivering materials or equipment.
22. The Land Use Change Permit shall be issued to Thomas Tompkins or to Thomas Tompkins doing business as (dba) TLT Services.

Gregory – Staff did a good job representing the project. There are two conditions of approval they haven't seen eye to eye on. The first one is number 8 and the second is number 21.

Carey wanted to address condition number 8 regarding employees on site. Section 7-104 of the code requires that the applicant demonstrate an adequate water plan to service the use. In this case, in the beginning, there was a representation there would be no employees on site and so no information about water was submitted with the application. That was acceptable based only on the representation that there would be no employees. She was not at the planning commission but it is her understanding that the first time at the planning commission it came up that there might be employees on site. That's where this number 8 originally came from. Because there is no water or waste water system in place she knows there was no information provided; the legal staff can't support employees allowed on site for any period of time other than for the limited purpose of pick-up and delivery. The planning commissions language opens the door for employees to be on site part time, which is not consistent with the code requirement that the board demonstrates adequate for the water use.

Commissioner Jankovsky – Jim Rada had something in there about what he thought might be necessary. It can't be contractor yard if you don't have employees on site. At some point, employees have to come on site to pick up pipe and so forth to load it and move it.

Carey – Exactly; that's why they came up with the modification of what planning commission had recommended and that is staff recommendation number 8. It does permit employees to be on site for pick-up and delivery only. If they would like to have employees on site for longer than that then she would welcome them to submit a water supply plan that complies with the code and then would service the employees.

Commissioner Jankovsky – He was going to add on page two, third paragraph; in the future if employees are needed the applicant will amend the land use change permit to allow them to work on site and address associated impacts, would that work?

Carey – Yes.

Motions

A motion was made by Commissioner Martin and seconded by Commissioner Jankovsky to close the Public Hearing. In favor: Samson – absent Martin – aye Jankovsky – aye

Commissioner Jankovsky – I would like to approve this land use change permit for a major impact review for a contractor's yard facility on a 35-acre site located at 0998 County Road 309, Parachute, Colorado and authorize the chair to sign a resolution to be memorialized the Board of County Commissioners actions taken at this public hearing with the conditions the planning and zoning, the planning commission's recommendations 1-21 and we will add a 22. 22 would be the land use change permits shall be issued to

Thomas Tompkins or Thomas Tompkins doing business DBA as TLC Services. Then on number 8, I would like to add a sentence, a long sentence to number 8 which Molly has there. It would be in the future if employees are needed the applicant will need to amend the land use change permit to allow employees to work on site and address the associated impacts of having these employees such as providing sufficient legal and physical water and waste water systems, ISDS system and traffic etc. Then on number 21, I would like to change that to say to prior to the issuance of a land use change permit, vehicles that will be not applicable to the permit shall be water haulers or water storage units, production water. Does that make sense? If you would have a better suggestion for that Commissioner Martin, I would be open to that for number 21.
Chairman Martin – All you would say vehicles, machinery and equipment for produced water shall not be allowed on the site.
Commissioner Jankovsky – Or water hauler and produced water.
Chairman Martin – That addresses Parachutes issue. There is one thing just so you understand in the motion under 22, identify that owner Thomas Tompkins or to Thomas Tompkins doing business as TLT. It is only for this particular owner of the property and usually a permit goes with the property. You have to specify that if he sells the property etc. that permit goes away. Therefore, there is no permit for a storage facility there at all under a new owner.
Commissioner Jankovsky – I'm not sure that's what we want to do is it?
Chairman Martin – Under the motion is that way because you are specifying it only goes to one individual, one person doing business. If you wish it to go with the property; then you would say that it goes with the land.
Commissioner Jankovsky – I would like to go with the land.
Chairman Martin – You would have to change your 22 to make that it goes with the land. You would have to say that the permit goes with the land.
Commissioner Jankovsky – To the landowner.
Carey – There are two ways you can deal with that; one is by modifying proposed condition of approval number 22 to include a statement that it is intended to run with the land. Perhaps the way is to not include condition number 22 at all because all land use change permits, with a few limited exceptions, already run with the land.
Chairman Martin – I agree; 22…
Commissioner Jankovsky – I would like to go ahead and eliminate 22 then.
Chairman Martin – Eliminate 22 then it is implied it goes with land.
Carey – I have one more point of clarification; your motion, Commissioner Jankovsky, included condition of approval number 8 from the P&Z?
Commissioner Jankovsky – Yes that is correct, no employees shall work at the contractor's yard full time, but pickup and delivery of materials are permitted. Then go into that additional sentence that I added from page two here.
Chairman Martin – Therefore satisfying our own rules and regulations. Second.
In Favor: Martin – aye Jankovsky – aye Samson - absent

COMMISSIONER ISSUES:

j. **Commissioner Reports** – Chairman Martin – Saturday he went to a nice facility at Coal Ridge High School they had the 4H awards. It was great to see three times the number of new first year folks. There is energy and excitement going on and he thinks Kim Schriver is doing a great job for 4H. They have seen a big change in attitudes and 4H.

k. **Commissioner Calendars** – Commissioner Jankovsky – Tomorrow at 6:00 p.m. they are here in Carbondale Town Hall to meet with the Carbondale Board of Trustees. On the 16th 9-11:00 a.m. he is at a session for county economic development. In the afternoon of the 16th they have BOCC budget discussions. He will be in Denver on Thursday on Colorado Ski County business. Chairman Martin was assigned to do a walk through at Travelers Highlands as a representative and point person for the improvement district. He met on the 8th with the contractor and established 3,000 feet to be improved, potholes and drainage to be addressed. On Wednesday when he returned to the site, around 3:00 p.m., it had been completed. They had some money left over, 109 more tons of material so he had them extend that. They put the extra 109 tons back down on the ground. The final walk through, they did a great job. There is a new player in Travelers Highlands; it happens to be a bank on repossession. They will have to discuss that particular issue at/or with the Travelers Highlands board and the BOCC since there is a foreclosure taking place. It is a large section of the property. They will have to schedule an improvement district board meeting. However, that takes 48 hours? Jean Alberico – 72 hours. Chairman Martin – They may want to do that after the budget hearing in December.

l. Approval of Minutes

m. Commissioner Agenda Items

ADJOURNMENT

PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, NOVEMBER 21, 2011

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 21, 2011 with Chairman John Martin and Commissioners Mike Samson and Tom Jankovsky were present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.

CALL TO ORDER
Chairman Martin called the meeting to order at 8:00 A.M.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
Betty Scranton – **Concerns about transparency within the County specifically with regard to the funding for Planned Parenthood**. Today, I just wanted to go over some reasons why it is necessary for the County to cease any funding for Planned Parenthood and some compelling reasons. Planned Parenthood is all over the United States but specifically in Garfield County, they do perform abortions and from anecdotal information I've obtained that they have been doing this since the 1980's at least. It is disingenuous for taxpayer supported county employees who are on the grant committee work with Planned Parenthood through the Human Services Commission to state that monies will not be comingled, meaning promises made by Planned Parenthood that they will not use taxpayers funds for abortions but rather for women's health issues. Numerous undercover videos have exposed Planned Parenthood underbelly that of performing underage abortions which is a crime. They are accusations that at least one underage has been performed here. Planned Parenthood covers the sex trafficking thus claims live actions.
Chairman Martin – Thank you very much.

Colorado River Resource Management Planning Process
Doug Dennison with Bill Barrett Corporation and David Ludlum with West Slope Colorado Oil and Gas Association presented.
David - We wanted to come down this morning to make sure you are aware of something that is critically important to our industry but also important to other sectors of the Garfield County economy including the off road community, the agricultural community and others, it's the Colorado River Resource management planning process. There is currently a public period undergone by the BLM. Recently, the Hickenlooper Administration and Congress Tipton requested alongside us and other stakeholders request for an extension on the public comment period. We wanted to make sure it was on your radar and that as a cooperating agency that you are afforded that same opportunity if you believe that additional time should be spent reviewing that. Our main purpose was to make sure that Doug didn't have to review this document over the dinner table but he's willing to step up and do that if we don't get the extension. Doug was coming this morning to represent one of the operators to make sure if you had any questions about the document itself, he could answer those.
Commissioner Jankovsky – Fred and Tamra, Kirby and I have all been going through this document. We actually had some response and I think from the operators standpoint there are some questions about air quality in the standards they are using to measure air quality and that is something that we just had a brief discussion about but we didn't have the expertise ourselves to really make any comments on it, so we didn't. This is a document that is four volumes probably close to 2,000 pages, Fred Tamra, Kirby and I have been looking at the maps trying to just see what's on the maps and tracking county roads to make sure all of our county roads are on the maps and it appears that they are at least in most of the maps. There is one that is more of a conservation where you have four different alternatives you can go on those. One is more of a conservation alternative, they had a few places on the maps where there were no county roads and we noted those. I think this is appropriate and these things are so big and have such an impact. We're going through this with the Forest Plan because we didn't participate so we're coming in the backend and going to the Forest Service and saying some of our roads are not there. I think there is some concerns especially from the oil and gas side if we don't have the leases we need it affects our constituents, affects potentially how things can be done on the BLM. One issue is that under one of the alternatives they're saying that natural gas drilling rigs show run by natural gas motors, all compressors should be run through electric motors and I think it sounds great but when you put the dollars to that it's not realistic. Then if you start running lines to all of the compressors throughout the country and then you have more impact from electrical lines and then your electricity is coming from coal fed power plants compressors and more electric lines, coal fed power plants and it not any cleaner than if you are running on diesel. Those are some of the concerns, I support this request, and I think we need to set a special meeting to get this in the timeline. It's a big document, almost overwhelming when you start reading it. My recommendation is to go ahead and ask for an extension. You have Congressman Tipton's office asking for an extension and the Department of Natural Resources, State of Colorado and Mesa County have asked for an extention. I think it is appropriate with our relationship with the oil and gas industry we should do that.
David – Can I add one more thing? A couple of things to consider too is you look at the oil and gas industry and certainly we haven't seen a document this complex with as much potential to impact us in a long time. We have the resources to review the document. When you look at the other economic sectors impacted potentially by this document and include the grazing community, the off road community and others, they may not have the same resources and as a cooperating agency the county might be able to help them take a look at how that could impact their sector and in turn your county. The other thing I'd throw out is related to a special meeting, the initial response we got, I believe the congressman's office received but not sure about the Hickenlooper administration but they were going to try and give us a response promptly to our request. You might consider those as you make your decision as to whether you would like to make this same request. Commissioner Samson – Do you have a date that you would like to schedule a special meeting.
Commissioner Jankovsky – I'd like to have it this week if possible. Perhaps we could come in at 5:00 on November 22nd. I have one other item I'd like to get on there as well, the BLM Oil Shale PIES on table and this is another document which is actually larger than this one. I would like to recommend alternatives to the Board and send that out to the BLM.
Chairman Martin – So what you are requesting is the special meeting at 5:00 p.m., tomorrow, November 22nd to discuss the Colorado River Basin and the BLM PIES for oil shale. Can we get all that done in one hour?
Commissioner Jankovsky – I do, yes.
Commissioner Samson – We could make it sooner if you want.
Commissioner Jankovsky – Unless we are going to have a lot of public comment I think we can get those down to one hour.
Motion
Chairman Martin – We will need to post that notice as well. That is the motion to request a special meeting at 5:00 pm in reference to those two items. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
Tourism
We have Nancy Cramer at 6:00 pm on November 22nd not a special meeting, just a presentation.

REGULAR WORK SESSION:
PUBLIC HEARING FOR ABATEMENT 12-013: BILL BARRETT CORPORATION – LISA WARDER
Lisa Warder, Deputy Assessor and Sean McCourt Oil and Gas Appraiser presented the Abatement 12-013 for Bill Barrett Corporation and stated this was a request from the petitioner for the property tax year 2008 as they were incorrect. A production audit conducted the Assessor's office indicated that the petitioner failed to take all allowable deduction in an overvaluation. The abatement of taxes were submitted in a spreadsheet in the amount of $315,265.32. Mailed notice to the petitioner.
Chairman Martin swore in the speakers.
Lisa – Exhibit – The abatement petition is 12-013, there a five schedule numbers, there is an attachment to this abatement showing the schedule numbers, the original actual value, original assessed, original tax, and going through just as the normal abatement does on the beginning. We're asking for an abatement in the amount of $315,265.32. Sean discussed and gave the background.
Motions
Commissioner Samson moved to close the public hearing. Commissioner Jankovsky - Second; motion carried.
Commissioner Jankovsky – I would make a motion that we approve No. 12-013 refund of taxes to Bill Barrett Corporation for accounts number 0908000, 0908001, 0908003, 0908097 and 0908098 for a total amount of $315,265.32.
Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye
PUBLIC HEARING - 9TH SUPPLEMENT TO THE 2011 ADOPTED BUDGET – ANN DRIGGERS
Ann Driggers, Assistant Director of Administrative Services submitted the paperwork for the supplement and Resolution.
Drew has proof of a notarized statement from the Rifle Citizen Telegram dated November 17 for this day and time.
Chairman Martin accepted the statement of notice and swore in the speakers.
Ann submitted Exhibit A – The supplement number 9 to the existing budget of 2011, it includes the increases and decreases to the existing 2011 budget. We are requesting your approval of a total decrease in revenues of $244,696.00 and a total increase in expenditures of $2,702,663.00. The details are in Exhibit A. Would you like me to go through the details.
Motions
Commissioner Samson moved to close the public hearing. Commissioner Jankovsky – Second. Motion carried.
Commissioner Samson – I would move that we approve the 9th Supplemental to the 2011 Adopted Budget as presented.

Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

Consent Agenda:

a. Approve Bills
b. Authorize the Chair to sign the Resolution for Thomas Tompkins for a Contractor's Yard on a 35 acre site located at 0998 County Road 309, Parachute, CO (File No. MIPA 6727) – Molly Orkild-Larson

Carey – Item b – the Resolution for Thomas Tompkins, that follows from last Monday public hearing on his application. The Resolution in your packet includes the motion that was made at that hearing. I
Commissioner Jankovsky – I guess there is some concern…Item No. 8, which was part of that Resolution that I made concerning employees and the contractor yard. I think we need to pull Item b consent agenda.
Chairman Martin – We will put Item b and continue this until December 5, 2011.
Motion
Commissioner Samson moved to approve the consent agenda Item a. Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

Commissioner Samson made a motion to continue Item b, the authorization for the Chair to sign the Resolution for Thomas Tompkins for a Contractor's Yard on a 35 acre site located at 0998 County Road 309, Parachute, CO until Monday, December 5, 2011
Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson – aye
Commissioner Jankovsky – As I mentioned its Variance No. 8 on Thomas Tompkins that needs to be discussed.
COUNTY MANAGER UPDATE: ED GREEN
HUMAN SERVICES COMMISSION:
CMC GO2WORK; HABITAT FOR HUMANITY, WESTERN SLOPE ADOPTIVE PARENT; ALPINE LEGAL SERVICES – JILL ZIEMANN CMC, CHRIS ANN COLE, AND JONATHAN SHAMIS.
Jill Ziemann, CMC, Director of Go2Work Women in Transition and Gateway. Chris Ann Cole, Director of Development Education at CMC and Sport Partnerships and Jonathan Shamis, Director of Alpine Legal Services were present.
Jill presented the **Go2Workshops** that were developed as part of the ARRA (stimulus) grant and ran from July 2009 – September 2010. Due to the success of this program, CMC has continued to offer them to any person unemployed or struggling with self-sufficiency in Garfield County. The support of our community partners is invaluable such as the Board of County Commissioners, Rural Resort Workforce Staff and the Department of Human Services.
Jonathan Shamis – Alpine Legal Services - Thanks for the long term funding that Garfield County Board of Commissioners have given to our agency many years. In the 6 years that I've been with the agency our numbers have tripled in the people we serve. Initially we were primarily an indigent service organization but we have clearly evolved over the last decade. We work closely with crime victims working closely with the Garfield County Sheriff's department, local law enforcement to try serving the needs of victim. We have the Garfield County Ombudsman's, which means we serve seniors throughout the entire valley. Our purpose is to serve the legal needs of the entire Garfield County and Roaring Fork Community. To that end, we started a partnership with CMC and the Garfield County Libraries offering a series of workshops on a variety of legal issues, hoping that no one will need our services. We've done things such as advanced medical directives and one next week on foreclosures. Last year we served approximately between 2200 and 2400 individuals.
Commissioner Jankovsky – On foreclosures how do you help. We have foreclosure counseling through our Garfield Housing Authority. Do you work together?
Jonathan – Yes we do.
Commissioner Jankovsky – This is an important part of our community and creates stress. It is difficult to do that sometimes.
Jonathan – I wish we could say we guarantee success but unfortunately all we can do to make sure individuals have access to justice, understand their rights and what someone needs to prove. It is remarkable how many people think if they do the right thing so it will turn out okay. Sometimes it doesn't work that way.
Commissioner Samson – You are doing good work.
Chairman Martin – Thank you very much for doing the job.
Commissioner Jankovsky – All of you are doing good work because many folks out there are really struggling. Sometimes we need to put a face with what's going one – it's 90% unemployed but we get into it, it's 20% of our population who are underemployed, losing their house or have lost their retirement, etc. Thank you for what you are doing.
Chairman Martin – We do appreciate the work you are doing in our community.
Jill – We had a success last week, a single mom who started working several years ago and had been on public assistance for a while, a single mom with 3 children and she was able to decide that she wanted a more non-traditional career. She went into process tech, had a paid internship this semester and was just offered a full time job with Williams. She'll be self-sufficient in not time.
BOARD OF HUMAN SERVICES:
EBT/EFT DISBURSEMENT
Mary Baydarian submitted the month of October 2011 for a total of $900,831. The list was included in the Board's packet of information.
Motion
Commissioner Jankovsky – I make a motion that we approve the $900,831 EBT for October and allow the Chair to sign.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
Chaffee Independent Living Plan Approval
Mary Baydarian submitted the letter from Sharen E. Ford, Manager of the Permanency Unit at the Chaffee Foster Care Independent Program Plan for approval. The allocation and CRMS codes for October 1, 2011 through June 30, 2012 for $11,281 and no more than thirty percent ($3,384) could be spent for room and board. It is allocated from the state but it all goes to Garfield County and it is for adolescents from 16 to 21. Drew, do you know why it's called the Chaffee Foster Care Program?
Drew – I'm almost certain that is the name of the senator who sponsored the legislation initially in the 1970's. The federal program was to assist foster children in transition out of that system into independent living.
Motion
Commissioner Jankovsky – I would make a motion that we approve the Garfield County Chaffee program in the amount of $11,281beginning October 1, 2011 to June 30, 2012 and authorize the chair to sign.
Commissioner Samson – Second. Shirley Dodd is the program administrator.
In favor: Jankovsky – aye Martin – aye Samson - aye
CONSIDERATION AND SIGNATURE APPROVAL OF OUT-OF-HOME PLACEMENT SERVICES
Mary Baydarian submitted the list of out-of-home placement for the Whimspire Child Placement Services located at 2305 S. Townsend Avenue, Suite B in Montrose, Colorado. This would be in force from November 3, 2011 until the end of the Colorado fiscal year, June 30, 2012. One small correction this morning on page 16 and I wrote it on the original changing the name and address to reflect the correct service agency.
Commissioner Jankovsky – There is no dollar amount in there, it states an hourly and how does that work.

Mary – There are two forms that you sign on for every placement agency that we contract, one is the SS238a that allows us to contract as the need arises. Then anytime a child does need out-of-home placement we do a separate contract as to the dollar amount and as to expectations of the program, outcome measures and we get more specific. That would be SS23b.
Commissioner Jankovsky – Does the Chairman sign those?
Mary – It depends on the dollar amount of the contract.
Motion
Commissioner Samson – Moved that we approve the out-of-home placement services SS238a Whimspire Child Placement Agency and authorize the chair to sign. Commissioner Jankovsky – I second that motion.
In favor: Jankovsky – aye Martin – aye Samson - aye
PROGRAM UPDATES
Mary Baydarian submitted the program update. Of particular interest, the child support collections amounted to a total of $4,145,060.32 for both Pitkin and Garfield Counties. Pitkin had collected $229,035.21 and the rest was in Garfield County.
SS24 A – for child – page 16 change – name and address change.
BOARD OF HEALTH:
WIC PROGRAM, FARMER'S MARKET REPORT, COOKING MATTER'S PROGRAM- CHRISTINE SINGLETON, ROBERT DOLAN AND ASTRID BAROFFIO
Mary Meisner, Christine Singleton, Robert Dolan and Astrid Baroffio presented a power point including the courses planned for 2012 and participating agencies.
Christine submitted a power point on the **Farmers Market WIC Partnership** 2011 program and thanked the BOCC for supporting Parachute, Silt, Rifle and Glenwood Springs. It was a great success and clients were excited. We gave out about $10,000 worth of vouchers and we haven't gotten them all back yet. The vendors are not always as prompt.
Cooking Matters
Astrid Baroffio presented Cooking Matters, which is a great connection to the WIC program. We have reached over 25,600 individuals and families since the program started in July of 1994. Astrid mentioned the courses planned for 2012.
Western Colorado Area Health Education Center – Cooking Matters
Robert Dolan – A former resident of Garfield County for 20 years at 815 Pitkin, which is now a parking. I work for an organization that is called the Western Colorado Area Health Education Center. A group was started back in the 1978 so we have been around for 31 years. The mission that this organization has is to ensure residents of rural counties have access to quality health care.
Cooking Matters continued
Astrid talked about the specifics about the program.
Ed asked where the kitchen is located.
Astrid –Then there are two classes at the Methodist Church immediately before the extended table program. A volunteer chef teaches the classes and for others it is though a licensed dietitian volunteer. I am looking for volunteers to teach the classes. Presently I have two chefs and 2 nutrition volunteers. Go around to the churches to see if we can use the kitchens – Ed – We have a full kitchen at the new Human Services building at Public Health in Rifle. It was designed for providing classes.
Astrid – I go around to various churches and have reached a few to see if we can use their kitchens. The classes are free. The host sites that are working with us take care of childcare if needed. At end of the 6 weeks, they receive the cookbook and they take it home, it has everything that we talk during the 6-weeks about including the receipts. She invited the Commissioners to come to one of the classes. Tuesdays and Thursdays at the Methodist Church from 3 pm to 4 pm. She referenced the other classes, one being on a Monday and the young parent's class on Thursday from 3pm to 4 pm at the Methodist church.
PUBLIC MEETINGS:
GARFIELD COUNTY EMERGENCY COMMUNICATIONS AUTHORITY 2012 BUDGET – CARL STEPHENS
Carl Stephens presented the budget for the Communication Authority with a Resolution acknowledgment of the receipt of the budget for 2012. Carl provided an update to the Commissioners on the Emergency Communication Authority and explained the budget for 2012.
Commissioner Jankovsky questioned the lag in the new line item and Carl explained this was for overtime for training transfer money.
The next item was the Rio Blanco tower on Douglas Pass.
Carl explained that this was being discussed but he had not put anything it funding for the project.
Chairman Martin – Back to the budget discussion and stated Carl was looking for approval.
Drew – I would like to look at the specific statute for the emergency authority.
Chairman Martin – Shall we defer approval or acceptance.
Carl ran quickly through the income and expenditures and explained the handout he had submitted in the Board's packet. Chairman Martin noted that Carl has a fund balance of $2 million.
Commissioner Jankovsky stated there was a meeting last Thursday at 1:30 p.m. in Rifle and both Marian Smith and Commissioner Samson attended.
Chairman Martin commented that Marian Smith has served on the Glenwood Council and has been active member serving on the Emergency Communication Board for many years.
Drew was asked for his input and stated this was a public meeting versus a Public Hearing to according to budget law, the budget approvals needed to be handled in a public hearing. I would suggest that you approve this budget conditionally today, provide sufficient notice and then approve it.
Motion
Chairman Martin – Let's do a conditional budget approve for the Emergency Communication Authority.
Commissioner Jankovsky – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

II. RIO BLANCO COUNTY REQUEST FOR ASSISTANCE WITH DOUGLAS PASS TOWER – KENNETH PARSONS
Rio Blanco requested, in a letter addressed to Commissioner Samson, the assistance of Garfield County in the budget for an 800 MHzDTR repeater site near Douglas Pass in Garfield County. This site would significantly improve DTR communications along the SH 139 corridor between Rangley and Loma as well as increase the reliability of the DTR system in the northwestern region. This is an important route for the energy industry though the region. Other emergency providers include Rangley District Hospital, Rangley Fire Protection District and the Sheriff Deputies who frequently respond to calls in the area. The cost of the repeater site has been budgeted for $1.8 million and the request to this Board is for one-half of the money.
A decision was made to have a joint meeting with the Rio Blanco Commissioners and the Board.
Drew – Suggested a meeting on December 1 by telephone.
Commissioner Jankovsky stated he would not be able to attend.
Drew stated that two Commissioners could continue it to a date certain. This is because it was on the agenda today.
Commissioner Samson – We would like to sit down with Rio Blanco and Sheriff Office for procurement to make sure this is done properly and suggested this Board could go to Rio Blanco if necessary.

Email from Silt – Ed Green – An email was received from the Town of Silt to have a meeting in Silt with the Commissioner on December 1, at 6:30 p.m. to discuss an Economic Development proposal and request for funding.
Commissioners Jankovsky and Samson as well as Chairman Martin have that time and date available.

COUNTY ATTORNEY UPDATE: ANDREW GORGEY
CONSIDERATION OF RESOLUTION REGARDING INTERFUND TRANSFER BETWEEN THE OIL AND GAS MITIGATION FUND AND THE COUNTY GENERAL FUND WITH AUTHORITY TO CHAIR TO SIGN – ANDREW GORGEY, ANN DRIGGERS.
Drew clarified that John Chaffee was the Republican Senator from Rhode Island 1976 to 1999 and he is the one that the Chaffee Foster Care Independent program was named after. This was heard under Human Services.

Drew – The first item is the Resolution and Exhibit A is for the purpose of the Resolution is to be more accurate in your accounting, it is the most efficient way of accomplishing your goal. There are two reasons for that. The first is that you have already signed IGA's with the every municipality and every taxing district that you are helping by covering their portion of the refund in both 2011 and 2012. These IGA all specify that the refund paid on their behalf would be paid out of the general fund. You had given a second indiciation that you instead preferred to pay it out of the Oil and Gas Mitigation Fund. That fund has components that are greater than your historical Federal Mineral Lease (FML) revenues and you have severance taxes so focusing only on your historical (FML) revenues I asked the finance department to identify expenditures in 2011 that could have been paid out of your oil and gas mitigation fund – Exhibit A. What you are doing is using oil and gas FML money historical to pay for the expenses paid in 2011 that could have been paid that way. That frees up the same amount of money to pay your refund. The result is you don't have change an of the IGA's or your Oil and Gas Mitigation Fund Resolution. You will be seeing a similar exhibit early in 2012 and I believe you will see at least one more budget supplement to account for this increase.
Chairman Martin – That would be $517,969.26 to transfer.
Motion
Commissioner Jankovsky – I would make that we approve the Resolution authorizing the fund transfers to the Oil and Gas Mitigation Fund from the general fund for the reimbursement of Federal Mineral Leasing related expenditures in the amount of $517,969. 26.
Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

REPORT REGARDING 2012 PROPOSED LEGISLATIVE CHANGES TO THE FEDERAL MINERAL LEASE DISTRICT ACT – ANDREW GORGEY
Drew provided the Draft 5 from the County Attorney Working Group for the 2012 Proposed Legislative Changes dated November 15, 2011. A summary for the Board was presented that stated and explained the path is for a meeting of the final tomorrow and Senator White.
Commissioner Jankovsky – One question, since Board members on the district are appointed but one moves out the district or is inept and doesn't attend the meetings, in the regulations of the district, does the BOCC have the authority to appoint a replacement.
Drew – There is not drafted in here presently a statutory movement for cause. If you are asking me to be sure that is included in what we what we submit to Senator White I will.
Commissioner Jankovsky –It is not addressed anywhere and I would hate to dissolve the district to remove somebody if there was some cause.
Drew - Replacement appointments are with the BOCC unless you chose they be elected. The District Board discussed and your chair was at the working group committee as a courtesy and was excellent. He added many relevant observations. One of them is the nature of the enterprise, not Tabor but undertaking. The job of the District Board is simply to give away funds and the best model is actually GoCO, which takes in its money and promptly gives it out in the two grant cycles in the spring and fall. The likelihood of someone falling down on the job was low, that's one reason you don't see it in here. I share your concern if the purpose is to deploy into the community and that's not happening for whatever reason, you have no way other than the expiration of a 3-year term to address that. I think that concern and there are other concerns in here as it travels to the Senate and then House that we can add but I think it is relevant enough to try to address it now.
Commissioner Jankovsky – The 8 districts in the state, a change of getting charged with a felony or something and they would no longer be eligible to represent the District.
Chairman Martin – Was this part of the By-Laws in the conduct of the Board of members.
Drew – And in the statute, the 2011 Act give you the power to remove directors now. The bigger picture here is by giving up your claim and control, this was a way to and one less area of control. It was a concern as to how much control you have over the District Board members.
Chairman Maritn – We are trying to remove that perception that it is component part of the county therefore meeting the Department of Interior's rules and regulations, interpretation of the BOCC purpose, etc. It is a leap of faith to be able to make sure it stands on its own for a good purpose and the directors distribute these funds properly. The misconduct of the board members is in the By-Laws.
Drew- The By-Laws are somewhat tied to the service plan and that concept is going away so if we are going to do away with that and we're trying to protect the public from a road director and my understanding is we can simply include this as an issue to be drafted.
ROAD RESEARCH TEAM, ROAD RESEARCH CENTER, AND PROJECT UPDATE – ANDREW GORGEY
Drew update on the road research team. In the last budget hearing last week toward the end of the presentation, I believe the direction was to include currently $75,000 in the 2012 budget for Road Researcher. What I have done based on your instruction is to consult with several sources, first the human resources director to try to define the type of person or persons that may be hired to assist with this. Katherine Ross and I discussed this and it became clear that we needed more information about what the project was and how to approach it. I spoke with a fellow county attorney from a county that has completed this project, it took them 10 years, a smaller county than ours, fewer roads but similar enough to be relevant. I asked then how they did the project. The fundamental take away was we're looking for a property attorney or someone with title expertise is inefficient of county resources and not necessary. In this person's opinion, you are looking for an intelligent self-motivated who likes history, everything you can teach them. I wanted more information so on November 16 we held first meeting of what today I will refer to the Road Research Team. That team consisting of Drew, Cassie, MaryLynn, Betsy, Randy, Jean, Edna, Scott Aibner the surveyor, Fred, Chairman Martin, Maggie, Lisa and Rob and in the conservations with Human Resources and the neighboring county, it became clear there are numerous disciplines that intersect on this research project. Mapping and GIS, engineering, roads, history, Clerk and Recorder and Chairman Martin gave several examples of projects that are pending. The current direction of the project is to establish a road research center; we are going to start small, your surveyor has offered half of his office as a permanent location. We will need a computer, a phone and a printer for whoever is working there. I suggest you not spend a nickel until you exhaust your resources in-house. I think we can accomplish a lot through these road research team meetings and try to target what you are trying to do. My first question was, what is the status of your record. We're meeting tomorrow morning with Rob Hykys to learn so I can see the GIS capability but all of your 758 to 900 miles of road depending upon on how that term is defined are already mapped. They are already listed in the primary listing of the Garfield County road inventory report (HUTF) list. There is a second list of road and number list, which is a durative from the HUTF list. Our next meeting

is December 14. What I'm suggesting you do as policy questions try to define the priorities of this project. You have on today's agenda some dispute over ownership on County Roads and the most common way that ownership arise is when a citizen(s) or subdivision or whomever has some problem. The developer trying to develop the neighbor who has specific issues and the Forest Service is the biggest example, you are responding to those problems. Your first order of business is to focus the team in responding on known disputes. The last meeting, Mr. Buettner was here on behalf of Ms. Crouch, that's a known problem. The Rifle Village South subdivision is under consideration today. You can list three or four others off the top of your head. The second decision is to then to decide on how you want to use the information. The AG GIS survey was done a few years ago and among other things, they discovered was 72 lock gates on roads that we claim to be county roads. If people are bringing claims against you on roads you know to be yours, you have no choice but to defend them or work it out, mediate instead of saying 'No'. The other choice is that you are trying to ensure that the roads you know are to county roads remain open, so why are there any locked gates. Then the longer term like the Forest Service and trying to use the RS2477 process to declare for all time your ownership to those roads is another direction. I'm aware that we need to talk about RS2477 but my suggestion to you is to absolutely approve that line item for next year so that we have it if we need it. I was very encouraged with the expertise and the enthusiasm for the project, from your Board Chairman to the newest person and it is more a leadership and coordination project than it is anything else. To get a definitive catalog of what you own and how you prove that you owe it and I'm not putting off any need or concern of any citizen, we are working on that actively but that's the state of the project.
Chairman Martin – The other part is that we have expended numerous projects, lost our enthusiasm and it dropped by the wayside. This is an attempt to keep the fire burning and to accomplish the goal and inventory and catalog of all rights of ways and roadways within the Garfield County and have a permanent that we can have for Board to Board. That's what the entire project is to be.
Commissioner Jankovsky – To get the position, we will probably need to hire someone for this.
Commissioner Martin – Create the position, hold in it abeyance without filling it, use your expertise that you have available, then once you reach that certain saturation then it needs to have a single spear point and that person needs to be hired and take on that project.
Drew – For not you need an intelligent and self- motivated history lover earlier described.

UPDATE REGARDING RIFLE VILLAGE SOUTH SUBDIVISION MATTERS – ANDREW GORGEY

Drew – Commissioners, two weeks ago I promised I would give you some response to presentation you heard on the comments not schedule. Since that time, I have held two meetings with Building and Planning and included the Road and Bridge Supervisor and one with the Counsel from my office and the Treasurer. I had a chance to talk with the residents today and I want to being by saying this is step one of a conservation and not a definitive solution or opinion. I do want to get a preliminary opinion that is I have found no evidence from any source that the county any of the roads in Rifle Village South and there not owned or maintained, the particular strip of drainage in dispute. Obviously, the folks you heard from 2-weeks ago disagree with me and strenuously. I understand and respect that. I do want to explain some of why I'm giving this preliminary opinion. The original subdivision, Rifle Village South pre-dates the adoption of subdivision regulations and subdivision statute in Colorado by about 5-years. That is very important and that is because it means that the plat as originally submitted and approved did not go through the same sort of approval process that modern subdivisions would. The instant issues are the impact of the soil and the geological conditions both within and adjacent to the subdivision. The approvals and reviews that do happen for subdivisions approved today may or may not have happened and certainly were not required to happen in the same way when this was originally approved. That to say, submitted today, I do not know whether this would have been approved at all given the soil problems. I don't know, I not saying it would or wouldn't I just saying I don't know. The geological conditions out there are complex. The second relevant feature of that is that was no, at least we have not been able to find yet, subdivision improvement agreement. That would have been a contract between the developer and the county whose primary purpose was to manage the development of the improvements and most important for this discussion, turn them over to the county, so that the county accepted all of the roads and public improvements there and made it part of the system. I have no evidence of that, I'm not telling you that it doesn't exist definitively, I'm saying there's no evidence of that from any source. There is evidence to the contrary that it does not exist. I would say the best evidence of that is a mid-80's local improvement district, which was formed by the residents of Rifle Village South to account for the maintenance of their road and contrary to the concept that the county owns them. In 1997, a second subdivision within Rifle Village South was proposed and proposed and it was much smaller than the original plat it contained 5 lots, one of which is right next to the drainage area that's causing so much trouble. Very significantly, the county was not responsible for improving that, managing that in any way other than to give approval to the developer. The opponents may say that is the very essence of the thing, you approved this project that never should have been approved. That may or may not be so, I think it's not so, but in any event it doesn't indicate ownership. The best evidence of county involvement today is probably that we have plowed snow. I have asked for maintenance records for Shotgun and most of the streets have names related to firearms or grand shotgun. Colt, Shotgun, Colt Village, Remington and Winchester. I've asked for maintenance and file records for them; if someone can show me how plowing snow creates ownership rather than a recorded plat or acceptance through an SIIA, I'm listening. But, so far, that evidence is incomplete. So, I promise you that is not what Janet Ketelsleger and the rest of the folks here today wanted to hear from me but I'm no done. This is a few weeks of preliminary looking at this, it is a very complicated problem, a very old problem, we have evidence from 1986 that the BOCC drafted a letter to the residents there warning of this exact same problem. My preliminary thought is you will solve this privately. Your Homeowners Association of Local Improvement District, Public Improvement District or something like that.
Chairman Martin – You are still wanting time to investigate and talk with the homeowners.
Drew – I haven't talked with any single resident there.
Janet Kestelsleger – 15 Shotgun Drive in Rifle Village South explained the issues indepth.
Lee Allmon owner of the part of the ski lake, called Lake Toueye, south north of the Rifle Village South Subdivision was pres
Bruce Mills, a friend of Jan's.
Discussion
Drew – You're trying to, I think the root of your question is, who bears the fault. In a private residential transaction, the parties are all known to you, the seller, buyer, maybe a real estate agent, Title Company to review the deed that you received. In terms of the quality of what you are buying, there are customarily but not legally required seller disclosures and there are as the buyer you have an inspection and you can't perpetrate a fraud, can't hide a known defect, I know that, but as a purchaser you know you have your responsibilities too. That is a very general statement and you should not apply that to this at all.
Chairman Martin – The engineer has to put his stamp of approval and design on it, submit it to the county and then the county receiving that has the right to review, accept it or whatever. The practice has been that the licensed engineer was stamped etc that's acceptable. Now, putting into play, building it and making it work is part of the building inspection and building process, so that's why I say he may have the information in his records that it was done properly. It may have been done improperly or the design was limited and how it was disclosed from the design of that project. That is information we don't have and we need to continue to do that to have full disclosure on what's going on and why things are taking place. It's incumbent that the county to review, it's a flag for us too when we are pulling up a plat that says you have some soil challenges, get a report stamped by an engineer. That is the typical way it works.
Commissioner Samson – It appears to me that the Board of County Commissioners in 1987 was trying to cover their bases somewhat and let people know there were some mega problems.
Drew – That is what the letter sounds like to me.

Commissioner Samson – Who owns the roads, the streets in Rifle Village South?
Drew – Unknown, I believe they are privately owned.
Commissioner Samson – Would it be the developer who bought it although he has sold all these lots, he still owns all that land that is covered with asphalt in the right of ways, etc.
Drew – I don't have an answer to that today. These are exactly the details that are important in figuring this out that we still need for this Board. Commissioner Samson, I don't know who owns them, the existence in the 1980's Local Improvement District suggests that the County does not own them.
Chairman Martin –The County itself did not create it but the citizens and taxpayers created it; the County oversees that to make sure it is done properly and the taxes are collected and distributed to the proper sources. At that point, there is participation but only as a guiding light and not as the owner.
Commissioner Jankovsky – Is that done as the vote of the property owners.
Chairman Martin – Yes, within that area. It has to be a vote or an agreement, a petition that is brought forward by a certain percentage of the homeowners or the property owners to do that particular self-assessment. Then the County …
Bruce – It is also possible then that there needs to be an assessment to take of that problem, fix that drainage problem.
Chairman Martin – It could be. Again you need to see who is going to be doing that, is it going to be both subdivisions, one subdivision, one property owner, the developer, etc. that is what we are trying to get to make sure we go down the right path. It's not fair to say we're not going to help you, it needs to be determined who going to be able to bear that burden and get the problem resolved.
Bruce – We appreciate you help and your comments today.
Jan – With all due respect, we are under a time restraint because I am losing more of my backyard everyday it rains and with the last snow, it's more and more.

EXECUTIVE SESSION

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.

PURSUANT TO § 24-6-402 (4) (B) C.R.S. CONFERENCE WITH COUNTY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS.

Drew – There are 2 items for Executive Session today. 4B - It is instructing negotiators and receiving legal advice regarding the purchase acquisition, lease transfer of sale of real property interest and second 4A is a conference with the County Attorney for purpose of receiving legal advice on specifically the questions. Drew requested to take 4 B first.

Motions

Commissioner Jankovsky moved to go into an Executive Session and we address Item B first.
Commissioner Samson - Motion carried.
Drew - I will need Assistant County Attorney Katherine Johnson, myself and Steve Anthony the Vegetation Manager.
Commissioner Samson made a motion to come out of Executive Session.
Commissioner Jankovsky – Second. Motion carried.

Action Taken

None taken but direction was given.
Drew confirmed there was no public action to be taken and items discussed were limited to the items announced and on the agenda.
Chairman Martin – Do you expect to have any other session needed for this afternoon.
Drew – No, I do not. I will announce that in the Special Meeting scheduled for tomorrow night at 5:00 p.m. we will be requesting again in executive session identical to Item 6A this morning.

COMMENTS FROM CITIZENS NOT ON THE AGENDA:

NONE

REGULAR AGENDA: BUILDING & PLANNING ISSUES

COUNTY ATTORNEY UPDATE – LAND USE ISSUES: ANDREW GORGEY

Carey Gagnon submitted a memo regarding the River Edge Colorado PUD and Preliminary Plan Application dated November 17, 2011.

Development Agreement

In compliance with the state Vested Property Rights Statute, the Unified Land Use Resolution of 2008 as amended (ULUR) permits the Board of County Commissioners to enter into a development agreement specifying the terms and conditions of approval and vesting of property right. The Development Agreement must include a "phasing schedule" and "language establishing a vested property right." The Board may approve a vested rights period exceeding 3-years when the extention is warranted due to all relevant circumstances including the project size and/or phasing of the development, economic cycles, and/or market conditions. She explained the following:

Vested Rights Period including direction to the legal staff: How long a vested rights period is acceptable to the Board?
Consideration including direction to the legal staff: Is the Board satisfied with this offer of consideration or are there additional public amenities or public improvements that you would request serve as consideration?
Phasing including direction to legal staff: Is the Board satisfied with a general phasing sequence and target construction timeframes, but no specific identification of when each phase must receive final plat approval and/or commence and complete construction?
Director to Approve Minor Amendments to the Development Agreement including direction to the legal staff: Does the Board want to be involved in all amendments to the Development Agreement, or is it acceptable to have minor amendments approved by the Building and Planning Director?
Affordable Housing including direction to the legal staff: In order to ensure that the Development Agreement, Affordable Housing Agreement, PUD Guide and PUD Plan are accurate, the Board will need to identify what standards Carbondale Investments (CI) must comply with regarding affordable housing.

PUBLIC HEARINGS:

CONSIDER A REQUEST FOR A ZONE DISTRICT AMENDMENT AND PLANNED UNIT DEVELOPMENT (PUD) FOR A ±160-ACRE PARCEL LOCATED MIDWAY BETWEEN THE CITY OF GLENWOOD SPRINGS AND THE TOWN OF CARBONDALE ON THE WEST SIDE OF SH 82. THIS SITE REQUESTS PUD ZONING TO ALLOW FOR 366 DWELLING UNITS, COMMUNITY SPACE, OPEN SPACE AND COMMON AREA, UTILITIES AND RIGHT-OF-WAY FOR THE RIVER EDGE COLORADO PROJECT. APPLICANT IS CARBONDALE INVESTMENTS, LLC – KATHY EASTLEY AND

CONSIDER A REQUEST FOR A SUBDIVISION PRELIMINARY PLAN ON A ±160-ACRE PARCEL LOCATED MIDWAY BETWEEN THE CITY OF GLENWOOD SPRINGS AND THE TOWN OF CARBONDALE ON THE WEST

SIDE OF SH 82. THIS APPLICATION SEEKS APPROVAL TO CREATE SINGLE FAMILY AND TWO FAMILY LOTS, COMMUNITY SPACE TRACT, OPEN SPACE AND COMMON AREA TRACTS, AND UTILITY AND RIGHT-OF-WAY TRACTS. APPLICANT IS CARBONDALE INVESTMENTS, LLC – KATHY EASTLEY

Carbondale Investments, LLC, Rockwood Shepard, Lori Baker Land Use Counsel, Mark Sawyer – 8140 Partners Civil Engineer and Sam Otero – 8140 Partners Civil Engineer were present.

Kathy – This is presented as both items.

Carey Cagnon reviewed the noticing requirements with Rockwood Shepard, posting, publication and proof of posting. She determined they were timely and in compliance so the Board could proceed to open the public hearing.

Chairman Martin swore in the speakers.

A signup sheet was provided for the public that wish to speak.

Kathy Eastley submitted the following Exhibits for the record: Exhibit A – QQ.

Kathy submitted her lengthy staff report and explained.

Public Comment

Chairman Martin reviewed the process for public speakers, the Board and then back to the applicant.

Rick Lofaro – 160 Hogan Ranch in Basalt. I am the Executive Director of the Roaring Fork Conservancy. Within the development, there are provisions for trails, etc. Again, it's limited and I would like to continue conversations with the application to see what sort of limitations we can offer to allow the residents of the area access to the river in some areas where access can be accommodated and other areas where people can fish and enjoy it. But to make sure we protect the areas and keep it off limits. We hope that in all the best circumstances this becomes a self-regulating thing in the neighborhood. We all know what happens after a developer leaves the project and the HOA is left with something that we would like to see as an amenity; but as a liability and responsibility for the HOA. This is something that could be difficult to limit access or police for lack of a better term if the HOA is not aware of the easement, the rules or just decide not to adhere to it and then we have hundreds of people trampling a sensitive area.

Rick Broadhurst – 1101 CR 107. I own three of the properties that were deemed adjacent to this property in H Lazy F Trail; Park; there's a Lazy F Mini storage and Mountain Meadows mobile home park. I came to support the project. I believe our mobile home projects provide entry-level housing to quite a few people in the Roaring Fork Valley. I think this project is the next advancement for some of these people to leave the mobile homes and find entry-level stick built housing.

Dave Johnson –Building a town away from existing municipalities is never proven to a benefit. Sanders Ranch and the other reiteration are already examples of that flawed concept. 10-years ago Sanders Ranch never materialized during the good times, it seems inappropriate for a 20-year shelf live during these more difficult times.

Mark Gould – 0020 Oak Lane – I'm told the disclosure on the owner of Gould Construction and for further disclosure I'm the guy that screwed the property up. I've worked for every developer that has worked on this property down to George Hanlon who gave the right of way to this guy over here so I know the property very well. I'd like to say that I support the project, I support this project and explained his multiple reasons.

Chris Janus – I live at 3642 Hwy 82 near Buffalo Valley bridge and I just wanted to offer my support for the development.

David Harris – 4829 CR 154. I am going to start back with the Comp Plan and you folks have heard me speak on this before I was the chairman of the advisory group to hear Phil Vaughan say that this is what we intended for this property for the last 2 ½ years is an unbelievable slap in the face for the people who spent 6-months advising on that plan. It tells me it was a foregone conclusion at the point of the P&Z and that is just flat wrong.

David Sturges – 1310 River View Drive. It is a big responsible, I don't feel very good about that, of course I don't feel very good today because I feel sad. Mostly I want to tell you I've lived here since October 1978. That's a long time. I've watched this community come to love it like I've never loved another community. I'm not against the project, I'm against this particular project.

Chairman Martin – Semitics again as an attorney, but I need you to wrap it up.

Dave Sturges – One of the more complicated issues about this is the proposed development is in mixed compliance with the Comp Plan on page 16. The planning commission has made its own call on this based on the elements in the plan, the commission has determined that the proposed density is appropriate. That seems to flow in direct conflict with down on page 17 where it's noted that IronBridge, Aspen Glen, Teller Springs all have a density that is higher than the proposed .44 acres per dwelling unit in this project. I'm going to conclude I can see you are anxious John.

Chairman Martin – I want these folks to be able to respond and I want to make the other citizens have an ability to again reconsider if they wish to do testimony. We have one hour and fifteen minutes. I figure we will use every minute of it. I just want to make sure if you really need to respond again, I'll you do so.

Chairman Martin – Direct questions to the applicant of to the staff.

Commissioner Jankovsky – I'd like to give the applicants a response on the things that were put out there if you do want respond.

Chairman Martin – Go right ahead if he wishes to do so.

Applicant response

Rockwood – Several things were misunderstood or people didn't have the full knowledge of something but a couple of things with the conservation easement. The agreement that was signed it is directly included in our HOA documents, it will be given to each one of the owners of the people who buy into the project. We have agreed to follow word for word the documents and we're trying to get any waivers or changes on anything and we'd don't' expect them to do that either; we are agreeing to the document as it is written. There is an area where there used to be herons, it's called the heron rookery area, there are no herons there. They've haven't lived in the trees, they carp in the trees and it kills the trees and they die and they move to the next area. We are still agreeing to the same restrictions in that area because it is a sensitive area even those do not have any heron there. There are animals there too. There was another area over by the water and sanitation district that had a nest in a couple of trees; it blew over this past spring. The only tree left on the entire property is down next to the river; it is almost twice as close to the water sand district as it is to our closest house. We have less impact on the heron than the water and sand district or otherwise.

Mark – You also noticed on the plants as we do provide on that recorded PUD there would be a 20-foot access control area adjacent to the property line and the easement. Within the property boundary, there is an access control area and we propose an additional vegetative screening and signage and those features that will help people in the area to identify the boundary in addition to the boundary already required in the area. We have that on PUD plan and its part of our standards for development of that. We will be working with the RFC to determine how that should be specifically landscaped within that area so we can provide per house boundary as well as the signage.

Rocky – We look at the conservation area as an asset to our property for having a natural area adjacent to where you are living is a great amenity, we don't want it to be messed up anymore than the conservation easement do. When we found out that there was an orchid that's not endangered by threaten, we were thrilled. I had called the biologist to take us down there and show it to us. I thought that was cool. As far as the utility crossing agreement, they have been agreed to since the original agreement.

Lori – Just to clarify, there are provided for an approval authority given to the RFC already in the agreement so we will have to get their approval as to our utility crossing as well as for fencing, berming etc. We are committed to that agreement.

Rocky – Another comment came up that we didn't have rail access. We have rail access, we can access agreement for a private crossing at grade at Cattle Creek road there that was through a court settlement through lawsuits filed between the older development and RFTA and it is in stone and is not negotiatiable it's called an easement for the crossing non-revocable easement for that crossing

there. One of the reasons why the property is split is because of the RFTA trail going there and we couldn't get public access on one side over that because we had a private access agreement and we didn't want to mess with that. That's already done.
Chairman Martin – A non-negotiable easement from RFTA, did they describe what size it was and the location.
Rocky – Size, location, what we have to do, everyting down to putting underground stuff if there ever put crossing for rail, it's something like a 20 foot crossing, we have it shown on the plan. There were comments about the density and stuff and the we meet what density the Comp Plan asked for there. Another question came up about the stipend to the RFC, they are paid approximately $3,000 a month, and since the easement has been made, they have been paid just $400,000 for their stewardship of the property. The easement is there because development was going to happen, it's financed, we had to bring all the past payments up to date and we have done that. It's $400,000 and that's a lot of money for what has been done on the easement. Another comment was about the rest of the property and the rest of the property is not part of this project. Of course, it's going to be developed at some time, we don't know what's going to be there, who or what format it's going to take. The one that came up a couple of times was traffic. Right now or before we put one car in and out of there its level F you know and so does everybody else too. When we start putting more traffic on from our side as this chart shows how limited traffic we have going straight across up Cattle Creek Road. From the edge of the highway up Cattle Creek road, we have limited affect. We are willing to take the entire project, the entire intersection on, leave the thing through and pay for the entire intersection. All we need is the stuff we can't get such as right of ways where needed and we need the County for that. That takes it completely out of the public sector as far paying for that – we'll foot the bill for the entire thing. Mineral extraction, talking about hauling gravel out there and being a gravel pit – it is specifically states we cannot do that.
Mark – It wasn't clear on our approach to the materials management for this site. Our goal in designing this and looking at the project was to get a mass balance that was as close to zero as we could. The best thing for traffic, the property in developing it is to use the resources that are there on the property. We have to process some of those resources to use then correctly and not have import and export. Yes that is typical of construction project, we've just gone a step beyond and have made an effort with staff on that because we think it is so critical to not import and export. We are plus or minus 10,000 yards of total material, which we should be able to deal with in some fashion on site.
Rocky –Out of a million and half cubic yards. There was a talk about trucks going onto the highway from there, well if we didn't process the gravel there and didn't design it so we would have a net zero we would have thousands of trucks in and out hauling gravel out somewhere and hauling processed gravel back in. That's why we've asked to do that to process what we need on the site. It makes sense.
Mark – You'll know from the R&G's report the assessment of the mineral resources on the property that they were non-economic, that was an assessment by engineer on that site is correct.
Rocky – We have one slide that was up before and apparently I forget to bring up was our actual request for approval. We're looking to approve the rezoning of the property to PUD and approve the PUD plan guide, approve the preliminary plan, the waivers of the roads of the 6 different things and approval of our development agreement and direct staff to work with us in developing an MOU for the intersection. Those are things that we are asking for. That's all the rebuttal I have.
Commissioner Jankovsky – The property to the north and back on the other side is not in PUD, then back to the other side of the Rio Grande trail is owned by GCCI. Is that a subsidiary of this group, it that a different group and this land has not been subdivided at this point, so can you explain that to me.
Mark – There was a transfer to (GCCI), Garfield County Commercial Investments, we have 160 acres so the remainder of this whole parcel was sold to GCCI. 24 and 53 the parcels were larger than the 35-acre subdivision so there's not subdivision.
Lori – In meets and bounds.
Mark – They are all above 35 acre. There are three pieces technically, there was a piece greater than 35 that was transferred that is east of RFTA between the highway and the bike trail. Then there's a the piece that is greater than 35 west of RFTA and that includes the conservation easement. The 3rd is a commercial piece that Douglas transferred to them as well, which was the old Sopris. That piece was sold but it existed as a separate piece.
Rocky – As far as the ownership Carbondale of thing, the ownership of Carbondale Investments currently still owns the property and GCCI but we are actively marketing that portion to people that are doing the River Edge Development that we have are interested in residential stuff. That's their specialty and what they want to do.
Commissioner Jankovsky – So there is separate ownership.
Rocky – We have an interest in it but it is a separate LLC.
Commissioner Jankovsky – The portion that is north of the PUD, that is the portion that's going to be between Rick Broadhurst area and then your PUD and….
Rocky – There's a 24 acre piece which is also attached to conservancy easement.
Commissioner Jankovsky – Rio Grande Trail, you said it comes on the south side of the property which is going to be some realignment or it's going to be elevated more, I'm not sure.
Rocky – No, at the main entry of Cattle Creek road we will be taking the Rio Grande trail and going underneath our entry road and coming back up on the trail, so like where the bridge is, we'll start a gradual decline then it will go underneath our main entry into Cattle Creek and come back…
Commissioner Jankovsky – At that intersection there won't be traffic, bicycle…
Rocky – No, it will be underneath.
Lori – That's required by the easement agreement.
Commissioner Jankovsky – There may be an easement that looking at….
Mark – There will be a maintenance easement that's provided to RFTA, this part of it is will have to push to get the grades and push far enough that may be outside their current ownership.
Commissioner Jankovsky – Then on our water you're going to run up south on the east side of 82 up to the water tank that Aspen Glen owns and you are going to put another tank up on dump road, it that correct.
Rocky – Yes.
Commissioner Jankovsky – Has you…
Rocky – Copies of the easement are in the application. It's already been done.
Commissioner Jankovsky – A question on the mineral extraction but I think you explained that. The neighborhood center, the rec center, I just wanted more, it that a neighborhood center meaning or it is rec center, will there be some sort of workout area, community meeting room or is that a neighborhood center and in fact will have daycare and soda or coffee shop in there. All commercial. Is it going to be a community center?
Rocky – It's a community center, the only actual place where you would come and buy something would be a coffee shop and we figured that would be maybe 800 sq ft. That would also have bathrooms and everything for the community center. It's going to be a community center for meeting rooms and stuff like that, it won't be a rec center like the Community Center here in Glenwood. I suppose if they wanted to have a workout room, it would be up to the HOA to decide.
Commissioner Jankovsky – Are you going to build that and then turn it over to the HOA.
Rocky – Yes. The plan has always been to build it.
Commissioner Jankovsky – My biggest concern is the 82 intersections and having a light there, cross that east bound and has to fight with the traffic on 82. I hate to keep putting lights on Hwy 82 but that intersection, it's a tough intersection.

Rocky – It is and we believe a light there will make our development successful.
Commissioner Jankovsky – You are comfortable with putting a light there.
Rocky – Definitely and another interesting thing is when they put the elk fence along the property there was no provisions. It's not an official place for entrance or exit for the RFTA bike trail so at our expense I had the guy put a fence in and a bike gate because the amount of people go out at the bike gate now and cross over and ride their bike on Cattle Creek Road something's there will be 100 people. There are many people that use it and without that gate there they would have to go all the down to Thunder River Market or back as Aspen Glen, those were the two access points. We've received many favorable comments from the bikers that appreciated us putting that gate there.
Mark – Some of the traffic as indicated, the development actually hopes to meet the intersection without …from CDOT and so the combination of the pedestrian, the bicycles and the existing traffic problems that are there, this move this to a higher priority and allows a signal to work into our program.
Commissioner Jankovsky – When you were talking back to the Rio Grande Trail you should berm somewhere, was that on up against the Rio Grande trail, where was that berm that you were talking about.
Rocky – The property is 100 feet wide.
Lori – There are several agreements with RFTA and one is an open space agreement that runs along the Rio Grande Trail on both sides that requires certain berming and vegetation. It may be 50 feet on each side but I'm not certain.
Sam – It's 100 on the west side and much smaller on the other side. When they pull the ties out they usually put them out on one side so they have much larger right of way. There's an imbalance.
Commissioner Jankovsky – Will that berm be on your property or on both.
Rocky – That's all in the RFTA agreement, the landscape etc.
Chairman Martin – Part of that size was due to CDOT ROW when they expanded Hwy 82 that they have a certain amount of ROW. Western Railroad sold that to CDOT.
Commissioner Samson – Let's go back to the access because I think that's one of the main concerns I have. As I look at this and how it's going to be built out, etc. I'm trying to conceptualize in my mind with all the houses, townhomes, whatever and at least two vehicles, that gives me concern on Hwy 82. Then I think as I was reading the materials, the Road and Bridge person in that area brought up a point that I thought was worth bringing up. I'm concerned about your rec center is that going to bring in many outside people combined with all the residents.
Rocky – We have no plan on it being open to outside people, the only thing open to outside people. It's not like a place the rec center here. It will be for that community's use and more for meeting rooms, mail box locations, HOA office etc. Probably the only traffic it would get would be bicycles on a bike trail because it would give them somewhere to get a drink. Mark – Our signage doesn't allow for commercial purposes. In addition the way the rec center is planned to go forward it's essentially a membership and dues from the HOA that maintain that and only open to HOA and guests for use of it. The daycare center is designed and operates if there is a determination that there's a need with the residents of the community. We believe there will be and a desire to have that kind of a facility. It's not sized to try and attract from outside the development.
Commissioner Samson – I'm trying to wrap my mind around the number of houses. What many units are in Aspen Glen?
Kathy – I believe it's 618 at build-out.
Chairman Martin – They are not at build-out, they are only 400.
Commissioner Samson – And Ironbridge it doesn't have to be specific, just a ballpark.
Rocky – Around 356.
Chairman Martin – It depends on all the affordable housing, the clubhouse, employee housing – they are not complete either.
I struggle with this type of a development; it has many good benefits to those that are thinking in the future. I'm not one to join a HOA, I'm not one that likes gated communities even through Rocky this is what it's what going to be based upon what you have in front of you. I'm not an urban liver. I could not survive in this type of an atmosphere like this community.
Rocky – My family still lives on an Indian Reservation.
Chairman Martin – You know what I'm talking about. Traffic is a true problem; the intersection is going to impact everyone. Last time with George Hanlon Bair Chase etc, which you were handed, you cannot undo that. It's going to be extensive CDOT had a permitting process that will require a lot of investment. It is also going to be upon the County to compliment that and that was also addressed in that particular development in that location which was the old historic ranch crossing down by the trees and with the Cattle Creek crossing so that it would have to align several properties. Access on CR 110 is coming down that road, utilities coming down that road after improvement will be an impact to the County as well. You are only going to be able to come down the 110. The communities are involved. It's great and we've talk about it for 15 years combining water and sewer treatment for the Thunder River and all of those folks at H Lazy F and the impasse there to try to minimize the impact of the entire area to put that all together. It's a nice approach, I just can't approve it because of that but it would be nice that we could take care of those multiple issues. RFTA is a real challenge. It was when RFTA purchased that property and that was the intend at one time was to make sure that Sanders Ranch was not to be developed based on the bulk of the licenses. That has changed. The access is simply because of the conservation easement but it can't be used as a weapon against the property either. You need to agree on certain things, they do also. The Comp Plan and Dave you're right, we need the flexibility and that's one reason we put flexibility into the Comp Plan. If it was 100% required to meet the Comp Plan you'd be out of building. We said it needs to be advisory and give us flexibility. It does not give you a guarantee that it's going to be approved or not, it's flexibility that this board needs to make a good sound judgment. You people have done a tremendous amount of work; you worked on many things. You have an idea that needs to go forward try and put together a community, some are for and some are against it. I don't know how you will be able to finance it as that is a real challenge on this project. I am glad that you are going to look at trying to recycle some of the material on site. Bud Gardner and I talked we wish we had that irrigation as it would be great.
Rocky – Mike Bair was here from the Bair family but he had to leave.
Chairman Martin – We have a challenge in front of us and no matter what decision is made people are going to be upset. That's the nature of the business. I have to search my conscious and see where I'm going to go. I don't want to downplay anyone. So, I'm going to call on Mr. Sturges one more time.
Dave Sturges – Appreciate reading and I didn't reference the exhibit PP, the Staff's effort to bring us up to date. I have not looked at this revised PUD guide but I can't imagine that anybody could go forward in understanding this without this guide. The sheet that was done in PP, I'm trying to figure out what that is, it's a simplification of land use table and it's challenging. I think the revised guide is critical if anybody goes forward with wanting to consider this, that has to be very transparent and clear to the Board and I would say it needs to be clear to the and applicant and to the public. I didn't talk about phasing but phasing is just difficult to understand; I haven't sheet No. 2 of the PUD plan that is supposed to go into the PUD guide but that's where this question on Phase Zero and then I believe I've heard there are 13 other phases. Zero to 7 phases, figure out over a 20 year period of vesting and all I can tell you is I would not personally like to have my name on that kind of a legacy to a community that I care a lot about and you care about. If there is anything I want to say to you understanding part of public leadership or elected office is everything you do, every decision you make in effect is a legacy of what you leave to future generations. One of the difficulties I find in my world is understanding those legacy's. They are really the issues that are down the road but someone is going to remember that and I am hoping not to be driving to Carbondale in 19 years and seeing an unfinished gravel pit. I won't describe what other things might be there. It's not an improvement in my mind over

what we have now. I encourage you to absolutely consider this very closely understand what you are allowing someone to try over 20 years and the absolute minimum I believe is you should not give them an extended vesting period. It is by state law, 3 years by default. I would encourage if you must consider a recommendation for approval that you consider a vesting period consistent with the state default of 3 years. All that means is they come back and tell you what's going on and you can consider it or your successors can consider it as to what's appropriate for this community in Garfield County.
Chairman Martin – You also bring out the other issue in reference to vesting and the approach has been on a case-by-case and I'll give you four examples of that, Spring Valley Ranch PUD has a 15 year vesting; Aspen Glen, 14 years; Los Amigos 14 years and Rose Ranch 7 years. It changes and it depends upon the infrastructure, depends upon the project itself and the argument that is before this Board by the applicant and what's at stake and how this board views vesting. Three years is a short period, it depends upon the project. 20 years, Aspen Glen still hasn't been done and they were started before I was a Commissioner about two years before, they are still vested and they still haven't completed as we talked about. They are about 2/3rd and they still have vesting. We have to look at that too. It's the decision of the board and what we can live with Dave. That's the flexibility built into our rulemaking.
Carey – Just when you thought you were going to wrap up early, I have 4 issues to address.
Chairman Martin – I want to get all public comments in before.
Carey – According to the process for approving should you chose to go forward, the second piece are components of the Resolution, the third piece is my question to you about the development agreement and then the fourth is the affordable housing issue.
David Harris – I just want to expand on what Commissioner Samson asked comparisons with Aspen Glen and Ironbridge. It's about 350 in Ironbridge on 450 acres. Aspen Glen is 11,000 acres and 615. This is 3 something on 160 acres. I think that context is important.
Chairman Martin – Last chance for public comment. From the applicant too. Okay, I will limit the conservation to the legal staff, your questions and justification and the Board's decision.
Carey – Let me start with the process issues. I would like to request if move forward that we try a different approach, which is to move forward with the approval but not close the public hearing until we get a finalized Resolution in hand. You can make sure that all conditions match with what your intent is and would provide additional opportunity to finalize the development and the improvement agreement so we can present that to you at one time. That would involve not closing the public hearing and continuing it to a date certain to allow us to do that. Kathy and I did briefly talk to Mr. Sawyer and I don't believe the applicant has any objections to continuing the hearing just for the purpose of finalizing the resolution and the final document.
Rocky – For the purpose for finalizing, we'll like to get a decision today but for finalizing everything we don't have a problem.
Commissioner Jankovsky – I think today we would give direction and part of the reason for doing this is starting off with the requirements on the plat and we need help with legal on it, it makes the process better and we're not asking you to come back at a later time because of some requirement that we're not sure of.
Chairman Martin – I would prefer to continue the Public h=Hearing and not close it, still leave it open for information for positions. Correct.
Drew – We can craft the continuance however you feel it best. The point of this is not to have a second public hearing and have everyone that's hear say the same thing and have more persons. By doing a conditional approval today and doing direction in this way actually protects both sides. You are not getting an incomplete approval or unclear and neither is the county. The development agreement and whatever documents we draft with respect to Phase Zero and the exact wording to any changes to proposed conditions or additional conditions are known to all at the time you approve it. You avoid a circumstance where an approval today may put you in a posture under the current code that is very undesirable and no ability for the Board to come back and correct anything. It's a protection for everybody concerned.
Carey – Second issue is the affordable housing piece. We have heard testimony consistent with the representations the applicant will comply with the land use code in effect saying but you also heard them say they intend to come back and request changes once the code is amended. First, an applicant for a PUD must submit a plan for affordable housing. In addition, that plan becomes the final affordable housing agreement with Garfield County Housing Authority. There is no room for renegotiation of that plan later. Even thought the plan is not committed until your first final plat, in this case that is several years out. The Code is structured so that what is approved today in edged in stone.
Commissioner Jankovsky – I want to question you on that, when we were talking about affordable housing you felt it would be amended or approved plan and they could easily ask for some sort of new affordable housing regulations.
Carey – That has never been my position. What we have said is regard to the building incentive but folks who have pending approvals could come in and seek benefit of the building incentive but not necessarily to seek the changes to the Code. Consistent with that there has been two applicants that are in the pipeline who would also be affected by the text amendments that you're able to … in December and both those applicants were apprised if they wanted to take advantage of that, they would have to withdraw and resubmit. Both applicants have chosen to do so. We provided the same information to Carbondale Investments as well if they would like to take advantage of the change, they could take the deduction in the requirement from 15 to 10 but in order to do so, they would have to withdraw and resubmit. Even more problematic is the request for vested rights especially with affordable housing and then state law clearly states that the application has to comply with the code requirements in effect at the time those conditions were approved. The County is bound by those vested rights agreement that we cannot hold them to higher standards should the policy change in the County in the next period of vested rights. In the next 20-years, something more onerous could be included in the code, and then they would not be required to comply with that. The other side of that is the policy changes are relaxed; they are also not entitled to those changes. I they are planning to move forward with the project they have to do with the understanding it is at the current code enforcement of affordable housing.
Drew – This is a good illustration of the rationale for the building incentive that is not in the pipeline right now but we may want to revisit it as some point. The rational is it is not tied to the timing of the filing of any application; it treats all those who would build equally and ties to the period of the incentive period of construction and not to the timing of the filing and or any particular land use application. You can see pretty clearly, a great example, the difficult you would have as a Board and why this is coming from our office that it becomes very difficult to draw the line when you look backwards. Commissioner Jankovsky – If we were to continue this in-between that period if was continuance it doesn't make any different as it is the date it was submitted to the us.
Carey – The application is limited to the County.
Lori – Our response is that we understand that we have to comply with the regs now; we are representing in our PUD says 15% and it shows the phasing. However, we do firmly maintain that we have legally we have right to the come back and request a rezoning and an amendment to the development agreement. The development agreement is a contract and it can always be amended at the request of the owner. That being said, we understand that is a discretionary review process of the Board of County Commissioners. There will be a public hearing, there will be notice, all the members of the public would be able to come out and say their peace as will the County Attorney's staff and we'll have to demonstrate that our requested changes need the criteria in the Code. We are talking that risk on ourselves. In fairness, we just represented to you that we do have the intend depending upon how it ends up. We don't know how your affordable housing requisitions are going to end up but to let you know we are paying attention and understand we are going to come back and convince you that we meet the criteria and policy and we understand the position may be that the staff recommends denial in the future but we do have the come back and request to rezone. We do have the right to come back and renegotiate a contract.

Carey - Next question on the list there are 4 issues with regard to the development agreement on which I'm asking guidance so I can finalize as outlined in the memo. The first would be a consideration of a vesting period, phasing and then the ability to amend. My final issue has to do specific with the housekeeping issue specific to a Resolution should you come forward with an approval. The first is because we have a specific request for a waivers from Article 7 standard I would request that you direction Cassie for those waivers of those within the resolution itself so it's clear on the record but their expectations are, the second housekeeping is regard to Phase Zero purpose of the agreement. I would request that you amend condition of approval number five to reflect the development agreement and the development agreement be finalized at same time as the resolution so they could move forward with their phase zero improvement and we can be assured there are ways to do so. Final piece is I would like to direct your attention to condition of approval number 2 regarding the preliminary plan approval period as you know the ….is valid for 2 years and if you want to extend it to a long period of time, I would like to make it clear on the record if you are going to find sufficient identified by the applicant in order to request a…
Commissioner Jankovsky – So that preliminary plan shall be a period of 2-years at the first final plat. Then they asked for 5 years for construction. Is that in there as well…
Carey – It's memorialized in zoning. That is not necessarily a condition of approval. But because it is a specific finding by the board that more than one year is required in order to meet the condition of approval in the Preliminary Plan. The default is one year.
Commissioner Jankovsky – Security issues we were talking about. –
Carey – We are talking about Phase 0 of this which is not part of their normal phasing plan, it's all necessary in order to begin the development and as such and does not require a final plat. Without a final plat which is usually the trigger in entering into a SIA we don't have that timeframe, so in order to ensure that the county has security in hand in the event they default on doing those things of improvements and to ensure that they move forward with the Phase 0 Program, my request is that we incorporate a change to condition of approval number 5 that requires that agreement be completed at the final review. Mark – Just a comment on that specifically, I don't think we objection to finalizing a Phase 0 Improvement Agreement, we think that's appropriate to finalize the language. We will just not know at this time because final design hasn't been completed for Phase O, what the security amounts would be and how specifically write all those details including in the grading permit it is securing, so from the standpoint of the agreement, we should be able to get to that language and just the details to what is in that framework and the amount of security required. We will not know at this time.
Carey – We would be able to finalize that immediately.
Lori – We can incorporate the timelines for design and when design is complete the provision for security, that's drafting, we can finalize the agreement but we won't have a final security number until we get through the period of design.
Carey – My concern that there been no representation of the time period for the improvement agreement if you intend suggesting a time period…
Lori – The time period that you are suggesting is fine, we're just saying that agreement it not going to include the amount of security because the design will not be done.
Mark – I would think that would be for all grading permits for large quantities of land.
Rocky – When we met with Steve Anthony on the site, he said I have no idea what I would ask for security to return the property with the current conditions.
Lori – We are fine in working though the actual language and incorporating into the agreement maybe perimeters or timeframe in which the security amount would be determined.
Carey – I'm fine with that.
Commissioner Jankovsky – Do we have to address the consideration, phasing…
Chairman Martin – In the decisions. Decision of the Board.
Drew – I wanted to credit Carey Gagnon and Kathy Eastley for their work and they are not the only ones in the County who worked hard on this but they have been working on this for the better part of a year so I want to acknowledge that. I had one question that is simpler and I don't mean to go back into the main discussion but the least power the Commissioners exercise their responsibilities for the health, safety and welfare are invoked in the access issue to Hwy 82. One of the questions that I had and I believe it is important to make some record of it, the question for the applicants. Should there be an emergency where the only access in and out of the development at Hwy 82 becomes unusable but should that happen, can you tell the Commissioners why the residents in the parts of the subdivision that are furthest away from that access whether that's the single executive parcel or the smallest garden home is protected. You need to describe the emergency egress independent of the Hwy 82 access.
Mark – Yes, we have two EPAs that are proposed one which is south of Cattle Creek and connects to Hwy 82 and one that is located north of Cattle Creek and connects also to Hwy 82 and we have proposed in the EPA standards that our 25 foot width all weather surface meeting all the fire department requirements that would allow us to evacuate. We have also been asked to do is in our language of our PUD and at time of final plat, as part of our Phase 0 we are doing detailed geotechnical work. One of the things that was a question in the staff report; and we were clear on it. There are certain key segments of road and there's only really one that is a key segment in the development where there isn't alternatives. That is at the access point and that point is to complete all the geotechnical and much more detail, which is what you can't do until reclamation or during the reclamation process to identify any locations along that key segment that would be subject to failure. Also, to detail a plan for resolution if there is anything at that time that is noted. So part of our construction plans would require us to detail those key segments and make sure that we have a solution from an emergency perspective and design perspective to work though the failure of a key section. But from emergency vehicle standpoint we have provided two access points recognizing that the bridge could be a key component as well.
Drew – I think the form of the motion then would be to extent, if you intend to approve this today, would be a motion on the conditional approval of the two items combined as one; and in that motion would be a continuation of the public hearing for the limited purpose of receiving comment on the resolution and other drafted documents pertaining to this.
Commissioner Jankovsky – I am supportive of the ones in the room that have discussed this on both sides in favor and opposed. I'm notice it is more urban than what is between Glenwood Springs and Carbondale but I look at both areas and see Aspen Glen, Coryell Ranch, IronBridge and Westbank and I don't think it is out of character with what's going on between Carbondale and Glenwood Springs, I think there is some open space existing otherwise. There's been a lot of comment I had one email on this and it was from the former County Commissioner and he said you know this was in front of me two times and I approved it twice and where else in Garfield County do you have access to a 4-lane highway, water and sewer. I agree with that comment.
Motion
Commissioner Jankovsky – I would make a motion for conditional approval of to consider a zone district amendment PUD for 160 acre parcel located midway between the City of Glenwood Springs and the Town of Carbondale on the Westside of Hwy 82 and the site request the PUD zoning to allow for 366 dwelling units, open space, community space complimenting the area utilities, right of way for Rivers Edge Colorado Project and consider a request for a subdivision preliminary plan on 160 acre parcel located between the City of Glenwood Springs and the Town of Carbondale for Carbondale Investments and with that I would ask for a continuation of the public hearings to discuss the concerns that were mentioned by the attorney's and with that there would be the following conditions which are put in place by the Planning and Zoning Commission 1- 15 and not those were approved by P&Z on a 6 to 1 vote and that in that the condition number 2 and condition number 6 we add something on Phase 0 and talk about on condition 2, the preliminary plan approval shall be valid for a period of 3 years for the first final plat and we need to add something in there on Phase 0

and I'm exactly sure how that should be stated, but that there be necessary security etc in place for the grading permit in Phase 0. I'm not sure how to craft that, so I ask for help from my fellow commissioners or from legal.
Carey – I would recommend that condition no 3 and 5 be modified that the development agreement and Phase 0 improvement agreement shall be finalized based on Garfield County's pre-ap and shall be recorded.
Commissioner Jankovsky – And I would like to add to condition 9 under wildlife, number h which would state that the Roaring Fork Conservancy Agreement will be adhered to and River Edge Carbondale will work with the Roaring Fork Conservancy District to mitigate impacts concerning trails, river access, utility crossings and signage and that any agreements that are made between the two will be forwarded onto the REC HOA.
Commissioner Samson – And you said 1-15 but I think 15 was struck.
Commissioner Jankovsky – Okay, well I'm going to add a new one so 1-14. I would like to have something under 10A concerning the signal, I think the signal to me that is the consideration for me, I think that's the return to this community is getting that access taken care of at Cattle Creek, something in there that MOU or something to make sure that signal and that intersection is in there and has been approved. Some language to that affect.
Drew – You're referring to the applicant's offer to contract with the county…
Commissioner Jankovsky – But I'm actually looking to this consideration 10a which talks about working with the PUC and all that which I believe has to do with the intersection of Hwy 82.
Chairman Martin – The PUC would be crossing of the CDOT and they would have the power to be a partner for the intersection, the signalization.
Commissioner Jankovsky – Make that 10d then on the signalization on Hwy 82. I would like to add a number 16, which directs the staff to include the waivers and write those up as an Article 7, put back vested right for numbers.
Carey – It's not in the conditions of approval, it is the direction to staff to finalize the …
Commissioner Jankovsky- I believe that with vested rights and the uncertainty of what's going now in the economy gone to 3 years on the first final plat, 5 years for construction and the most we've ever given on vested rights is 15 for Spring Valley Ranch and 14 years for Los Amigos in Glenwood Springs, I would like to 14 year number of vested rights, I think. But you guys can come back in 14 years and come back and say we need to add the other as Aspen Glen has done for the increase. Chairman Martin – Consideration of their additional public amenities …
Commissioner Jankovsky – And to me consideration if there are improvements to Hwy 82 I feel that is very important for that intersection. We had that on our capital list for something to improve ourselves on the east side and I just think it's an intersection that really is a priority number one problem intersection in out County and it is a consideration for vested rights.
Chairman Martin – Are you satisfied with the affordable housing...
Commissioner Jankovsky – I think affordable housing is adequate and the phasing I am okay with the estimated phasing construction schedule, it's been done before and I think in these uncertain times I'm okay with that but I'm willing to, all of the conditions I put forward I'd like to hear back from other County Commissioners.
Chairman Martin – The big question is are you satisfied or would you like to add all the amendments to the development agreement and give that to other people who are concerned.
Commissioner Jankovsky – I would be comfortable with that.
Carey – I agree with it what you have proposed for modification of 50% for 9h.
Commissioner Jankovsky – Yes, I stated there that the Roaring Fork Conservancy Conservation agreement would be adhered to and that REC would work with the Roaring Fork Conservancy to mitigate impacts concerning trails, river access, utility crossing and signage and any said agreements between the REC and the RFC will be forwarded on and then we can prep the language for that to REC HOA. Be transferred to the Homeowners Association.
Carey – And the matter of notice – any concerns would be forwarded on…
Commissioner Jankovsky – I would want it to be if there are written agreements or contractual, I'm not sure, I would like them to be somehow be transferred onto the HOA.
Chairman Martin – They would have to live under those comments in the HOA.
Drew – The procedural posture right now is there is a motion awaiting a second and I would simply ask one of the conditions of the motion Commissioner is that the final approval and final form of all the direction that you've given will be the resolution and related documents that you adopt at the date certain which you still have to name when this will be taken up. In other words, if there is a conflict between the record you're making today and what we end up drafting after consulting with the other side, it's the final form of the document that controls. Is that okay?
Commissioner Jankovsky – That is ok. And a date certain which would be December ….inaudible.
Drew – And a date certain and then we need a second.
Lori – Can we discuss the related documents?
Drew – As far as I know that is the development agreement and the PUD plan, final inaudible by Carey.
Chairman Samson – Could we make it December 13.
Chairman Martin – We could and that would be one subject in a special continued hearing at 10 am. On Tuesday,
Chairman Martin – It would be a special continued meeting to a date certain, one subject and that is to either approve or disapprove the final resolution and agreements on the Rivers Edge.
Carey – I think both Kathy and I are open to finalize by December 5, if you like to make that work for the applicant. Commissioner Jankovsky - December 5, continuation to Monday.
Chairman Martin – Consideration of review, then the final vote.
Commissioner Samson – Are you sure that would be enough time. Tom, I have a question for you, would be willing to change the vested time from 14 years to 10.
Commissioner Jankovsky – My reasons for 14 years is the uncertainty and the economic plan that I am willing to reconsider that to 10 years, yes.
Commissioner Samson – I'll second your motion with the change to 10 years.
Chairman Martin – We will continue this to all the items agreed upon and take a final vote up or down on this issue on December 5.
Drew – I think the motion is conditional approval with the continuation
Commissioner Jankovsky – Yes, conditional approval. 1 pm on December 5.
In favor – Jankovsky – aye Samson – aye Opposed: Martin
Chariman Martin – This project goes forward, it goes against my heritage. What a project. I've seen is over 15 years.

COMMISSIONER ISSUES:
COMMISSIONER REPORTS
COMMISSIONER CALENDARS
Chairman Martin – Do we have calendars and report. It's been a long day and we meet tomorrow.
Commissioner Jankovsky – I have a meeting at noon with the Human Services Commission and those are reasons I couldn't meet on the 1st of December, after the Northwest Oil and Gas Forum will be the operators to talk about the Human Services Commission and

find out how we the human services agencies in Garfield County approach the operators for donations of in-kind contributions of non-profits. I was somewhat, when they brought that to my attention, a lot of that money is going to Mesa County not Garfield County but the impacts are in Garfield County so I just wanted to have that discussion with the operators and so we're doing at their operator's meeting before the County staff meets with them on the first at 2:00 pm. We aver the meeting with Silt and after that we going to have a Thanksgiving Holiday.
Commissioner Samson – Tomorrow we meet at 5:00 pm and then 6 pm.
Drew – Commissioners we added one executive session item based on a call to the office today, it's similar in nature to the one you already know about and it will be very brief.
Commissioner Samson – What time do we need to be in Colorado Springs?
Chairman Martin – Accordingly we need to leave here by noon.

Approval of Minutes
August 15, 2011
Commissioner Agenda Items

ADJOURNMENT
Commissioner Samson - So moved to adjourn. Commissioner Jankovsky – Second. Motion carried.

DECEMBER 5, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 5, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky being present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.
ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
REGULAR WORK SESSION
Resolution concerned with reimbursement for Tax Lien Sale Certificate #2009-0018 Certificate Holder: Real Estate Partnerships, LP, LLC. Schedule #R112120 assessed to Frances N. Westhoff Baker Living Trust – Georgia Chamberlain
Georgia- After the tax sale the taxes were abated because they were improperly assessed. They have a template resolution they use to reimburse the tax lien sale. She had paper work showing the abatement that was passed and had gone to the state last year.
Georgia – The reimbursement amount is $2,886.11. The reimbursement is to the investor Real Estate Partnerships, LP, LLC. A small amount will go back to Francis Westhoff Baker Living Trust of their overpayment of the taxes.
Motion
Commissioner Jankovsky – I'll make the resolution that we reimburse for tax sales certificate number #2009-0018, certificate holder Real Estate Partners LP, LLC, schedule number R112120 assessed to Frances Westhoff Baker Living Trust in the amount of $2,886.11 with interest in the amount of $603.66.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

76. **County Sheriff Update:**
    a. **Request for approval of and authorization for the Chairman to sign the contract renewal with Divide Creek Animal Hospital—Cathy Redman and Gene Duran**

Gene – This is a renewal of an agreement that has been before the board before a number of times over the years. It is for animal care services provided for the sheriff's office; we have contracted with them since 2009 due mainly because CARE doesn't have room sometimes. This is for the west end of the County. CARE takes the animals once they have been at the Divide Creek Animal Hospital and keeps them longer.
Motion
Commission Samson – I would so move that we approve the contract renewal to Divide Creek Animal Hospital for the amount of $290,000.00 to provide veterinary services for Garfield County.
Commissioner Jankovsky – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

    b. **Request for approval of and authorization for the Chairman to sign the contract renewal with Garfield County School District RE-2 regarding the services of a School Resource Officer--Cathy Redman and Gene Duran**

Gene – This matter came before the board earlier this year. It is for the sheriff's office to provide a school resource officer services for RE2 located in Coal Ridge High School. This is not a contract that requires expenditure on behalf of the county; rather it is a contract that allows for reimbursement for the cost of providing a school research officer for RE2. The reason it has come before the board twice is it expired, he believes, last year it was renewed but again this contract will cover the year of 2012 from January 1st through the end of the year.
Motion
Commissioner Samson – This is a good thing for Garfield RE2 and the school district is very appreciative of the service the county renders to them with the school resource officer. With that, I would move that we authorize and approve and authorize for the chairman to sign the contract renewal with Garfield RE2 school district regarding services of an SRO School Resource Officer.
Commissioner Jankovsky – Second. I do have a question for Cathy. I see here that we, the school district paid 75% of the salary, and is that 100% of the time spent at the school.
Cathy – Right, because in the summer time he is back on the road again.
Commissioner Jankovsky – So just summer.
Cathy – Yes, if you look at the amendment it is more like 50/50 because they don't ask for reimbursement for the capital portion of the expenses. But as far as overall with operating expenses, yes 75% of the salary.
In favor: Samson – aye Martin – aye Jankovsky - aye

    c. **Award of the Courthouse Security contract to Citadel Security and Investigations—Cathy Redman and Gene Duran**

Gene – The Sheriff's office put together a committee to review the bids and based on the review the committee is recommending the contract be awarded to Citadel Security and Investigations. The budget item for this is not to exceed $304,000.00. It is based on

hourly services, but that is the budgetary line item that the Sheriff's office has put together for this. Citadel Security did submit a local vendor affidavit as they are based out of Rifle, Colorado.
Jean – Since she has an office in the courthouse and one of the beneficiaries of the security, she doesn't know that anyone on the second floor was asked for their opinion or asked to weigh in on this. Who were the people that were doing the evaluation?
Cathy – The sheriff's office because the sheriff was required to cover security for the courthouse.
Jean – Did he not contact any of the users?
Motion
Commissioner Jankovsky – It is not even close on the rating here. I make a motion that we award the courthouse security contract to Citadel Security Investigations in an amount not-to-exceed $304,000.00 and allow the chair to sign.
Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

77. **Consent 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 Chair to sign the Resolution for Thomas Tompkins for a Contractor's Yard on a 35 acre site located at 0998 County Road 309, Parachute, CO (File No. MIPA 6727) – Molly Orkild-Larson
    d. Consideration of Re-vegetation Security Release-Mayfly Bend Ranch Subdivision – Steve Anthony

Commissioner Jankovsky wanted to make sure the Thomas Tompkins on item 8, have you looked at that.
Carey Gagnon – It would not be revised until you removed it from consent and then made a motion.
Motion
Commissioner Jankovsky – I would like to make a motion then that we remove the Thomas Tomkins item C from the consent agenda.
Chairman Martin – We will discuss that individually. A, B and D are fine; do we have a motion to approve those items?
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Motion
Commissioner Jankovsky – This was removed before and there were some concerns about item no. 8. Employees shall not be permitted on site at the contractor's yard except for the limited purpose of picking up and delivering materials or equipment.
Commissioner Samson – Second.
Carey – Just as a point of order because this is a public hearing, Commissioner Samson was absent. Just the two of you.
Chairman Martin – I will second the motion.
Carey – Just for the record both Commissioner Jankovsky and she did speak with the applicant's representative and they have consented to the change.
In favor: Samson – abstain Martin – aye Jankovsky – aye
Chairman Martin – We will need to go ahead and approve that consent agenda item; we approved the language in there.
Commissioner Jankovsky – I'll make a motion that we approve item number c, authorize the chair to sign the resolution for Thomas Tomkins for the contractors yard on a 35 acre site located at 0998 County Road 309, Parachute, file number MIPA6727 and with the change to item number 8. Chairman Martin – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Carey will make change and bring it back to the board.

78. **County Manager Update: Ed Green**
    a. **Public Meetings:**
        i. **Excellence in Reporting award received by Finance – Lisa Dawson**

Lisa – For the third year in a row, we have received the Certificate of Achievement for excellence in financial reporting from the Government Finance Officers Association of America in Canada. This is the highest form of recognition for an area of governmental accounting. They received this for the comprehensive annual financial report. It will be sent to the papers and posted on the website.

ii. Grancius Update – Lisa Dawson

Lisa – Today is the first day there is live streaming of this commissioners meeting. It is done through a software program called Grancius. That allows the meetings to be live streaming on our website, which also allows folks to drill down on an agenda item and go directly to the video feed of that item. They don't have to listen to the whole thing to find their point of interest. All of the meetings are stored on website; if they cannot look at it at this particular time, they can go back and look at it a later time. She thinks it will really help with getting the information out to the public and it is a great addition to our website. She knows that Pitkin County has used it successfully and they received many good reviews on it. She really applauds the IT staff for implementing it and working with the clerk's office. It should enhance our ability to provide up to date information about our meetings.
Commissioner Samson – They can go onto the website, hit the link for minutes or whatever and if they say they want to know a certain discussion on a certain topic it will zip right to that?
Lisa – Exactly.
Commissioner Samson feels many of his constituents are happy to have that. He thinks it will be a lot more user friendly and they will see a lot more hits on the website.
Commissioner Jankovsky – This is technology way beyond his ability. He is interested to try it.
Lisa – The agenda will be on line and will be linked. They really have to applaud the clerk's office as well; they have done a number of trainings with the software package and really cooperative and supportive. She hopes this helps Jean's office.
Jean – She thinks there is some additional software that maybe more useful for her office than just the streaming and she will be investigating that too.
Lisa – They have budget to purchase this.
Jean – Being able to zoom in on the topic they are looking for will be a huge benefit for the citizens or for anyone who wanted to search.
Commissioner Samson – Even commissioners; he may need to go back and see what he said.

iii. GarCo Sewing Works – Beth Shaw

Jill Ziemann, Beth Shaw and Mary Baydarian were present.
Beth explained the concept of the GarCo Sewing Works. It's based upon the fact where folks are in Jill's program, Gateway, and are in the Go To work workshops, are required, they are on Federal assistance right now. As part of that, they are required to do community service to learn job skills and to get work experience, which leads to fulltime jobs. What they had build into the payroll line was part time income for folks to help while they are gaining their skills to help them retain their TANF funding but get the skill set together so that once they open phase two they can step into a fulltime position. It actually represent two or three different people after they have learned skills moving on to fulltime work because they envision this not only as sewing skills but as an entrepreneurial incubator if you will where people lean all aspects of small business management. She thinks they see that laced throughout the program where they learn payroll, shipping, handling all kinds of other aspects that would be required of a small businessperson. They don't envision everyone coming through this program as necessarily ending up in phase two of Garco Sewing Works but they would be job ready to go in other directions if that is their desire.

Chairman Martin – Or it could be home occupation, it could also have skills to work for a company that is already organized and that is kind of what they are leading up to.
Beth – Absolutely.
Mary Baydarian – There is already a model established and works with her clients. That of course is Human Services interest here. TANF temporary assistance to needy families clients; they have even in this economy a very good success rate in terms of clients meeting their work participation rates. The creative work that Colorado Mountain College does with the clients has a lot to do with their success and they are maintaining that even in this economic climate. She thinks they are very much in support of this program and with the work participation, incentive money they receive from the successful rate participation raise there could be possibility of incentives for clients from Human Services even in phase one.
Commissioner Jankovsky – This provides something in Rifle where they don't have a commute to their job.
Beth – we are asking for around $35,000.00, finding matching funds for that amount in the community, which they already have commitments for $16,000.00, and another $25,000 is from Manus funds.
Commissioner Jankovsky – Plus matching funds so they are looking at about $72,000.00. Mary, you said there was some money in your budget that could help supplement some of this.
Mary – We receive work participation incentive funds when clients are successful at meeting their work participation rates and Colorado Mountain College is an integral part of helping their clients meet their work participation rates. So, yes they do receive incentive funding for that. Capital expenditures of course with government; she thinks another source would need to be found there. But in terms of supplementing the program itself for example providing incentive monies to folks who are working in the program that is certainly an option. She doesn't know if that helps ease up money in the rest of their budget, but that is an option yes.
Drew – Are the participants in the program limited to persons receiving public assistance?
Beth – Not necessarily. We have had conversations with community corrections to see if there might be an interest to have some of those folks come down and learn skills. Rodney was very receptive to the idea. Because as you know they have a shuttle system, where they take folks over to CMC and certainly, that could be appropriate. She also has a letter of support from the Colorado Workforce Center, she has had the conversation with those folks, and they have let her know that there is a possibility there may be funding for people on workforce investment act dollars. That could be utilized since this is a direct job-training program. Those funds maybe appropriate so they can pay a modest fee to have those folks trained.
Jill Z. – Not everyone who comes to the Go To workshops are on public assistance some maybe on unemployment. They have had about 500 people come through in the last few years. It is definitely not for everyone; but their primary focus does want to be on people with the lowest, the TANF students. Part of that is just that a lot of them are not quite ready for full time work and they need a flexible training situation where they can take care of some of the things, which are keeping them unemployed. Whether it is a medical issue, a legal issue, other issues keeping them unemployed. This gives them the flexibility and if they can pay them part time, it really helps their families.
Mary wanted to clarify; the clients who make use of the service, or any of CMC's services, generally fall within the income guidelines. They don't have to be direct public fund recipients, direct clients; but as long as they meet the income criteria which is fairly reasonable then she can still participate in helping with the program.
Jill – Anyone who comes in would register so they have a legal precedence, they would know how much income is coming so they can tell if they would qualify.
Carolyn Dahlgren – It sounds like there is clearly a scope of work that can be written that would create a proper exercise under their contract authority. But she is wondering why this isn't a Human Services application. Are they just assuming this would be out of their discretionary grant money if they participate and that it is not appropriate for the Human Services Commission?
Commissioner Jankovsky thinks this is appropriate for the Human Services Commission but he doesn't think the funding is there. If this was going through the Human Services Commission process it may not be funded because of lack of funds and needs are so dire. This is a new start-up project and it's probably something we will need to ask Lisa how much money they have in the discretionary fund at this time.
Lisa – $162,779.00 is what they have right now.
Commissioner Jankovsky – For him this fits a couple of things they discussed. Economic development, creating jobs, if it works with Human Services, works with workforce and it's an entry level way to create jobs. He thinks it is very powerful and positive request. He does want to ask them again about organization; at some point is there a director? Because what he sees is a volunteer group right now and he doesn't know how long that lasts as a volunteer board of directors that are all working to make this work. At some point there needs to be a director.
Beth agrees.
Commissioner Samson – At the Henry Building, we need a business plan is needed and find out about the code and fire sprinklers are required.
Chad Harris – There are some provisions in the existing code for existing buildings. There are some allowances for square footage. You would have to look at what the code says specifically based on the square footage. Obviously, they would try to get that retro fitted with a sprinkler system. There are provisions or allowances for square footage and occupancy. It may work; he would have to defer to the fire marshal.
Lisa – They may need a building permit from the City of Rifle; that might be the first step to show them the plans and go from there.
Chad – Correct; through the process, they bring it to them.
Chairman Martin – Looks like they are trying to start next year. You are still looking at January or February to get started.
Motion
Commissioner Jankovsky – I would like us to make a commitment at least to the equipment and supply needs for this at this point. This sprinkler will probably not be in the Henry Building, you will probably be looking for another location. But I'd like us to make a commitment to this program so it can move on before we get into 2012. So I would make a motion from our discretionary funds we allow to support this funding request for Garfield County Sewing Works in the amount of $28,154.00 for equipment and supplies so they can get started and know that they have that commitment from us and but it would be depending upon them having a space to work out of. Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

iv. Rifle Fire Protection District: Request Hazmat Trailer Funding – Chad Harris, Deputy Fire Chief

Chad wanted to give a history and why he is here. Rifle Fire is currently looking at some cooperative services combined with Burning Mountains Fire and Glenwood Springs Fire and that has been happening over the course of the last 15 to 18 months. Through the process, they have had some conversations at the Garfield County Communications Board level about funding or grant funding the county may have in an effort to partner and further extend their partnerships with the county. One of the things they don't do well in each of their small districts is specialize their operations. I.e. hazmat, rescue and anything that requires a specialty team to operate. Currently Rifle Fire Protection District owns and operates a hazmat trailer that is used for dual role purpose such as a command trailer, as hazmat and for technical rescue. I would allow them to take hazmat equipment off the trailer and put it on a trailer that was recently purchased through their cooperative efforts with Burning Mountains in Rifle. They would have a trailer dedicated solely to hazmat response, that trailer was also purchased through collective efforts with the gas industry, EnCana, Williams, and Antero helped

purchase the trailer. It's a concept, preliminary numbers came in at excess of $50,000 to equip a trailer, convert a trailer, and they are just looking at the option.
Chairman Martin – The grant would be discretionary funds which they just gave away $20,000.00. We are looking to use discretionary funds to use for the public good and to supplement what they have in place, which is the trailer. Is it 2011 or 2012 they want to get this accomplished?
Chad – 2012 midyear is what they are looking at for combining agencies.
Chairman Martin – 2012 dollars is what they will be talking about with discretionary fund dollars. Even though this is for emergency services there are funds available 2012.
Chad – It's not something that is a huge priority; it is on the front burner, the funds will be spent in 2012. The dollar amount in the preliminary number is $50,000.00.
Chairman Martin – The County hasn't approved the 2012 budget; it will be in about seven days. At that point, they can determine how much is in their discretionary funds and then start looking at that particular expenditure.
Chad – If they want to attach a number to it, if the Board could do a $20,000.00 amount that would be a great start.
Chairman Martin – Put together a request for an amount of money they need for 2012 and present that and then they can go from those discretionary fund dollars in 2012.

v. Funding Request for 2012 from the Roaring Fork Conservancy – Sharon Clarke & Rick Lofaro

Sharon Clarke and Rick Lofaro, Land Water Consulting Specialists were present. Sharon is here to request funding for 2012 which she submitted an invoice recently for the 2011 work and she will go over what they have done in 2011 and what they plan to do in 2012. Sharon gave a presentation that explained the important value residents of the County have ascribed to water quality and quantity. Overall, the county value is 86.4%; we know it is one of the highest values that Garfield county residents have. In 2011, the Forest Service, Colorado Water Conservation Board, Water Resources, which has an in-kind contribution, Pitkin County Open Space and Trails, City of Aspen, Pitkin County gave a large amount of money. Pitkin County gave directly to the Roaring Fork Conservancy for education in watershed conservation rapport. That was out of the Rivers Board as well and they have just submitted an invoice to Garfield County for 2011 funding, environmental foundation, which is Ski-CO, University of Arizona, and Northwest Colorado Council of Governments have done in-kind. She hasn't been able to quantify that and it was for water conservation in Eagle County which is not in the boards packet. But they gave $3,000.00 for water quality 303 D Listing work. She continued with the 2011 accomplishments and they worked on the 2012 Clean Water Act, 303 D Listing and the provision of listing of segments. To give the Board a timeline on the Roaring Fork Watershed Plan, they started in 2005 they have had many meetings and showed all the documents they have created and the final outcome of all the work with the plan implementation. The draft watershed plan - the purpose of the plan is to plan for, work towards, environmentally and economically healthy watershed that benefit all who have a stake in it. Before they put the draft out they had input from 24 technical advisors. When they completed the draft, they sent it out to all the people who had attended the public meetings and to the watershed collaborative soliciting feedback. They had 28 presentations and meetings and an open house on May 28th to solicit feedback. We have taken all the feedback and are just about ready to finalize the watershed plan. We are working with the University of Arizona and Northwest Colorado Council of Governments on conserve to enhance idea, which is a way to fund water conservation efforts as well as stream help. Right now, they have had preliminary discussion with Aspen and Carbondale to see what their interest is and then to actually address low flow issues. One of the big issues is the lower Crystal River and they are working with the Colorado Water Trust and a private donor to try to work on this.
Rick Lofaro is the Executive Director of Roaring Fork Conservancy. The other big project they are working on is Coal Creek, which enters the Crystal River at Redstone. Even though this is out of Pitkin County, the enormous amount of sediment and the alteration in flow has impacts on the entire Crystal River Basin and part of that is in Garfield County. We have a very large project that they are working on in Coal Basin to try to minimize some of the large water quality impacts as well as channel impacts. We have a request into the Rivers Board for $48,000.00 and they are matching that with $160,000.00. In terms of water quality, Tom is familiar with the 303 D Listing Water Act. We are working on River Watch as well as Eagle River Watershed and Assessment Program to make sure the data is available, accessible and meaningful for people. In term of riparian area education, the Roaring Fork Conservancy has a group, the River Stewards a group of young professionals who is working on a riparian education campaign and this will involve an updated information report brochure. They already have one but there needs to be more information on what can and cannot do and offering free consultations to landowners. In terms of 2012 .funding request, we are asking the board for $20,000.00, which would be used for water quality addressing the low flow used and the education. They have requests into the River Board for $49,000.00, the Colorado Water Conservation Board and the River District both have grants available and they will be going to them. They are due at the end of January for money. They are working with some of the landowners in Coal Basis and think they will be able to get some money. They are working with Colorado Water Trust, they have a private donor and they have an application into them to address the low flow issues. They are also looking at the opportunity, because one of the things they try to do is stretch their dollars as far as they can, there are opportunities for a scholarship and the applications are due January 9th in which they would pay 20% of the fellows salary and they do all the benefits and pay 80% of the salary. They will be going to the Ruedi Water Authority at their next meeting and requesting money for a match. They have applications into Pitkin County Open Space and Trails in the City of Aspen for their education program. In 2012, as she said they are very close to finalizing the watershed plan and what they are requesting money for is to continue work on their watershed plan actions addressing low flow issues, riparian area restoration and education. They are also participating on the Garfield County Green Print Project on the water technical advisory team. They are on the steering committee of the Watershed Collaborative. They will continue their education efforts addressing watershed plan actions, that is both for adults, and for schoolchildren making sure that the water quality data is utilized in the 303 D Listing Process as well as to inform other actions.
Commissioner Jankovsky – On the low flow on the lower Crystal, West Divide has an augmentation plan and on the Crystal, part of that is to address the low flow. Are they participating? Pitkin has protested West Divides water rights and the County was involved in that legal action; he'd like to know her thoughts.
Sharon – The water conservancy has not been involved in that conversation.
Commissioner Jankovsky asked if they had taken any stance on the Thompson Divide issue as far as water quality.
Sharon – The role the conservancy plays is to provide information; the Thompson Divide Coalition had money to do a water quality study and they did that for them.
Commissioner Jankovsky – Will they participate in 2012 elections as they did in the 2010 elections as far as sending out flyers to get their stance on water quality?
Sharon – They have not discussed that.
Commissioner Jankovsky – He remembers what happened in 2010; there were letters to the editor and posed to him as far as his position. He would encourage them as they move forward.
Sharon – To clarify they put out a voter's guide and requested all the candidates to provide information on where their stance was on water issues. They were not taking any positions and the voter's guide specifically said they were not endorsing any candidates. One of the things they wanted to do was to make sure that water issues are elevated in their conversations because they are so important and they want constituents to realize what the water issues are.
Commissioner Jankovsky – He does want to get back to the West Divide and have more discussions with them.
Sharon – We are talking to the Town of Carbondale because they are a significant diverter on the Crystal River.

Commissioner Jankovsky – Four Mile and West Divide were involved. The flows and the low flows on Four Mile with their augmentation. Four Mile Creek still dries up.
Sharon – She has also heard people at the public meeting they had for the watershed plan, a person contracted her about Three Mile with many issues as well.
Commissioner Jankovsky – The County is in the budget process.
Lisa Dawson – This $20,000.00 was in the building planning and planning professional services line item and that was recently taken out of budget. So they are aware this is on the list of items to be cut for 2012. If you want to grant this, it will need to be added in.
Commissioner Jankovsky – That was taken out of budget so they could have a presentation as we are having today and they could measure the benefits of each organization as opposed to just having funds granted without having a presentation in front of the BOCC. He thinks the next step; they are in budget meetings again tomorrow and this needs to be brought up at that time. It is important to him and Garfield County.
Chairman Martin – 1:00 p.m. tomorrow they will finalize the budget and they can adopt it on the following Monday. That is by statute; it will be in there or it won't, see how it stands up. The BOCC needed to make the decision instead of just building and planning.
Dave Sturges provided comments. He thinks it is very important that county try to support the work of the Roaring Fork Conservancy. One of the biggest problems he learned from the water quality control commission experience was not all data was presented in those cases. He was very interested to hear remarks this morning about how they have been able to find data and verify it's validly and make sure it gets in. One of the worst things he found was policy being made in the absence of data. He thinks what is important is that policy be made based on data. He would urge them to consider this and have a very high priority in their budget process. It is in fact getting the data that is important to being able to defend if you want to say that the water that originates in our county. The public needs to understand how important water quality is. He sees it in the streams out here down the road, it's clear and it's beautiful but we don't understand how bad it can be if we don't take care of it up here. The impacts of water diversions on them; therefore, he thinks this is a very high priority for this county.

vi. Request of Funds for Silt Historical Park – Bill Smith

Bill - President of the Silt Historical Society and is here requesting funds for the society giving some background. Many programs involve educating people about the history especially schoolchildren; students from the Silt Elementary School come and all the buildings are manned during this time. He is in the blacksmith shop showing them how to do blacksmithing. They have ladies in the house who are making candles, making soap, cooking bread in the old wood stove; life like it was back in the early 1900's. Virginia Erickson comes over and teaches. He thinks the value of the organization can be demonstrated by how they came to exist. The school district donated the land. The library board donated the building they will be talking about. It was all put together by volunteers with donations and grants and has been operating and maintained since that time. We do not have a funding source; funding does come from memberships, donations and the Hey Days were big sources of income. We are working very closely with Nancy Cramer who the board met with last week and want to develop brochures that will guide tourists from Silt up Divide Creek, etc. The library office building was donated in 1983 and the siding is totally deteriorating.
Chairman Martin – The request is $18,423.00 according to the estimated costs.
Bill – For the building yes and another $700.00 as Nancy mentioned when she was here because people have a hard time finding them. They want to get signs that say Silt Historical Park this way. The total comes to $19,123.00.
Chairman Martin – The added cost is for proper direction and notoriety, which it deserves.
Commissioner Samson – It's been a while since he has been there and he needs to go and look at it. He wanted to commend Bill for working with Nancy Cramer in the Northwest Colorado Heritage. The Board believes good things will come to this County because of that operation. He is glad they are partnering. He thinks they need to support this historical society.
Commissioner Jankovsky - He went out and looked and it is a nice piece of land. It is larger than most historical societies in Garfield County. Looks like that is potentially for a double wide or a modular.
Bill – It is a doublewide modular.
Commissioner Jankovsky thinks Bill's estimate is a little bit high. He was running numbers through his head at $40.00 per sheet and using $50.00 an hour for a carpenter; he came up with a number closer to $8,000 to $9,000 for the work. The board has supported the Sopris Historical Society for some funding out of the discretionary funds and he would be willing to do that but thinks it is high and it should be about half of what he has requested.
Bill – He could be high; it's been 15 years since he has done anything. They are trying for handicap ramps on both ends, which does add to that. He did try to get some contractors to provide them with figures and he could not do so.

Motion

Commissioner Jankovsky – He looks at Bill's budget, he is running a tight budget, and he compliments him on that. I'd like to make a motion that we come in at $8,500.00 out of the discretionary fund to support this request by the Silt Historical Society.
Commissioner Samson – You feel that is enough.
Commissioner Jankovsky – I believe it's enough to get the siding on and get your signs up and have it done by a carpenter. I think this work can be done by a one or two person shop. I think we can get the work done for that and that's close to what how we supported Sopris Historical Society, we support them with $5,000.00 and I think it's in the ball park.
Commissioner Samson – Second.
Betsy Suerth – Just a quick question on where the signs would be located and if Garfield County Road and Bridge needs to be involved or CDOT? I didn't hear.
Bill – They would be located in the Town of Silt on 7th Avenue and 8th Avenue and then up on Orchard Avenue. And we do have permission from the town to put them there.
In favor: Samson – aye Martin – aye Jankovsky - aye

vii. Joint Funding Agreement between Garfield County and the US Geological Survey for the period of January 1, 2012 to December 31, 2012

Chairman Martin – This is one of the items they needed to put on so they could include in the budget. There are letters from USGS Water Resource Discipline monitoring stations in the two areas to make sure that the samples are taken 6 times a year and the perimeters are set up. This is above South Canyon.
Dave Merritt - In terms of data, which Mr. Sturges was speaking about, this is the best data you can get. It is unbiased, they report everything they get and the quality control is excellent and available to anyone on the web. The direct measurements are available on a near real time basis; every 4 hours the data dumps. Samples are taken to calibrate to create this future record. It is an excellent investment and allows them to have this base line of what's going on essentially from the Hogback on downstream. Essentially west of the Hogback is where much of the resource development is. They have had a long-term gage at Cameo and look at those trends.
Chairman Martin – They were comparing the two of them. We've supported that every year and he would like to continue to sample. It is in the BOCC budget.
Commissioner Samson – To Dave, when you test the samples, dissolved oxygen that is for fish culture along with the water.
Dave continued to explain the state water quality standard for fisheries. Selenium is poisonous to aquatic life in particular and it is a big issue as they get further to the west establishing a base line there at the Grand Hogback is very valuable.
Chairman Martin – We will review that issue tomorrow at 1:00 p.m. in the review of the budget.

viii. Reappointment as Director of the Colorado River Water Conservation District – David Merritt

Chairman Martin – Dave has submitted a letter to express his concern and interest to be reappointed. Remember this does not take effect until 2012; we would make it retroactive.

Motion

Commissioner Jankovsky – I'll make a motion that we appoint Dave Merritt as Garfield County's director to the Colorado River Water Conservation District. With that, I would just like to thank Dave for his help on all water issues; I contact him on numerous occasions asking questions and I appreciate that.

Chairman Martin – Of course that's subject to the river districts reappointment form and signature, which is not due until January.

Commissioner Samson – I would just echo what Commissioner Jankovsky said; I thinks we are very fortunate as a county to have an individual such as Dave willing to do that. Thank you very much for the service. I know that we use you not only for this but also for many other resources dealing with water. So thank you for your expertise and willing to do that for the citizens of Garfield County.

Second. In favor: Samson – aye Martin – aye Jankovsky - aye

ix. Office of the District Attorney 2012 Revised Budget Proposal

Commissioner Jankovsky would like to show support for the DA. He comes in here and didn't take a pay raise last year when the rest of the county had a pay raise. He comes back in and states Rio Blanco didn't support them. He will take $2,156.80 out of his own pocket so other members of the DA's can have a pay raise; he applauds that.

Chairman Martin – We can do that tomorrow at 1:00 p.m. That is a change from the original budget that was reviewed and discussed. We can entertain this one when we call up the DA's budget.

Commissioner Jankovsky – That doesn't change in the form of a decrease in funding. They came in front of us and we approved their budget request for pay raises. Primarily because he had cut one employee so, he was less in funding than he had been the year prior.

x. Garfield Clean Energy Intergovernmental Agreement - Greg Russi, Garfield Clean Energy Chair/New Castle Town Trustee

Greg Russi and Tom Baker were present to discuss the IGA and ask today if the Board would be willing to consider the same IGA and vote unanimously in favor of it. On behalf of the existing members they believe together, Mr. Chairman, with Garfield County GCE forms a much stronger applicant for grants and partnerships with industry than if they were to go it alone and perhaps even end up competing against one another. Two things that are very important to the board and their members are collaboration amongst municipalities in the county and job growth. GCE represents those and are two areas they emphasize. Their projects particularly are compressed and natural gas project, which is centered in Rifle but hopes to make Garfield County ground zero for the critical mass necessary to change CNG into a transport fuel. They very highly value the commissioner's participation. He hopes their favorable vote today leads to adoption of the IGA in their continued oversight of a couple of grants they are the physical agent on.

Tom – Since the memo was drafted, he and Mike Osborn had a chance to make a presentation on the West Slope CNG's progress with the Northwest Oil and Gas. Because they have potential new members with Antero and more activity with Williams but in addition, the Forest Service and BLM, he and Mike would like to make presentations to them in January. They are looking at their fleet and of course, the work with RFTA could result in a fill station in Glenwood, which would make a big difference in accessibility of that fuel to fleets in Garfield County. It was a good meeting, they continue to make progress, and they will keep them updated.

Commissioner Samson would like to add; these two gentlemen came up and talked to him after the North West Oil and Gas Forum and told him they are working on a project, basically partnering with Weld County and securing grants of millions of dollars to be used for the establishment of filling stations of compressed natural gas, either working specifically with Commissioner Kirkmeyer out of Weld County.

Tom – Weld County is a significant area for the oil and gas industry and Weld County has a comprehensive plan for rolling out compressed natural gas as a transportation fuel. They were successful in receiving a $5.5 million grant. Commissioner Kirkmeyer he thinks was the lead person. It's called CEMAC Fund and it goes to air quality issues. That money is being used to put fill stations throughout Weld County. We have been using the Weld County plan as their model as they move forward when they developed their initial fill station plan with Parachute and Glenwood Springs being the next two stations. Now their desire is meeting with you on the 9th to come back and say they would like more active collaboration with Weld County to see if they can't emulate some of their success and also get some of their cooperation. It's very promising.

Commissioner Samson – When he asked that they be placed on the agenda for the 9th, it was with the intention that they could have some more answers as how this could be. He thinks all three of them would really welcome that collaboration. Did they already secure the $5.5 million grant?

Commissioner Samson – Explain the organization you called CEMAC.

Tom – Well that's the acronym for the grant; he thinks it is Metropolitan Air Quality or something like that. It is a state grant.

Commissioner Samson – Hopefully we'll have more answers. He thought they would really be interested in that, he is.

Motion

Commissioner Jankovsky – You've heard his support with Garfield Clean Energy and the collaboration. A big portion of his support he feels it supports economic development. Not just the CNG, the energy efficiency and the number of small businesses that have been able to take advantage of that and have employees working for energy efficiency. He looks at efficiency and he goes back to when he was a kid and worked on his grandfather's farm. They would pull out the nails out of old building; he would have him and his brother strengthening those nails. They had a hand grinder, they would sharpen the end of the nails, and they would reuse those. It was efficiency reusing and recycling in a way. He supports that use. If they could have more energy efficient buildings in Garfield County and it provides less money to large operations that are utilities and put some more money in peoples pocket; he is in favor of that. For those reasons, I support this and I would make a motion that we approve the IGA and become a member of Garfield Clean Energy. Commissioner Samson – Second.

Discussion and public input

Chairman Martin – Ask legal in reference to the review of the IGA; any issue?

Carolyn – As we talked about before it is based on your Communications Authority IGA, the difference is that there's no source of funds other than what you come up with every year. I'm assuming there will essentially be another discussion on the grant money and probably an IGA between Garfield County and this authority assuming you decide to join the authority. You would place the grant money into not necessary to be given to the authority but to be used for the authorities purposes. But that's a secondary conversation.

Chairman Martin – Unlike the Communications Authority they do have a funding source. That's one of the issues we would want to work towards to become financially self sufficient. Not just taxpayer dollars going to support that particular issue.

Carolyn – It's important to note that the word debt has been removed from the BOCC and the authority.

Commissioner Samson – I applaud you for what you're doing. I'm very impressed that you have done your homework in a lot of different categories. I think it's really good they have a lot of people on board here. You've looked at all these municipalities; there's only one person that voted against it. It's a credit to you people. You've worked hard and you continue to work hard to get things done. Along with that, you have others besides the municipalities such as the natural gas companies themselves coming forward and saying we want to work with these people. They're doing good work and things are going forward and as you knows that's what I really like when people work together. I see this as a perfect example; I hope we really can get the Forest Service to come on board

with use. I hope we really can get RFTA to do some things with these busses. I think we could be a model for many places throughout the United States with better gas mileage, cheaper price for the fuel and cleaner air.
Betty Scranton – I just want to know just generally if you're involved with Agenda 21.
Greg – Betty asked me this question after our workshop and at the time I had to tell her I'd never heard of Agenda 21. He is vaguely aware of it because of a letter she wrote to the editor in the Glenwood Post. We're not in any way involved in any discussion of climate change which I believe is part of what Betty's asking about. We deal with the economic benefits of energy efficiency and clean energy and to the extent that others are involved sometimes in that discussion. The idea of climate change is outside of what we discuss. It never comes up; Tom can second me on this if he chooses too. It is not part of our agenda or our discussion.
Betty – What about ICLEI.
Greg – I don't know what ICLEI is, please tell me.
Betty – International Council on Local Environmental Initiatives, it's in Carbondale and Aspen. They've adopted it, it's very well known.
Greg – Of course, the members all have their own agendas. There are town councils in every town in the state of Colorado. What they each choose to do is not our problems.
Betty – But are you involved?
Greg – I'm sorry I don't know what it is so no I'm not involved. Personally me?
Betty – That's amazing to me.
Greg – Having said that the Town of New Castle adopted the US Mayors Agreement on climate change some years ago and there is a New Castle board, which deals with that as there is in Glenwood Springs and Carbondale.
Betty – Just for the record Agenda 21 is all over the United States, has been for 20 years and there are communities that are coming out against it. Because it has nothing to do with private property rights, it has nothing to do with capitalism; it has nothing to do with American values, as we know them. I just want you to know that as you are looking at this, to kind of always look under the rug.
Commissioner Samson – I appreciate you being the watchdog, if I can use that term. In defense of Garfield Clean Energy, as far as I know and talking to these people and communicating with them, I don't think that's their agenda; I don't think that's Garfield Clean Energy's goal in this. I appreciate you; we need people like you to help us identify things like that. But I am satisfied in talking with these people and doing my homework that's not the case.
Betty – We look to you, the three of you to watch out for our individual liberties, for the American tradition of capitalism and less government in our lives. I'm afraid you know when we get into, what did you call it, the intergovernmental?
Chairman Martin – Agreement.
Betty – It says nothing about individual liberty there. It doesn't say anything about me the voter, me the taxpayer, where do I come in and so that's my concern. And I'm just on the learning curve on all this. My plan is to be more knowledgeable and bring you back some figures so that you can have this one lone perspective. Okay, no agenda?
Commissioner Samson – I don't think you're alone. I think there are others who share your concerns.
Betty – Good, well I'd like to meet them.
Commissioner Samson – There's others out there, they give me a call. Let me tell you this, as you know, we live in a representative democracy. Commonly referred to as a republic. And as you look, and I know you don't have this, but every community, Parachute, Rifle, New Castle, Glenwood, the Garfield County Library district, and Carbondale out of all of those have elected representatives. I don't know what the figure would be there; we're talking about 50 people when we probably include also the RFTA board. There was only one person that voted against that. Those are the duly elected representatives from each one of those organizations. So I say that just to let you know because of our representative democracy they have done their homework.
Betty – One more comment; people are being well with ICLEI, they bring on non-representative entities. We have no control; I am talking about me, as a voter has no control of the people they appoint on these boards. Fort Collins is an example they have a sustainability director that is not elected, appointed and there's no way to get rid of him. That's my concern.
Chairman Martin – The only one that can represent you is the one that's in office in your jurisdiction so that's where your representative needs to be elected and then take that agenda forward for your positions. That's a challenge to all of us. My challenge is it doesn't have a funding source but it definitely needs an independent funding sources we have talked about numerous times. It's a good step; it still needs some assistance. And again Betty's concerns as well as it becomes an overall government program which is take taxpayer dollars to do whatever and I just want it to stand on its own, its credible and a capitalist system. But let's get it started.
In favor: Samson – aye Martin – aye Jankovsky - aye

Grant Money for 2013

Carolyn – Greg do you have any clue when the authority is going to want to talk to the BOCC about the use of ongoing grant monies for 2013 for these programs that are managed by the authority?
Greg – Now that they are a member of the authority and then they obviously have some fiscal oversight, you still have two employees of the county who are acting as the fiscal agents on this grant. I don't know what discussion you have to have Carolyn but I think with Jim and Bob we will have that at the commissioners' request whenever, we are prepared, whenever you all call us.

xi. Approval of a renewal agreement with ESRI for the maintenance of GIS Services - Gene Duran and Rob Hykys

Rob – Originally, the motivation for entering this three-year agreement was to fulfill an objective to provide web GIS services to the community. That three-year term is up. Besides web services to about 100 users a day, they also provide 75 users in the staff of the county, the desktop GIS provides five editors, oil and gas, and the assessor's office. If they individually purchased licenses for all those people there would be well over $200,000.00; we get a good bang for our buck out of this enterprise license agreement.
Carolyn – Of course, the procurement and county attorney's office want to remind you that even though it is a 3-year contract it has to be re-budgeted every year and that's why they are here.
Gene – That's correct; it's a sole source and offered through the State of Colorado. It's offered to small counties and municipal governments; it is a good deal for the county at $50,000.00 per year. They would recommend adopting this as a sole source agreement on behalf of Garfield County.

Motion

Commissioner Samson – I would move that on the recommendation of staff that we approve the award of a contract to ESRI Incorporated in the amount not-to-exceed $50,000.00 to provide GIS services and authorize the chair to sign such.
Commissioner Jankovsky – Second.
Chairman Martin – The question, 2012 dollars or 2011 dollars?
Rob – 2012 dollars.
In favor: Samson – aye Martin – aye Jankovsky - aye

xii. Approval of a renewal agreement with Northwest Colorado Consultants, Inc. for 2012 Engineering and Environmental Services for the Garfield County Landfill – Deb Fiscus and Jamaica Watts

Jamaica – Asking for approval to award a renewal contract in the amount of $161,845.00. An RFP was done in 2010, they exercised one option in 2011, and this is the final option to renew for 2012. It is contingent upon budget approval of the 2012 budget.

Commissioner Jankovsky – There are contingencies for another $212,000.00 for subcontractors. The $160,500.00 for gas mitigation, another $6,800.00 for waste profiling and technical support; subcontractors falls into gas ground water and water monitoring $6,000.00, $3,000 for a seepage and $41,000.00 for gas monitoring probe installations for a total of $212,000.00.
Betsy – Are you asking two different questions about the contingency and then the base contract?
Commissioner Jankovsky – He is just noting in their contract, it's not really a contract. In their letter, they have a scope of work and they mention those items.
Betsy – The biggest ticket item there is for landfill gas mitigation. We drilled six vents this past fall to elevate that landfill gas and they are still awaiting those results. Preliminary results show that we see improvement; they do not have official figures yet. They should be reporting to the board in a matter of about four months on official figures. If it doesn't go in the direction they need it too, which preliminary indicators say that it will. They will have to do additional landfill gas mitigation exercise including active skid flares and other type mitigation work. At this time, they don't anticipate it but it's something they want the board to be aware of and they would come to the board for a supplement in the future if needed.
Chairman Martin – Still have basic contract not-to-exceed $161,845.00 any questions?

Motion

Commissioner Samson learned a lot in reading this and a lot of it he didn't understand. When he first saw $161,000.00 for this at the Garfield county landfill, he was skeptical. He thought it was too much money; but after he looked through all the things you are doing and have to do, we better be doing or else we could have a potential disaster. He is somewhat beginning to get a handle on it and why it would cost so much with what they are doing. All the things from soil, to water to air to steel casing. Thanks for the report it made it clearer for him. With that, I would move that we renew the contract with Northwest Colorado Consultants Incorporated in the amount not-to-exceed $161,845.00 for the 2012 engineering and environmental services for Garfield County landfill contingent upon our final 2012-budget approval and authorize the chair to sign such.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

b. **Public Hearings:**

County Attorney Update: Andrew Gorgey

COPS 2001 and Redistricting Case

Drew – Two quick items that are not on the agenda by way of update. One is emergency in nature; on Thursday county finance received communication from US Bank. US Bank is among other things trustee for at least one of the county's series of certificates and participation. This is the 2001 series. They contacted finance because Bank of American had in turn contacted the trustee. Bank of American has exercised its option under the 2001 agreement to return approximately ¾ of a million dollars, a little less than that $726,598.88 back to the trustee. That sum represents security for the certificates. Certificates of participation are secured by the value of the assets that they fund. In this case, it was this county administration building but there is also a reserve. The trustee has asked county finance to please sign here. A form allows the trustee to act. The legal obstacle is that neither you nor county finance has authority to act. Those who have the authority to act are the board of directors of the finance authority. We look to the original documents that put the finance authority together. To his interpretation, the directors that the board named then are still the directors today. To refresh their recollection that Dan Like, Jay Rickstrew and Ken Krantz. He was able to reach Jay directly; he is still in Rifle with Alpine Bank. He said he even had the corporate seal in his desk drawer. They have not had any reason to met or act in years and they in fact tracked down the other two directors and left messages for them. He hasn't heard back from them but what he wants to do is quote Section 6 Board of Directors document, Articles of Incorporation he believes is for the finance authority. In the event all members of the board of directors have resigned are no longer members of the board, or unable to act; the Board of County Commissioners of the county shall have the authority to appoint new members of the board of directors. What he is suggesting is that he thinks this is somewhat time sensitive; as emergencies go this is mild. That money is not going anywhere; it will either be with Bank of America or US Bank until this is sorted out. But if we need to appoint directors on an emergency basis to sign this form, he would with their permission notice this for 1:00 tomorrow. He thinks the trustee does need some action as soon as possible and he will either try to get a meeting with the directors organized immediately, and he will either assemble a meeting of this board of directors or ask the BOCC to appoint someone to act. Just an FYI, they don't need to do anything right now. Second, an update on the redistricting case; their understanding is that the reapportionment commission will recommend to the Supreme Court tomorrow a plan that includes all of Garfield County in District 57. You will recall that you authorized litigation to simply go and get half of Apple Tree Mobile Home Park included in one district.
Commissioner Jankovsky – Awesome job.
Drew – It's not over, the plan is due to the Supreme Court tomorrow and they have not seen the final version of the plan. Opposers, those who filed statements of opposition, and he doesn't know if you didn't file the first time whether you get to file the first time. But any statements of opposition are due within three days after and then after that corporal rule. So it's not finished but that is their understanding of the direction.

c. **Public Hearings by the Board sitting as Local Licensing Authority for Medical Marijuana:**

Carey – This is a follow-up to correspondence per the board's direction and the statement from enforcement division concerning a provision of local verification. The following providers were interviewed.
Chairman Martin – Those three businesses that are here, he swore them in.

i. To determine operation of CMD Care-House LLC prior to County's moratorium – Carey Gagnon

Motion

Commissioner Jankovsky is satisfied with that. I think this lease of May 28th is a verification that CMD Care House LLC was in operation or had started operation prior to June 21, 2010 for their grow ops on County Road 100.
Chairman Martin – Therefore you formed a foundation to make a motion to…
Chairman Jankovsky – Yeah I'll make that motion. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

ii. To determine operation of The Green House LLC prior to County's moratorium – Carey Gagnon

Motion

Commissioner Jankovsky – These leases help, does your letter say June 2010. I'll make a motion that Green House LLC verification was in operation for grow ops prior to June 21, 2010. Commissioner Samson – Second.
Chairman Martin – I do have to notice under your lease article 4 is going to be a concern to you because your lease says you are prohibited to use the premises for any purpose that is forbidden by Federal laws of the US.
Ryan – We talked to the landlord and they put a little clause in there if Garfield County or the State of Colorado changes the laws.
Chairman Martin – It's the United States Government you have to worry about more than the state.
In favor: Samson – aye Martin – aye Jankovsky - aye

iii. To determine operation of Western Slope Caregivers LLC prior to County's moratorium – Carey Gagnon

Motions

Commissioner Jankovsky – I make a motion that we close the public hearing. Commissioner Samson – Second.

In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – I will make a motion that we have verified that Western Slope Caregivers LLC grow-op was in existence prior to June 21, 2010. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye
Vena – Do you know when you will start deciding what applications and what forms?
Chairman Martin – We do have a specific date; hopefully when…
Vena – Continue the way we are.
Chairman Martin – Continue the way you are until the moratorium is over and hopefully they will have a hearing prior to the moratorium being over and establishing ….inaudible….
Chris – Will they be receiving a letter that they need to submit or how does this move forward in their response to the state? Do they receive a letter from the county they then turn into the state that says they have local approval or does the county notify the state directly and they don't need to respond to the letter?
Carey won't advise them whether they should also respond but in response to the commissioners she will send a response to the letter that she received….inaudible…
Chris – Do we get a copy of that so they can follow-up as well?
Carey is happy to send that to them.

79. **Executive Session**

None

COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.
Individuals may be limited to 5 minutes each.

REGULAR AGENDA: BUILDING & PLANNING ISSUES

1. **County Attorney Update – Land Use Issues: Andrew Gorgey**
2. **Public Meetings:**
   a. **Request for a waiver of an Annexation Impact Report for the proposed annexation of the Silt River Preserve, a 132 acre parcel located west on County Road 346, west of the County Road 331 Interchange and south of the Town's water and wastewater plants – Janet Aluise**

Janet – This is a great river preserve that they are starting to rehabilitate. It has been overgrazed, under watered, weeds are all over the place but particularly it's the law enforcements problem they are having. They caught some hunters this morning and it's awfully difficult to do anything when it's not in your own town own police departments jurisdiction. But they would also like to have within their town boundaries so they can say it is purely a park of Silt. Of course, it is a regional park. Everyone will be welcome and they are just asking that they waive the annexation impact report so they don't have to go through the expensive study.
Carey – It may be waived by the board.
Commissioner Jankovsky – Any time the city wants to annex property and it doesn't fall on the county for regulation he thinks that's a good thing. He is in favor of this. Janet, on the other side of the river is that city land, part of the city on the north side of the river.
Janet – Yes.
Motion
Commissioner Samson – At this time I would move that we grant the request for a waiver of an annexation and park record for the proposed annexation of the Silt River Preserve; 132 acre parcel located west of County Road 346, west of County Road 331 Interchange and south of the Town's water and wastewater plants and authorize the chair to sign it.
Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Public Hearings:

a. **Consider a request for a Zone District Amendment and Planned Unit Development (PUD) for a ±160-acre parcel located midway between the City of Glenwood Springs and the Town of Carbondale on the west side of SH 82. This site requests PUD zoning to allow for 366 dwelling units, community space, open space and common area, utilities and right-of-way for the River Edge Colorado project. The public hearing for this application was continued from November 21, 2011 so that required documentation could be considered and finalized. Applicant is Carbondale Investments, LLC. – Kathy Eastley**
b. **Consider a request for a Subdivision Preliminary Plan on a ±160-acre parcel located midway between the City of Glenwood Springs and the Town of Carbondale on the west side of SH 82. This application seeks approval to create single family and two family lots, community space tract, open space and common area tracts, and utility and right-of-way tracts. The public hearing for this application was continued from November 21, 2011 so that required documentation could be considered and finalized. Applicant is Carbondale Investments, LLC – Kathy Eastley**

Carey – This was a continued public hearing for the purpose of finalizing the resolution approving the conditions and then finalizing the associated legal documents. Carey was not able to complete negotiation with the applicants counsel on several items. They having been working diligently and they would request that the board continue one last time to next week to ensure the board has the full final documents before them for review.
Chairman Martin – That would deal also with the second subject; is that correct, seeking approval to create single family and two family lots that would be attached as well?
Carey – That is correct it is for the PUD application and for the second one.
Rockwood Shepard – We are okay with that continuance.
Chairman Martin asked the audience if they had come today for testimony; one person raised their hand.
Rick Lofaro, Roaring Fork Conservancy.
Chairman Martin - Would you be inconvenienced if there were a continuance.
Rick – No sir.
Motion
Commissioner Jankovsky – I'll make a motion that we continue items a and b concerning River Edge Colorado project until date certain.
Carey – They would like to bring it back before the board next Monday. If you would like to do the following week.
Commissioner Samson felt it would be better to do it the 19th.
Rockwood – He would have to talk to his counsel to see if they could be here.
Chairman Martin – It could be a very long day and go into the evening. The 12th will be very busy.
Rockwood – Okay, he will go with the 19th.
Motion
Commissioner Jankovsky – From date certain to December 19th. Commissioner Samson – Second.
In favor: Samson – aye Martin – aye Jankovsky - aye

c. Consider a request for a Land Use Change Permit for a Major Impact Review for a substantial change to a previously approved Special Use Permit for the Powers Pit concrete batch plant operation. The property of ±414 acres is located at 13112 Highway 82 at the northwest corner of Highway 82 and County Road 103. The Applicant is Crystal Ranch Corp. – Tamra Allen

Sean Frisch, Doug Pratt and Yancy Nichols - Land Studios; Art Daly – Holland and Hart; and Walt Wright and Skip Hudson Traffic were present.

Tamara gave a presentation.

Doug gave a presentation and explained they have worked through the conditions of approval with staff. Part of the process they are currently working with and will work through those recommendations for the CDOT access permit on Highway 82.

Motions

A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to close the Public Hearing.

In favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Samson thinks everything is in order and he compliments the applicant on working with staff, the planning commission and it appears as though there was quite a bit of collaboration on everyone's part and he is sure this will go through as planned.

Commissioner Jankovsky – I'd make a motion that we approve a land use change permit for a major, for a substantial change to approve special use permit for the Powers Pit concrete batch plant operation located at 13112 Hwy 82 at the northwest corner of Highway 82 and County Road 103. The conditions as proposed with the following changes, I have one question of legal under number 5 and I wonder why morals is in there. Is that just standard, why are morals part of a land use permit on a concrete batch plant?

Carey – That's a good question; this is not a word that shows up in the standard resolution language, however if you go through the laundry list of county powers there are several in here.

Commissioner Jankovsky – Under condition 5, I would like to strike morals. Under condition L, I would like to add plans shall be submitted to the Garfield County planning department and the Carbondale Rural Fire department. Under condition M I would like to strike the first sentence and the reason for that is if for some reason the Cerise Mine would not be approved, he thinks with the batch plant there they should have the ability to bring in materials from other plants.

Commissioner Samson – So your motion will read with the three modifications as presented by the planning commission and the recommendations a through n by staff with the changes.

Commissioner Jankovsky – With the changes I've made and then I do want to ask do we want to put anything in here on reclamation?

Chairman Martin – Reclamation is usually under the mining permit process by the State of Colorado. The landscaping in reference to the entrance and exit, we do have some say and it's already included and agreed upon and the changes.

Commissioner Jankovsky – Those would be my changes for approval.

Carey – To Commissioner Jankovsky; on condition of approval M, if you merely strike the first sentence you end of changing the intent of the entire paragraph and the rest of it actually then that doesn't make sense standing alone. She read again. Unfortunately, you closed the public hearing. Unless you would like to reopen for further explanation.

Amended Motion

Commissioner Jankovsky – I just think it becomes, there is the potential that Cerise mine may not open. I think it becomes to have this, as a condition is not appropriate at this time. So if that's the case I would strike all of "M". I move that we strike all of M and then number N becomes M. While they are discussing, legal, I would just like to compliment the applicant as far as the Cerise Mine there is a potential batch plant over there and I thinks this is a good move on your part and happy to see this batch plant further away from the subdivision and hopefully that will decrease some noise and possibly air pollution and other things. So thank you for bringing this application in.

Drew – Condition M is the balance of the condition beyond the first sentence addresses the contingency of what happens when aggregate is no longer available at the Cerise Mine. My understanding of the reason why this condition was included is it obligates the applicant to look to a close source of aggregate and materials out of the Cerise Mine until exhausted. If this condition is struck entirely it impacts the traffic study; it impacts some of the underlying facts on which the traffic study relied. I think the balance of the condition covers the applicant if Cerise Mine were to be exhausted or otherwise closed. I'd recommend that you keep it in.

Chairman Martin – Because it doesn't take that into consideration of transportation to and from the batch plant from further away….it's what your trying to say.

Carey – If you look at the second part of it, usually if an applicant wants to request a change to a condition of approval it's automatically being a substantial change and the applicant must go through a full public hearing application process. What the second part of this provision does is it opens up the door for it being a non-substantial change. In the event that Cerise was to be unable to operate or to provide aggregate to the batch plant, it does mean that change would be accommodated through a non-substantial change process, which is an administrative process.

Commissioner Jankovsky – Okay, I understand what you are saying and my intent was there is a possibility there may not be a Cerise Mine and if that is the case then with this condition is they could then go in through an administrative process, potentially bring in aggregate from somewhere else. Is that correct?

Carey –That is correct. They will be requested at that time to submit the additional engineering, information traffic study, whatever it is that is relevant to that specific change in order to demonstrate that it complies with the original concerns of access.

Commissioner Jankovsky – Let's just say in the case this batch plant is ready to go before the Cerise Mine is ready to open; try to make it, at least for the applicant not as….inaudible…which was what I was trying to do.

Chairman Martin – So you would like to reinstate it?

Continued Amended Motion

Commissioner Jankovsky – Yes, I will reinstate condition M and that moves, leaves condition N as it is.

Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

d. To consider a request for a Land Use Change Permit to amend a Special Use Permit to construct a building and allow "Fabrication – Cabinet Making, Woodworking, Metalworking, Glazing, Machining" a Major Impact Review application on a 2.87 acre site located at 1879 County Road 264, Rifle, CO (File No. SUAA 7009) and to authorize the Chairman to sign a resolution to memorialize the Board of County Commissioner action taken at the public hearing held on December 5, 2011. The Applicant is Howdy and Diann Robertson – Molly Orkild-Larson.

Howdy Robertson and John Farrington –Tally Ho Construction representatives were present.

Molly read the exhibits and proceeded with a presentation.

Mr. Robertson came to them and they are trying to help him on the project. He has been before the board doing other projects like this. When they first proposed the project, they went to building department and they had some question on the way it was zoned. They applied for an S1 and S1 covers the storage part of it and part of it does say metalwork; but after meeting with the staff, Molly and the building department got together and decided that the zoning had to be changed. S1 doesn't take into consideration fabrication and that's why they are here today. Part of Mr. Robertson's business, he makes stuff for the oil field and they decided it came more under the concession of a fabrication plant than an S1 storage.

Commissioner Samson - John you had adequate time to go over the staffs 12 recommendations?

John - Yes sir.
Commissioner Samson – And you are okay with these?
John – Yes sir.
Motions
A motion was made by Commissioner Samson and seconded by Commissioner Jankovsky to close the Public Hearing. In favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – I would move that we grant the request for a land use change permit to amend a special use permit to construct a building and allow fabrication, cabinet making, wood working, metal working, glazing, machining, a major impact review application on 2.87 acres site located at 1879 County Road 264, Rifle, Colorado and authorize chair to sign the resolution memorializing the Board of County Commissioner action taken at the public hearing held on today December 5, 2011.
Commissioner Jankovsky – Second that motion and that's with the 12 conditions as recommended by staff. I'd like to take a second to thank Mr. Robertson for being an employer here in Garfield County. Many people are having a tough time finding employment and I appreciate you stepped up.
Carey – You have a resolution in front of you that already reflects the motion that Mr. Samson has made; if that is acceptable, would your motion….
Chairman Martin – It is and that was to sign the resolution as memorialized.
Molly – You would have to add Drew to the resolution since he's not on there.
In favor: Samson – aye Martin – aye Jankovsky - aye
COMMISSIONER ISSUES:
Chairman Martin had one request for negotiations to have an executive session to give direction for negotiation on property acquisition.
Drew – It is not noticed for today.
Chairman Martin – I know that, it only came up today.
Commissioner Jankovsky – Can notice for tomorrow?
Drew – You can do it anytime after 2:00 p.m. tomorrow. We posted notice for 1:00 p.m. for an addendum for the Garfield County Finance Authority Board and Directors.
Chairman Martin would like to post that one too then.

a. **Commissioner Reports**
b. **Commissioner Calendars –** Commissioner Samson – Tomorrow the working group work session 8:00 a.m. right here and we will go as long as they need too. At 1:00 p.m. the budget meeting. Chairman Martin - After that it's the finance and executive session. Commissioner Samson will attend the fair board meeting 9:00 a.m. Wednesday here. Drew – It would be great to do it here; they have arbitration on a Board of Equalization decision. He will tell everyone. Commissioner Samson – He and Drew have an 11:00 a.m. FML meeting tomorrow, Communications Board meeting Thursday the 8th in Rifle and they will all attend the Sheriffs Annex meeting with Rio Blanco commissioners Friday the 9th 11:00 a.m. Commissioner Jankovsky has a meeting at 5:30 p.m. in El Jebel with Dave Merritt. Chairman Martin –He has horse shoeing on the 8th. Commissioner Samson – Jean; on the 15th from 10:00 a.m. – 2:00 p.m. elected officials meeting. Chairman Martin – The road-working group at 1:00 p.m. on the 14th. Drew that has been cancelled but on the 15th from 10:00 a.m. to 2:00 p.m. his office has a planning retreat. It is their annual first ever retreat. Commissioner Jankovsky didn't think the sheriff could make that. Jean – If you need to change contact Jim Yellico. Drew would love to be there. Commissioner Jankovsky is not available on the 14th he has Human Service Commission can do 13th or 16th – Chairman Martin has a luncheon the 16th – Drew will post executive session for tomorrow.
c. **Approval of Minutes**
d. **Commissioner Agenda Items**

ADJOURNMENT

DECEMBER 12, 2011
PROCEEDINGS OF THE GARFIELD COUNTY BOARD OF COMMISSIONERS
GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 12, 2011 with Chairman John Martin and Commissioner Mike Samson and Tom Jankovsky present. Also present were County Manager Ed Green, County Attorney Drew Gorgey and Jean Alberico Clerk & Recorder.

ROLL CALL
PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA
REGULAR WORK SESSION:
80. **ASSESSOR UPDATE:**
A. **SOLE SOURCE CONTRACTS FOR: VALUE WEST & MARTINDALE CONSULTING, INC – JIM YELLICO AND JAMAICA WATTS**
Jim Yellico – Two items however, it is for the same people.
Martindale Consulting
Jamaica – This was before the Board last year and a contract was awarded to both Martindale Consulting and Value West. This is actually a renewal. We are asking the Board to approve a renewal for Martindale Consulting for 2012 in an amount not to exceed $200,000.
Jim Yellico – 2011 audit findings have come up with $3,284,730 and in 2012, we never know what the numbers will be. We are going to be catching up with Williams and EnCana, Laramie, PDC and Noble all through 2010.
Commissioner Jankovsky – How is Martindale working in coordination with Sean?
Jim – It's great; they meet often whenever findings are presented to the companies, it's a conference call between the two offices so everyone knows what's going on. It is a great relationship with the industry.
Drew – No legal issue.
Motion
Commissioner Samson – I would move that we approve the award of a contract with Martindale Consultants in the amount not to exceed $200,000 to provide oil and gas audits.

Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
Chairman Martin – This is a good investment, it is working well.
Value West Inc
Jamaica – The second one is a renewal to Value West sole source contract in the amount of $91,200.00. This is for the commercial property appraisals.
Commissioner Jankovsky – This was one of Jim's goals was to try to bring some of this in-house for commercial appraisals.
Jim – Learning more once I jointed the office, the service John provides is very valuable. In talking with other business owners and the Division of Property Taxation, the auditor and finding out the services he provides especially when we have fewer sales. John has expertise in other counties. One of the things I identified in my campaign was the idea that there wasn't anyone in our office and that's what I'm working on right now. We are working on training someone in our office to be able to assist John so when someone comes in with a commercial property question they would have someone to talk to about it. He will work with John and Value West will have some training involved. It is not the intention to replace John it would be to provide more service to the County. It is valuable and when talking to other Assessors we have a good thing going.
Drew – No legal issue.
Motion
I will make a motion that we approve the award of contract to Value West Inc. in an amount not to exceed $91,200.00 to provide commercial property appraisals.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson
Mill Levies
Jim Yellico – In order to input the mill levies into the system for the taxing authorities that have sent things in, we have to do it on line and we need a signature from the Chairman that allows us to access the inputting screen. Jim provided a handout.
Chairman Martin – This is from the Division of Property Taxation.
Jim - It used to be hand filled out and now it is on line. Let counsel review that to make we are good.
Commissioner Samson – This Friday from 10 am to 2 pm we will meet here in the Boardroom.
Chairman Martin – We will get that back to you on signature.
Drew – This is minuscule.
81. **CONSENT AGENDA**:

a. Approve Bills
b. Changes to Prior Warrant List
c. Authorize the Chair to sign the Resolution concerned with Crystal Ranch Corp's application for the approval of a land use change permit, MIPA 6919, for the continued operation of a concrete batch plant known as the Power's Pit Concrete Batch Plant – Tamra Allen
d. Authorization of and approval to Chair to sign the Resolution concerned with approval of the Community Events Fund – Lisa Dawson
e. Consideration/approval of Resolution Repealing Resolution No. 2006-54 Establishing the Garfield County Fair Fund and Creating the Community Events Fund

A motion was made by Commissioner Jankovsky and seconded by Commissioner Samson to approve the Consent Agenda Items as presented a – e. In favor: Jankovsky – aye Martin – aye Samson - aye
82. **COUNTY MANAGER UPDATE: ED GREEN**

A. **PUBLIC MEETINGS:**

I. PROPOSED 2012 BOCC SCHEDULE

Ed – Chairman Martin wanted to have an open discussion about the schedule for meetings with the BOCC in 2012.
Chairman Martin – We have to do that and put everything down on the proposed times, locations, etc. so this is the time to discuss it.
The Commissioners discussed this indepth and determined the dates of the meetings, work session and remote meetings.
Town Hall meetings – Commissioner Jankovsky would like to have these 2 times a year at the municipalities in the evenings, and perhaps in Parachute in the afternoon.

Ed – We need to address remote meetings. According to Lisa, we can hold remote meeting with the Grancius capability in Rifle.
Lisa – The Grancius software that we just implemented this December allows us to have streaming of these meetings on our website from this room because we have all the camera equipment etc. The big issue is the bandwidth. When we go offsite, all we can guarantee at this point is that we will have the voice but not the video view of the meeting. We can still have streaming voice, but not screening video. One of the problems is the bandwidth. One of the municipalities that have a higher capacity for Internet is Carbondale. When we tested it out in Carbondale, it worked for a while and then it brought the Town of Carbondale's system down because it used up all their bandwidth and we had to revert back to just doing it normal. At this point and in Rifle since we don't have fiber optics it is not possible at this point in Parachute, so you need to realize that if we do go offsite, then we won't be able to be consistent with what we provide on the website at least in the next couple of months. If that is fine with the Commissioners, then we can move forward.
Commissioner Samson – Will people always be able to hear us no matter where we are.
Lisa – That's our goal is to at least have that capability. She continued to explain that the Grancius system could only be used in Rifle and Glenwood.
Commissioner Samson confirmed that a CD would be available if anyone from the public requested it.
Additional discussion was held with respect to the remote meetings, town hall meeting and meetings with the municipalities.
Commissioner Jankovsky – I would like to bring it up, these meetings we are having with the City Councils are very important and we should as opposed to the councils to set those we should become active in setting those meeting as well. That communication has been very great for collaboration and favorable. I would like to try and actually set those some of those meetings, at least one meeting each year with each City Council.
Chairman Martin – Sounds like there's a couple of things to sit down and hash out across the table and run that through staff.

IV. KEN BROWN WITH WESTERN COUNTIES ALLIANCE PROPOSING GARFIELD COUNTY JOIN MEMBERSHIP

Kenneth Brown, Western Counties Alliance.
Ken – I've had an opportunity to talk with Commissioner Samson at the AGNC at Dinosaur and from there this meeting has been set up. Western Counties Alliance is an organized six years ago. The purpose was the Western Congressional Caucus had indicated they needed additional technical support to help them with public land issues particularly in the rural areas. With the urging of the Western Congressional Caucus, which is a group of 30 to 40 Republican members of Congress to specifically address western public land issues. Industry was also interested; oil and gas, mining, timber in having the alliance become a reality and counties. Even though the state associations yes, important but they have a full plate, getting into tax issues, transportation, human services and the list continues. It was difficult for state associations to get specifically involved with public land issues. I spent 14 years as a County Commissioner

and 8 years as the chairman for the public lands steering committee. I have a lot of experience with these public land issues. We're never organized to interfere with another organization or another arm to bring attention and resolution to these complex issues. We coordinate with other groups but we have a Board of Directors, monthly conference calls for our board meetings reason being it's expensive for a commissioners to move to other areas for a meeting. We decided on conference calls with an agenda sent out in advance so the board could have an opportunity to review issues on the agenda. We have a number everyone can dial into and have a discussion.
Commissioner Samson – I would like you to talk about some of the things you discussed at AGNC.
Ken explained in detail what the Western Counties Alliance proposed in membership. The issue was related to the PILT, Secure Rules Schools and the formula for fair and equitable for Garfield County. Ken talked about other states he has been involved in with the Alliance and proposed that Garfield County would benefit from the membership.
Chairman Martin – Our payment would jump to about $3 million I would imagine.
Commissioner Samson – Do you have a county that is similar to ours and what do you charge them?
Ken – We have two counties similar to yours. They pay $3,500. We have moved through a lot of inflation with the operation on WCA. We want to get maximizing effort into issues.
Ed – Can you bill us this year? We can still take it out of your existing discretionary funds. You have $134,000 left.
Commissioner Samson – You don't care if we pay you this year for next year, do you?
Ken – So what I could do, if you want to take action today on a number, the desire to join, secondly the fee. We have an invoice of $5,000 and what I do is line out the $5,000 as to what that specific county can pay, write in the number taken action on and initial it. I could get the invoice over to Ed or the Clerk, whichever you prefer.
Commissioner Samson – I'd like to hear from the other two commissioners and legal has to say. I think you know where I'm coming from.
Chairman Martin – It is an association with information that you can utilize and maximize the partnerships; it is discussed in WRI, which Western Interstate Region as part of NACO and they are recognized on the floor of congress and in the senate.
Drew – It is a lawful expenditure of public funds and for a very good cause, this will join the list of professional associations to which you along with Colorado Counties and NACO, those are the two that come to mind. Did I understand you to say Ken that Nevada already has a special services districts operating?
Ken – They have the law through their state legislature but there has not been a county create a special service district.
Drew – Okay, then it passed their state act but have yet to create a special district. I would just add that you have your monies from this presentation with respect to support of the 2012 amendments. It's a very compelling argument. The facts will support what you heard just now, I took notes on all of it and I will be communication it immediately, so it is lawful and immediately beneficial.
Chairman Martin – It is to maximize the use of federal funds coming to the region and it gives strength to that lobbying group to prove that point.
Motion
Commissioner Samson – I would move that we approve the spending and appropriating $3500 from our discretionary fund of 2011 for the purpose of joining and associating ourselves with the Western Counties Alliance starting our membership January 1, 2012.
Ken – Are you on a fiscal or calendar year in Colorado?
Chairman Martin – Calendar year.
Commissioner Jankovsky – Who is on the Board, who represents your board?
Ken – The Chair of the Board is a Commissioner from Carbon County, Utah John Jones from Price, Utah. He was just put in two meetings ago. The vice chair is a Commissioner from Mineral County, Nevada; the County Seat is Hawthorn, she is the vice chair.
Commissioner Samson – I am assuming Una County is a member.
Ken – Una County was not a member in 2011. They had some difficult with budget and it looks like they will be coming back for 2012. Duchene County Commissioner Ken Paltriest former chairman of WCA.
Commissioner Jankovsky – We would be the first Colorado County.
Ken – Correct.
Commissioner Jankovsky – You do have counties from Montana and Wyoming.
Ken – Yes. Prairie County, Montana and Jefferson County, Montana.
Commissioner Jankovsky – Are you just working through your congressional delegation or do you have a lobbyist in Washington, DC?
Ken – A good question. We had a DC company town contact but he has since move back to UTAH, we're going to put the Lt Governors' office and so we do not have a specific DC rep at the moment. But the Board has asked me to do is to make contacts with some of those who would do that type of work on an as needed basis. We don't want to have a retainer fee. We want to be able to call on someone which we have done in the past and it worked very well when they have been given a specific assignment on an issue, they have gone to work on it and they have been paid. We do not utilize the retainer fee. There are three or four lobbyists, Washington contacts that I am aware of, know, and have worked with. I'm making contact with those individuals to see what interest they would have in working with WCA.
Commissioner Jankovsky – What is the budget for WCA.
Ken – We had $80,000 total, that's my fee and expenses, secretary, clerical, legal, we have a lawyer very good in Salt Lake that we use on an as needed basis. He doesn't charge us a retainer fee. $80,000 has covered us.
Commissioner Jankovsky – What other issues besides the PILT Federal Mineral Leasing issues are you dealing with.
Ken - Clean Water Act, as you know they wanted to amend the Act, there were some members of congress to remove the term navigable and replace it with Waters of United States and that would have been a disaster. States coupled with county government have done a good job in dealing with water issues. We adamantly opposed amending the Clean Water Act. 1872 Mining Law, Congressman Ray Holt from West Virginia, which is private land spec state, wanted to amend the Mining Law making it much more restrictive, more expensive in fees etc which he was looking primarily at the hard work mining. Of course, it's paid in Nevada and I think Colorado has some of that so we were very much opposed to amending the 1872 Mining Law in a manner that Congressman Ray Holt wanted to do it. The legislation he proposed died in the last congress. The legislation that they were trying to amend the Clean Water Act and died.
Chairman Martin – The only trouble with that one is that the EPA picked it up and made a policy in their rules and that is being challenged through Mr. Tipton's office. Those are the issues on public lands along with the Mining Law came the access to public lands etc. which is attached to the Mining Law.
Ken – Another issue is Wild Horse and Burro Preservation, which is a real problem in Nevada and Wyoming. Nevada has the largest number. Wyoming is number two.
Chairman Martin – Right here in Garfield County. We have that issue down in Cameo and north of Cameo comes ba ck to Roan Creek is where the herd is located.
Ken- There has never been a county elected official on that 9-member advisory board since it was implemented in the early 70's. What we are doing presently and I have a letter that we wrote to the Director Abby, I'll leave a copy. I thought I would leave a packet of material with the Clerk's office if that's acceptable for you Commissioners to review. But, to open the Charter for that program to include a county elected official, all the impacts to the counties, the lands in the county and it's bizarre that there's never been a

county official on that board. I asked the director why and he said there's really never been the aggressiveness to do that. NACO has a liaison member to that program so I don't know exactly what's going on there but we said this program without a county official to help with the policy, numbers, etc that is unacceptable.
Chairman Martin – Under NACO and WIR there has been a request through a resolution to open that up to membership and that's a response we have not received anything back from them. There has been a request.
Commissioner Samson – Didn't that come up last March?
Chairman Martin – Yes it was and still has not heard from the liaison which is Cynthia Moses and the Department of Interior had that information as well as the representative from the Department of Agricultural.
Ken – WCA took the initial approach to do that, now it is coupled with other organizations. That is the process, the coal less process. The difference we are is we can take one, two or three issues and move on it because we don't have other things to interfere like your state association, you have to stop and do transportation, human services, taxes, the list goes on. We can take 2 or 3 issues and move on them and that's the way we operate. Then we coordinate it with other organizations.
Jankovsky – Have you worked on the wild and scenic land issues?
Ken – Some of that, the travel management plans we're working on that aggressively now. Elko County has taken the lead; they don't like what they see for their county. Local government has not been invited to participate.
Chairman Martin – I'd say 3310 took action.
Ken – So we are aggressively going to the forest service and saying, the existing planning we would like it to stop and we're doing that through Congressman Bishops' committee and start over if you will. Let's get the county officials involved.

Commissioner Jankovsky – I will second Commissioner Samson's motion.
In favor: Jankovsky – aye Martin – aye Samson - aye
Chairman Martin – We will go ahead and see the influence and go from there.
Ken – We appreciate that…
Commissioner Jankovsky – We need to have the information when your conference calls are held and
Ken – The conference calls, I have the minute's two sets with me and a packet of material for your review.
Commissioner Samson – I would request Drew, would you send through email to him what we have for FML so he can look at that and know what's going on in Colorado.
Drew – I'd be happy to do that and agenda items 3a 2-5 are being handled by your deputy county attorney so I'll take that opportunity to talk to talk to Mr. Brown now if he has a minute.
Ken thanked the Commissioners for their action and we will be in constant contact via email.

i. **Consideration/approval of Amendment to Antero Easement - Brian Condie**
ii. **Update on record drawings – Antero Road & Bridge Permits - Betsy Suerth**
iii. **Consideration/acceptance of Right-of-Way Deeds from Airport Land Partners – Jeff Nelson, Carolyn Dahlgren, Betsy Suerth**

Carolyn Dahlgren, David Strustand, Georgia Chamberlain, Betsy Suerth were present.
Documents in the Board's packet of information included the following items.

A. Agnes Hunt property lease and oil and gas lease dated October 9, 2006 as amended by the attached lease amendment dated March 17, 2008 to include a second Hunt tract and a portion of the Wilson tract, all in N ½ Section 14. The materials showed the Hunt tract, the BOCC tract and the Wilson tract.
B. Surface use agreement No. 6 with 2 pages – As Built legal description of Production Water Pipeline South and West of Dever A.
C. Pipeline Easement, Agreements, and Quitclaim Deed with As Built Pipeline legal description.
D. Garfield County License/Permit with 2 page Easement and Description of As Built Pipeline
E. 11X17 map of Easement and License areas

Carolyn discussed the items listed pointing out on the map the locations of the easements and licensed areas.

Todd Delevan - Report
Chairman Martin – Todd Delevan – Todd has worked in fact he's been before the Solicitor General in reference to his claims and throughout 4 years of legal. They have ruled he doesn't have standing so therefore he can't move forward because he didn't protest in 1976. That's why he should have protested.

I. Recommendation to award the Janitorial Services contract to Varsity Contractors, Inc – Jamaica Watts & Betsy Suerth

Jamaica and Betsy presented the contract for the new janitorial services. The request is to award the contract in an amount not to exceed $203,381.00 to Varsity Contractors to provide janitorial services for Garfield County facilities. Jamaica explained the process of the RFP and the six who completed the interviews and scored the proposals.
Commissioner Jankovsky – Cardiff was the only local company.
Jamaica – Cardiff and they did not submit an affidavit and even if they took the 5%, it wouldn't have made a difference.
Motion
Commissioner Jankovsky – I would make a motion that we approve the contract to Varsity Contractors in the amount not to exceed the $203,381.00 to provide janitorial services for Garfield County facilities.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

II. Approval of a renewal of a lease agreement with Bryan and Dawn Burgess for use by Search and Rescue—Gene Duran
III. Approval of a renewal of a sublease agreement with Search and Rescue, Inc—Gene Duran

Renewal Lease
Gene presented the summary saying these two items are related and is the issue that the Commissioners faced and dealt with earlier on this year regarding Garfield County Search and Rescue, Inc. There was an issue as to finding a home for S&R and the Commissioners allowed a grant to rent for lease a facility. That lease is now up for renewal. It is in the budget and so the first issue is a lease renewal with Brian and Dawn Burgess for the facility. The lease payment is $2500.00 per month. That has not changed from the price paid in 2011.
Ed – This was a competitive procurement originally and it was based upon price and evaluation of this space.
Gene – Yes, it was a competitive process and I believe S&R was happy with the particular facility. The site in on Airport Road, the end of the new airport runway.
Motion

Commissioner Jankovsky - I will make a motion that we approve the lease contract renewal with Bryan and Dawn Burgess for the facility on Airport Road for use by Search and Rescue. Commissioner Samson – Second. Authorize the Chair to sign.
In favor: Jankovsky – aye Martin – aye Samson - aye

Sublease agreement

Gene – Before the Commission is a sublease that goes along with the lease that was just approved. The only open end and I've been in communication with the County Attorney's office on this instead. There will need to be an amendment to the MOU that Garfield County S&R to allow for a grant to cover the cost of the sublease. Again, because this expires at the end of this year this is a matter that needs to be taken care of so they can complete without interruption. Staff is recommending approval.
Commissioner Samson – I would move that we approve the sublease contract renewal between us and the Garfield County Search and Rescue concerning the lease payment of $2500 per month for the MOU with SAR and authorize just approved - there needs to be an amendment to the MOU to cover the cost expires then end of this year continue on without interpretation.
Commissioner Jankovsky – This is property located on Airport Road in Rifle. I will second that motion.
In favor: Jankovsky – aye Martin – aye Samson – aye

ii. Approval of a renewal of the Solar Services Agreement—Gene Duran

Ed Green – We have next the renewal of Solar Services at the Fairgrounds.
Gene presented the renewal of the Solar Services Agreement and requested the Board approve the agreement renewal with RC Energy LLC for the big solar panels on top of the riding arena at the fairgrounds. It is a 20-year agreement because those contracts as all our County agreements have a subject annual appropriate clause there was specific language in the organic agreement that required renewal that addresses the annual appropriate language.

Motion

Commissioner Jankovsky – I will make a motion that we approve the renewal agreement with RC Energy LLC for solar services at the Garfield County Fairgrounds Riding Arena and allow the Chair to sign. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson - aye

iii. Award of the Garfield County Banking Services Agreement to Alpine Bank—Gene Duran and Georgia Chamberlain

Gene Duran and Georgia Chamberlain recommended the Board award to Alpine Bank for banking services.
Georgia described the RFP with the procurement code. We put a committee together to Dave Reynolds, Georgia Chamberlain and Drew Gorgey to rate the bids received. Alpine Bank came out on top.
Commissioner Jankovsky – Some concerns on PDPA deposit limits.
Georgia - In the recent pass, Alpine Bank has put a limit $5 million as our accumulative deposit that we can keep at the bank. That has now been raised to $15 million; it's still low but at the same time better than the $5 million.
Commisisoner Jankovsky – What is the reasoning and why do they have that limit?
Chairman Martin – It may have something to do with the federal regulators in reference to the percentage of government money versus private and leverage.
Kent Wilson from Alpine Bank – Our intent is really is to have the operational accounts for the County not be the investment where you would put your large portions of money. It's not to say that we could handle a limit over $15 million, we just have to pledge from that with our asset liability management team. It would be handled on a case-by-case basis. We would notify the county at any time for some reason if we were unable to pledge more than $15 million. It has never been a problem in the past and we don't foresee it being a problem in the future.
Georgia – We've always worked together if there a deposit more than the limit, I have always called the bank and we have worked out the procedures.

Motion

Commissioner Jankovsky – I would make a motion that we approve the award of a contract for Garfield County Banking Services with Alpine Bank, a local back with headquarters in Glenwood Springs, Colorado.
Commissioner Samson – Second.
Drew – The draft agreement was attached to the RFP and we need to finalize the terms of the agreement and bring that back in a week. The award you are giving today is to make them the winning vendor. We need to trade drafts back and forth this week. One of the terms and I bring it up now to clarify, the RFP was for 1 year with the option of 6 renewal years. That's a long contract, we wanted to make sure you, and the bank was aware of that before we proceeded. This was a truly competitive bid but for location of branches in Glenwood and Rifle respectively with the two finalists, it would have been very close. This is just for your information.
Commissioner Jankovsky – Legal documents will follow.
In favor: Jankovsky – aye Martin – aye Samson - aye

iv. Approval to renew Bulk Fuel Contract with Master Petroleum Company, Inc. – Betsy Suerth and Jamaica Watts

Jamaica submitted the contract. Betsy had discussed this at the special meeting held on Tuesday during the budget discussion. Renew the Bulk Fuel Contract with Master Petroleum Company Inc. in 2009, 2010 and 201; this is their final renewal year. We are asking the Board to award a contract in the amount not to exceed $795,000 to Mater Petroleum Company for bulk fuel.
Commissioner Jankovsky – What is the pricing on fuel?
Jamaica – it is based on the rack prices, we spoke to Master Petroleum, and they've never increased their percentage over rack prices for the entire contract. It is $.15 if it comes out of Denver and if it Grand Junction it is $.08 over rack.

Motion

Commissioner Jankovsky – I will make a motion that we approve the final year for renewal of a contact to Master Petroleum in the amount not to exceed $795,000.00 to provide Garfield County with bulk fuel and allow the chair to sign.
Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson – aye

Quit Claim Deed in reference to the CR 352, CR 319 and CR 333 Right of Way

Carolyn – Commissioners the reason I asked Betsy not to go away, this is an airport issue because the roads close to the airport were realigned due to our new runway. This is really a road and bridge public facilities issue and only related to the airport because of runway realignment. At some point in the past, I didn't get the date, you approved that the County would put $10,000 toward the overall project, it was a combination of ALP and the county to clean up all of the right of way descriptions around the airport. Most of this has been done through outside engineering and surveying and Jeff and Betsy have only been involved from a distance. It cost ALP more, this is also related to Airport Land Partners Annexation of part of his PUD into the City of Rifle, which has occurred. This is part of an overall 3-party IGA with the City of Rifle, ALP and the County. Now we have separate agreements with ALP and the City of Rifle. Part of the de-annexation petitions that the Board signed at the meeting in Carbondale. This is one more step in that process where ALP is giving you little pieces of county road so you will have consistent widths on all those county roads and then those roads will go to the City of Rifle and in fact, they have already annexed along with ALP's annotation. You have an IGA, a road maintenance agreement with the City of Rifle that says you the County will take care of all of the new roads until the ALP property hits certain developmental milestones and at that point the City of Rifle will then become fully responsible for maintenance.

Chairman Martin – This started in 1997 and has worked through 2006 and being finalized in 2011. It has been a long time. 1997 was a big year for Garfield County and the Land Partners that is when everything on the master plan started actively. Carolyn – It is not just ALP, it is also Gould Construction property across on CR 319 and before that, it was Heavy Haulers. There are been a number of other land owners as well with whom the County has some land trades to get consistent right of way widths on your roads in the airport area. It's been important for us because of the development of the airport; it's been important for ALP for marketing their property and City of Rifle, they are annexing big pieces of property that will give them property and sales tax.
Chairman Martin –That is the incentive and then want the avigation easements, which took a long time too.
Commissioner Samson – ALP is Bob Howard.
Carolyn –What I'm asking for is authority for the chair to sign on acceptance of these roads into your public and county road system after Mr. Howard signs the deeds because he is out of state or the country and he needs to talk to his tax advisory's whether or not he wants to sign in January or in 2011. What John's signature is doing is accepting the rights of way.
Motion
Commissioner Samson – I would move that we accept the quit clam public road of way deed for CRs 319, 333 and 352 and authorize the Chair to sign. Commissioner Jankovsky - Second.
In favor: Jankovsky – aye Martin – aye Samson- aye

b. Public Hearings:

i. Final Adoption of the Garfield County 2012 Budget – Lisa Dawson

Lisa- The County was in charge of publication and it was published on October 6, 2011. The notification was given to the County Attorney.
Drew stated the public notice was published on October 6 in the Citizens Telegram, both today's hearing and the November 7 hearing were included in the notice. The November 7 hearing was continued multiple times to ensure a complete review of the budget and that review was completed last week. The legal is proper and gave it to the Clerk & Recorder.
Lisa – The budget was presented to the Board on September 29, 2011 and since then we've had a number of meetings and made changes through the budget review process. The total revenues were increased by $391,360, expenditures were decreased by $4,149,819, and the details are attached. The result of these changes and of taking the sales tax refunds of $3,170.69 from fund balance resulted in a balanced budget, which I am pleased to present to you today. We are requesting your approval to adopt the Garfield County's Budget and appropriate funding for 2012 for a total expenditures $118,278,527.00.
Chairman Martin – For clarification, the sales tax refund was a payment back to the Department of Revenue for distribution to the energy companies and that came from the energy mitigation fund balance and not the general fund.
Lisa – We took it from the general fund balance but then the Board did a transfer to the oil and gas mitigation fund.
Commissioner Samson – How much have we spent for those entities.
Chairman Martin - $3,017,969. We will do one-half this year and the other half in 2012.
Lisa – The other portions that totals the $3.9 million was the total sales tax refund so the Commissioners offered to refund ½ of that and the part was not shown on here was the portion that goes to our departments.
Ed – So, we've took part of the communication center, part of the library district and municipalities. We paid ½ of all the liability for all of those.
Chairman Martin – We still came out with a balanced budget after all.
Drew – No legal advice. You know the time from the first presentation until now has been well spent and you have taken a very careful look at the budget and found $4 million dollars that didn't need to spent or not as it was first though and I will anticipate the 2012 process at least as thorough.
Ed – I'm very happy with it, I think it will be a very workable budget for us.
Chairman Martin – We do recognize that it is a change in philosophy and approach.
Ed – I think that we needed to do that for the past several years we have been operating, sitting on a growth volcano and we've been trying to push as many capital projects as we could through in order to keep pace with that; but now I think we are in a different mode now and we need to have a more introspective look.
Commissioner Jankovsky – Thank you.
Motion
Commissioner Samson – I would move that we approve the final adoption of the Garfield County 2012 budget as presented for a total of $118,278,527.00 and authorize the chair to sign.
Commissioner Jankovsky – I will second that and I would like to have it noted that this was a balanced budget for Garfield County for 2012.
Commissioner Samson – We have to have a separate motion to amend the Resolution or are we okay on that.
Drew – No, I'll email another recital there whereas clause to Ann and ask them to input that change.
In favor: Jankovsky – aye Martin – aye Samson - aye

ii. Certification of the Garfield County Mill Levy – Lisa Dawson

Lisa presented the certification of values provided by the Assessor's Office. Garfield County's mill levy is 13.655 and is allocated among the various Garfield County funds:
Provided – asked for approval
9.800 mills to the General Fund; 2.526 to Road and Bridge, 0.532 to Human Services, 0.665 to capital; and 0.133 to retirement for a total amount of $51,356,668. The Resolution was submitted for the Chair's signature.
Commissioner Samson –How long has the mill levy been at 13.66 – 20 plus years 1996 no change.
Commissioner Samson – So moved to accept mill levies. Commissioner Jankovsky - Second
In favor: Jankovsky – aye Martin – aye Samson - aye
Fairgrounds – Budget Related
Commissioner Samson, Lisa Dawson and I met last with members of the FairBoard on Friday; if there are any instructions to us before we go there, what I recall Commissioners you had some concerns regarding financial oversight and there be more clarity and regularity in recording about how they are managing th e funds you have entrusted to them and working out the details of the Event Coordinator's contract. If there is anything of a financial nature related to them or even a structural nature please tell one of us by tomorrow. We are advancing that project.
Commissioner Jankovsky – Through our budget process we had a better number in mind for revenues so it wasn't as much of a stretch for the FairBoard.
Commissioner Samson – Along with that I met with Glenn Adams and we talked about some various things. Forest Service included. There is an Annual Permittee Meeting at the Forest Service at 4:00 p.m. Tuesday, December 13, 2011. This will be held at the Events Center at the Fairgrounds. Then at 6:00 p.m. there is a regular FairBoard meeting at the same location; it may be changed to the North Hall because another event is scheduled at the same time.
Chairman Martin – I contacted the entities for wool growing, Cattlemen's Association, and other permittee on the National Forest to make sure they knew about the permitting process with the Forest Service. This was a big issue on the Travel Management Plan for grazing, sheep – and a follow up that they need for permit. I hope this is a follow-up on what they need in their permit process.
Commissioner Samson – All three of us are invited.

Certification of Mill Levies– Ken Call – Former Assessor
Ken – I would like to address the certification of the mill levy. Ken has been here for 15 years in reference to this subject.
I have dealt with these questions. Ken continued to express his opinion regarding the fund balance, the mill levy and suggested giving back money to the people.
Chairman Martin – I'm trying to do that. Thank you very much for participating Ken.

COMMENTS FROM CITIZENS NOT ON THE AGENDA: 1:00 p.m.
REGULAR AGENDA: BUILDING & PLANNING ISSUES

3. County Attorney Update – Land Use Issues: Andrew Gorgey

Update – County Finance
Drew – During the break between the morning and afternoon meetings, we discovered a ministerial error on the Mill Levy. Lisa's office and I prepared revised Resolution and you have copies in front of you.
Commissioner Jankovsky – I just wanted to verify that. Thank you for that 3rd Whereas concerning the balanced budget.
Drew – These are ready to be signed is our point.
Motion
Chairman Martin – With those corrections do we still have a motion to approve.
Commissioner Jankovsky – I will make a motion that we approve the Resolution with the corrected language concerned with the adoption of the budget and appropriation of funds for the fiscal year 2012 and authorize the Chair to sign. Commissioner Samson – Second. In favor: Jankovsky – aye Martin – aye Samson - aye

4. Public Meetings:

a. Update and next steps for the Garfield Greenprint for Conservation and Economic Opportunity – Garfield Legacy Project and Greenprint Steering Committee members – Dave DeVanney

Mary Noone, Larry Dragon and Dave DeVanney presented.
A letter to the Commissioners regarding the Legacy Project (GLP) was submitted in the packet containing an update and next steps.
Mary Noone presented a power point presentation and gave an update on what the group has been doing.
Mary – We definitely have many problems and solutions. We also have limited funds. What I'm looking at is the economic being as it is now this is a good time to reassess and figure out what we're doing with our Greenprint program.
Chairman Martin – My goal is to keep the public on public lands. That would be what I'm after, not the opposite of keeping the public off public lands. Turn that around, say access to all public lands is what the goal is, and keep it nice pristine and have ownership in it; to love it because I hear so many times what a beautiful place this is. It's been since 1883 that the people have been here protecting that land and now it's a beautiful place, now we need someone to protect us from that land. It's the ownership, the heritage, the buy-in, it is public lands and needs to be for the public and ownership thereof and not close it off. That's what we need to work into the plan somehow.

b. Review the updated annual report related to the Special Use Permit for the North Bank Gravel Pit. Applicant is LaFarge, N.A. – Kathy Eastley

Kathy Eastley submitted the Exhibits A-G in the record. Kathy explained the update and provided the history of the North Bank Gravel Pit. She submitted the Resolution 2008-73with conditions as well as photos to demonstrate the progress of the pit. In April, we brought forth information to the Board regarding the gravel pit that the Board approved SUP in 2008, conditionally approved and it had numerous conditions related to on-going reclamation and a phasing plan. Staff had gone to do a site visit and found there were some discrepancies that were not in line with what was approved. When we came to the Board in April, the direction was given to the applicant to commence the reclamation and bring it up-to-date. They have done that as you can see from the photographs that were provided. The sole remaining issue then is they are off on their phasing plan as of September of2011 they should have completed three phases. We have addressed the reclamation issues recently, staff would recommend based on the Unified Land Use Resolution that the applicant come back through a major impact review and bring their phasing plan up-to-date for Board review.
Sean Chris, manager for LaFarge didn't have much to add. We took the direction that you wanted some better work on the reclamation and we brought that up-to-date. We are still behind on the phasing and not selling the gravel we were hoping to at this point. Some of the oil and gas work has diminished in that area as well as any commercial development that had been going on over the time when we're getting this permit. Essentially what we are asking instead of facing one year per phase we are going to add that to two years per phase. We are hoping to come in and submit a memo of the same schedule and going forward with that around the first of the year. We are going to submit that to the Board.
Commissioner Jankovsky - Thanks for getting the reclamation done. Back to this Board, I'll like some advice.
Carey – If it is a change to a specific condition of approval in the Resolution then the way your land use code reads now is that if it is a change through a specific condition then it does have to go through, if it's a substantial change then it would have to go back through the full review process. It would be specific to this one condition. . I believe your director of building, and planning could tailor the application requirement appropriate for the condition that is being revised.
Fred – What we have done in the past where these are conditions of approval that you as the Board have set in a public hearing, have to go to the public hearing renewal to change it. In this case, where the land use code reads they have to resubmit the entire plan to tackle that issue. We often tailor just the requirement so that is a narrow focus for what's in front of you. In this case, it is the phasing plan and that has been common for a number of years that you can do that. At the end of the day, it allows that same discussion in a public hearing, no different from one you established in the commission. We would work with LaFarge just as Carey said to tailor those submittals so they do not have to do things that do not have to do but just to come to you again so that you can opine on the phasing schedule because the economy changed makes sense. That is clearly the issue here. We have the economy that has slowed down and often in particular with gravel manufacturing scenario it's based on market drive and market demand. That is what drives the phasing schedule.
Chairman Martin – The other issue is going to be the impact on neighborhood etc, which we've heard a lot about and you're extending that particular impact. That is something we have to weigh.
Fred – That's right and as the Chairman points out the reason it comes back into a public hearing is for those same folks that were in front of you when you made that condition, they can come back and talk to you again. It puts them on notice. Did that answer your question?
Commissioner Jankovsky – That does answer my question. I see the reason now that you explained that to me for going in that direction. I guess the expense would be minimal for the amount of time, does that take 2 or 3 month.
Fred – We need to sit down in front of John and say these are the things we are looking for to be able to get this question properly formed in front of the Board. Anything that we need to figure out in the phasing plan and set it so it literally could be within 40 days. A 30-day noticing factor and it's a pre-application process that will show on and the submittals will be very minimal. Honestly, it's a time issue.
Commissioner Jankovsky – We don't have to get the Planning Commission.
Kathy – It would be a limited review but because of the type of amendment that it is, it can straight to the Board without P&Z.
Commissioner Jankovsky – That's the direction you would have to go Sean.

Sean – I think working with staff we came to that and we just wanted to get you up to date on where we stand with things. We will have those meetings to find out what needs to be submitted. We can have this the first part of the year.
Chairman Martin –This is what we will have to direct you to do that; get with Fred.

c. To authorize the Chairman to sign the Final Plat for the Queen Subdivision. Applicant is Daryl and Cathi Queen - Fred Jarman

Daryl and Cathi Queen, Fred Jarman and were present.
Fred Jarman submitted the background for the Queen Subdivision. This is a lot split that the Board granted a 1-year extension to 12/1/2011 for the applicant to file the Final Plat Application. The applicants met this requirement filing on November 2011. This is a lot split in Cheyln Acres that was started in 2003. They went through the process of a preliminary plan and that was to the Planning Commission but there were problems with water. They came back to the County wanting to pursue this and we worked with them. They have received a preliminary plan approval from the County, worked through all their conditions of approval, worked through all the final plan requirements and they tendered all the necessary fees and this is about as simple as your lot splits get. They now ask the Board for approval to sign the final plat. There are no subdivision improvements as there are no public improvements. We would ask the Board approve the final plat but then have the Clerk and Recorder hold it until they can have a simutiously and recording of the final plat. Staff does not have a problem with this as it is often done.
Daryl – I will refer to the letter from Dan Kerst the attorney who has outlined the process and basically it's a very simple process in the simutiously closing and exchange documents the normal process being the mortgage normally sign off on subdivision, this particular case there is no mortgagee. It was created simutiously and at that point with the closing of the new mortgage on our property. At any rate, we need your permission to do so, so here we are. Dan has a strategy that he has actually worked out, he has done this in the past and we have worked it out with Fred Jarman. From our own point of view we came here about a year ago, asked for an extension, we had worked diligently since spring to get it all done.
Motion
Commissioner Jankovsky – I will make a motion that we approve the final plat of the Queen Subdivision and direct the Clerk and Recorder to hold the final plat to record upon the title company's recording of the lease of the existing deeds of trust and authorize the Chair to sign. Commissioner Samson – Second.
Chairman Martin – This just means that Daryl must have all his paperwork together at the same time and then Dan's plans come together. In favor: Jankovsky – aye Martin – aye Samson - aye
Daryl – I would like to thank Fred and the Board. Fred has done a good job in helping us.
Chairman Martin – It's been a challenge. We are simplifying the rules and regulations so the citizens can work through the system.
Public Hearings

a. Update on compliance with Stipulation for Injunctive Relief on Burchfield property located at 8630 CR 301 – Gale Carmoney

Gale Carmoney, Walt Brown, Danny & Annie Burchfield and Cassie Coleman were present.
Gale submitted the background as reviewed on the Code violations in a public hearing held on October 10, 2011. At that hearing, Walt Brown committed, as the Attorney for the Burchfield's to submit proof of state electrical permits and inspections as well as a letter to confirm that all conditions of the stipulations were being adhered to. Neither had been provided as of December 1, 2011.
Code Enforcement Office Gale Carmoney along with the County Assistant Attorney visited the site on November 29, 2011 to observe the current conditions. Someone was occupying the cabin and the RV had been moved back to the construction site. The tent and camper were no longer set up. The outstanding issues to be resolved are whether any of the electrical work that was done in the past was permitted and inspected by the state and the continued use of the cabin as a residence. The purpose of this hearing is to discuss whether the Burchfield's are in compliance with the terms of the Stipulation and whether the BOCC requests further follow-up on this property, as neighbors have continued to raise issue with staff in regard to this property. Gale attached a copy of the stipulation.
Walt Brown – Asked to hear who is living in the cabin and what Ms Coleman has to say. I'm not sure what we're addressing here other than the electrical.
Chairman Martin – That is one of the terms that is on here, it says the main purpose of this hearing is to see if the Burchfields complied with the terms of the stipulations and that is in reference to the electrical work done in the past. Can you provide that?
Walt Brown submitted documents to the Board as requested by Gale Carmoney. An indepth conversations and discussion was held with Danny and Laura Birchfield. Testimony was heard from Marion Wells regarding the cabin occupancy, other violations pertaining to gunfire in the middle of the night and other factors related to the stipulation from the court. Dan Becker the contractor for the electrical work, Mickey Smith who was watching over the grow operation of marijuana and Cody Boyd who was building the fence.
Danny Burchfield denied the acquisitions made by Marion Smith.
Marion Smith denied every taking pictures of the fence on this or any other property. Her main issue was occupancy in the cabin.
Danny believes the issue with the neighbors started 7-years ago when he shot Bill and Rose Belton's dogs who were chasing the wildlife. He apologized many times for his action, however, the sheriff investigated and Danny was right in protecting the wildlife.
Commissioner Samson – We listened to this 60 days ago and at that time we said we'd rather not have litigation rather have neighbors could get along resolve their differences. In my estimation that is not going to happen and I believe with our counsel has told us is probably very true. It's not be taken care of until it goes to court. With that being said, I don't like going to court, I don't like taking people to court, I don't like to be brought into court for obvious reasons. I probably shouldn't say this but I'll say it anyway. In a lot of ways I have a lack of faith in our court system. That being said I don't think this is going to be resolved until it is taken to court following our counsel's recommendation I think we better let the process go forward and let it be taken care of, otherwise it's not going to be resolved.
Commissioner Jankovsky – That's true.
Chairman Martin – My question to you is in the findings what has taken place since we've had the last meeting in violation or has any violation occurred.
Commissioner Samson – I just asked counsel if the stipulations have been taken care of and he said, No. I understood from Drew that the stipulations were not taken care of for injunctive relief and that the only way it's ever going to be resolved is that a court will have to look at all the evidence, take all the testimony, people would have to be sworn under oath as they testify about these various things. Then the court would decide. Is that fair enough?
Drew – It is and you have Ms. Wells testimony of today that occupancy continues.
Commissioner Samson – I guess what I'm saying is I'm not quite sure, we as a Board, have the authority to do too much more about this other than to authorize that we go forward and it has to go to court.
Drew – The power that the court has that you do not, is the contempt power of the court. You're agreement with the other side is only as good as either decides to obey it or either side enforces its rights under it. When you invoke the power of the court violation of the court's order subjects the violator upon proper showing to the contempt power of the court. That tends to stop non-compliant behavior. It's no longer where you have two sides saying two very different things and a court is a way to resolve that.
Chairman Martin - I'm still looking for foundation that something has shown in violation. Make your motion.
Motion

Commissioner Samson – Well, I need to know what the correct wording would be to make sure it is legally binding. Would it be if I want to go forward that I moved that we as the county authorize the County Attorney's office to proceed with enforcement of the county's rights pursuant to the stipulation?
Chairman Martin – All right; we have a motion to do such.
Commissioner Jankovsky – I do not agree with sending this to court and maybe but I'll second for discussion. This is about property rights, it's a feud between neighbors, I go through the stipulations and the only thing that I can see here that is not being resolved is the occupancy in the cabin. I think if you have a cabin, somebody comes in there and spend the weekend, working on a fence, and they're there was 4 or 5 days, that is not permanent occupancy. If you send this to court its' just going to be a feud between neighbors as a total difference in lifestyles between and this is Western Colorado and that's to be expected to some extent I hate to say that but people do shoot guns in Western Colorado. I don't see, I think as a county we have a right to go through these stipulations with their new house most of these stipulations are going to build, they need to really take care of the cabin, that's the issue not have people in their permanently get it up-to-date or tear it down any of those things. And listen to what your neighbors are saying; I understand but I don't think we fix the feud. I don't think sending it to court fixes the feud. These individuals have gone through these stipulations except for No. 5 and they've probably met most of them.
Chairman Martin – One of the things that hangs me up, the defendants have removed and cured all non-permitted permitted improvements that violated the non-conforming use provision of detailed in Article 10 of the ULUR. "Defendants shall not reinstall or rebuild any structure on the property unless they have first attained all necessary permits." That's the question, they have met that requirement. Have they rebuilt any or reinstalled any that they were ordered to take down that were non-compliant. Today, I don't think that we have information that they have, if they did, it would be in direction violation. Meeting all the other codes that are noticed in all of those stipulations, proof is in the inspection, if you don't make it, you're in violation. At that point, you have to meet those requirements and that's through the building code, that's where the enforcement needs to be on that particular issue. It's a tough one. We have a motion and a second to proceed in reference to injunctive relief through the court action.
In favor: Samson – aye Opposed: Jankovsky – aye Martin – aye

Commissioner Jankovsky – I think this comes back to the cabin and these individuals need to get their building permit, get into their house, no longer living in the RV, take care of the issues on the cabin and try to work with the neighbors.
Chairman Martin – There are multiple issues there, there's a grow-operation and it has not come forward in reference to our other items. The grow-op is in violation as there was a moratorium and it needs to meet certain requirements. If it was not existing to a certain date it's illegal period. That would be a violation. If there is someone living in the cabin that's a violation. If you hook up the water without a permit that's a violation. If you do improvements to the property and the existing buildings without a permit that's a violation.
Danny – Sir, I understand.
Commissioner Jankovsky – If there are plants growing in that cabin then we have to see if they have a medical marijuana license because then they are limited to x number of plants.
Chairman Martin – They cannot apply for a medical grow operation because they weren't in existence when the moratorium was placed; they don't meet zoning and the requirements they can't grow there anyway.
Commissioner Jankovsky – They have a medical marijuana license they can have up to 7 plants.
Chairman Martin – We don't have any rules and regulations.
Carey – For the record, there is a distinction between OPC (Off Premise Cultivation Operation) that are supporting a dispensary and those are grow support for an individual patient or a primary caregiver as defined by the Constitution. There is a limit on the number of plants and I'd be the first to tell you that if you are in violation of those limits, you are in violation of state law.
Chairman Martin – That's what I just said, that's a violation and it's under authorities in reference to that criminal action. Let's go from there. We would like to have a report in reference to the CO (seal) to be sure it was done.
Marion Smith claimed that the cabin has been occupied for the last 60-days.

COMMISSIONER ISSUES: CALENDARS; REPORTS

Request for boulders from the Landfill

Commissioner Samson – I had one other thing and I don't know, maybe we could just throw it out there and maybe we need to agenda it for next Monday. I visited with Glenn Adams, District Forester in Rifle, we try to get together about once every two months, etc. and he said, in the past the county has been good about supplying large rocks for landscaping. What it is they are going to put a major addition onto the Rifle office out by the Favre Reservoir. Glenn said they are going to need some large rocks and in the past, we have been gracious to them and let them procure rocks from the landfill area west of Rifle. He was wondering if we would be willing to help them.
Commissioner Jankovsky – If anybody needs rocks at the landfill area we should be more than happy to help them.
Chairman Martin – They are worth a lot of money too.
Betsy – They are worth a lot of money. I had that call from another person at the Forest Service that did say what you are saying; they have done this in the past. We do have kind of an unwritten share allocation for the Forest Service but most of it is under Schedule A assumptions that are made regarding basic material and we use for roads, Buford is an example and we have supplied rocks and material from the county as a partner to improve that road. So, that might be interpreted as a similar thing. It's very different because it is covered by Schedule A perse. This request because the Commissioners have recently decided to transfer funds to the Landfill from the General Fund to reimburse the Landfill from the supply of boulders to Road and Bridge, I told them there has been a shift in policy since the last time perhaps they received material from our Landfill. That was my reply to them because I don't really know, the boulders are worth money and if the Board wants to consider reimbursing the Landfill to either Road and Bridge or other parties. That is up for discussion.
Commissioner Samson – I think maybe this would good for us to find out how much money are we talking about, material they want and it might be good to ask Betsy to see what we're talking with in Battlement here. I'm not in favor of giving away a $100,000.
Betsy – We do have a range of prices of boulders earlier this year in the spring and it depends on quality of the material as well because it is based on that, the first thing to do would get something to indicate what we have out there, present a market price and go from there.
Chairman Martin – I think that's the best way to go.

Calendars
Commissioner Samson – Tomorrow both of you will be at the 4:00 p.m. Permitting Meeting.
Commissioner Jankovsky – No, I will not be.
Drew – The meetings I'm aware of tomorrow are the Forest Service meeting you mentioned this morning and a meeting with the Fairboard with Commissioner Samson, Lisa Dawson, Betsy and I to try to advance the Fair Resolution and By-Laws and the budget process as well as the contract for coordinator. The County Attorney's office on Thursday, the 15th will have its first office retreat, a strategic planning meeting to review all of your priorities, to review our office priorities and make sure that they align.
Chairman Martin – Didn't we have a meeting scheduled with Mr. Aluise and Town Manager of Silt.

Drew – It's tomorrow at 8 am, Tuesday. It's just Drew and I. I will be out of the office on working days; this would be December 21, 22, and 23.
Commissioner Samson – We have the meeting tomorrow at 4:00 pm and then at 6:00 pm and I just
Commissioner Jankovsky – That's fabulous that they can get that open.
Commissioner Samson – Friday our elected officials meeting from 10:00 am to 2:00 pm, December 16th.
We have our BOCC meeting on the 19th.
Commissioner Jankovsky – I am meeting with the non-profits on the PAC 3 theaters, they want to present me some Economic Development Proposal tomorrow at 10:00 am in Carbondale.
Jean – Is that the 3th Street Center, performing arts center.
Commissioner Jankovsky – I have a very busy day on the 14th with Human Services Commission in the morning, I'm meeting with Frank Breslin from New Castle lunch another Economic Development proposal and then meeting with the PCE in the afternoon and then we have a meeting on the BLM, their EIS for their R&B. Then the elected officials on the on 16th from 10 to 2.
Chairman Martin – On the 16th I believe Mr. Gorgey has also a luncheon engagement at noon and I'll be unable to attend as I'll be at the elected officials meeting. I have the telephone conference with NACO on the 14th in reference to public land issues. I will report that to you.

e. Approval of Minutes
   iii. October 10, 2011

There were no corrections so they are automatically approved.

ADJOURN

TRAVELERS HIGHLAND PUBLIC IMPROVEMENT DISTRICT
MONDAY DECEMBER 12, 2011
AGENDA:

ii. Final Adoption of the Travelers Highland PID 2012 Budget

Carolyn – As to the agenda it is a continued meeting.
Published notice was reviewed; Betsy posted this meeting in the Travelers Highlands PID.
Carolyn – You met in October and the clerk had published this on behalf of the Clerk and the PID Board had a published notice that included the statement, the final 2012 budget will be presented to the PID board of directors on December 12, 2011 at 8:00 a.m. for adoption for the 2012 fiscal year by Resolution of the PID Board. The December 12 meeting will take place in the County Administration Building located at 108 8th Street, Room 100 Glenwood Springs. At that time, the PID Board will also certify the mill levy for the PID to the BOCC. Betsy has prepared a Resolution based on forms from the County Attorney's office for the budget and the mill levy. Otherwise the PID Board meeting agenda was both published as part of the BOCC agenda and it was posted in the Courthouse and on the windows and in the PID witnessed the fact that a landowner saw the posting.
Roll Call for the PID – Jean called each Commissioner and they were all present. Chairman Martin – We do have a published agenda. Staff direction for stakeholder's participation, the first item.
Betsy – That is regarding that table showing the presentation and memo in the packet and the Resolution.
Carolyn - This was presented to the PID Board at the last meeting.
Betsy – This is identical to what was presented to you in October on the 17th. Betsy – That estimate for improvements to US Hwy 6&24 and CR 300 came in $960,000, which was well under our original estimate, and if you split that cost three ways, each partner would owe $320,000. Partners being the Operators, Developers, and the County a 3rd partner. Since the operator's share had been $385,000 approved prior to October 17, that is lower for that 3-way split. This concept was presented last time and we did not reach a conclusion at that time and we're bringing it back to you asking if you'd like to alter that original concept of the operators paying the $385,000 when the project was estimated at a higher rate or if you want to go back to $320,000 share split evenly across the partners. The Option A change back to that $320,000 would require some prorata refund to the operators, which can be done.
Chairman Martin – My question is where is the $76,000.
Betsy – It was in the developers from the Strong PUD. That is contained within either that $320,000 or $287,500. Then the Traveler's Highlands PID share is also shown in the table under Option A – would be $215,000 and Option B – would be the $182,420. Either one fit into the budget that you are considering. The budget is not dependent upon this decision.
Chairman Martin – As the director we are trying to cut the cost as much as possible for Traveler's Highlands simply because we're representing those folks right now. $183,420 would be the best scenario for the property owners.
Commissioner Samson – Have you had any input on the operator's part.
Betsy – No, not really. I think they are happy that the intersection is going to be improved.
Chairman Martin – We have received $385,000 from the operators.
Betsy – I believe we have received all that.
Chairman Martin – The Treasurer would have that report as they were paying the Treasurer.
Betsy – I don't believe so. I think it would have gone through administration. Finance is tracking that and last I heard we had received I think all but one, we're almost there.
Chairman Martin – That's what the original agreement was $385,000.
Carolyn offered to call someone from finance.
Chairman Martin – We need to know how much finance received. We can't make a true decision without that amount. How much in developers have we received.
Betsy – Either way, Chairman, we can handle it. We can refund and administer either option.
Chairman Martin – We, speaking as the County or as the staff.
Betsy – Staff is happy to accommodate whatever decision you make today.
Chairman Martin – Are we talking about Travelers Highlands or the county staff because we have to keep both parties separate. We're talking Travelers Highlands right now before we get into county business.
Betsy – For me it's the same staff, it's me.
Chairman Martin – I understand, you are it.
Betsy – All I'm saying Mr. Chair is that I'm happy to accommodate either decision you make and I'll work with the staff of the PID or the staff of the County to make it happen.
Commissioner Samson – Does this answer our question right here? Today the operators have paid $165,000 to date and this is dated December 6. Does that answer our question?
Betsy – I think it's been more than that Commissioner Samson… we have not updated from the last memo.
Chairman Martin – How much from the developers? We need to know that too.
Commissioner Samson – They are scheduled to pay …
Betsy – It would be everybody but Travelers Highlands.
Chairman Martin – Grand Junction pipe…
Betsy – Yes, they paid in material for the project itself.
Chairman Martin – RTZ is the other one.

Betsy – RTZ is not included in that calculation.
Chairman Martin – But it would be to recover if they do go forward that is in the approval process and it would go to the balance or to the refund.
Carolyn – Lisa is going to come down with that information.
Betsy – The developers are the Strong PUD $78,000 and GJ Pipe was a value at $35,000.
Chairman Martin – That's only $101,000 out of the $320,000 or the $287,000; RTZ would be the other one which is a recoverable cost if they go forward.
Betsy – RTZ was never involved in that calculation that's just the direction that came from the very beginning. There is no RTZ participation in these numbers. That was the original direction from this Board, it's been 1 ½ years ago.
Chairman Martin – I'm still trying to put together where the rest of the $184,000 is coming from, what other developers did we have.
Carolyn – I'm wondering if the Travelers Highlands share is not part of the overall developers share.
Betsy – Yes, it is so if you add $78,000 plus the $35,000 plus $215,000 gets you to the $320,000.
Chairman Martin – We've made so many decision on this particular issue and yet we revisit this decision every meeting.
Betsy – It's a tough one.
Chairman Martin – The decision was made to go forward with the options, we took a vote and did it. We need to stick with it. We don't need to be changing it.
Betsy – The last report from Bob Pendergrass, there was only one operator that was still outstanding and that was on the …inaudible.
Chairman Martin – That was on November 10, 2011.
Betsy – The majority have contributed their amounts.
Carolyn – Whatever decision you make, if it's a change, the BOCC also has to second that change, the BOCC is the contractor. It's not the PID Board.
Chairman Martin – We had the options laid out in front of us, we debated it at length, we made a decision, we recommended that to BOCC and they accepted it. They made their decision and took the vote and the formula was set as far as I was concerned. We start the process over again if we need to, for what end I'm not sure other than giving the contributors a refund.
Carolyn – You have to remember too, the more money saved in the coffers then the more there is for engineering design, etc.
Chairman Martin – That's the next subject we need to do but I think we need to see if we are going to revisit this formula and make a request to change the formula and the contributions to the BOCC.
Carolyn - Share option A is the original.
Betsy – No, Option B is the modified original, it's been modified several times through the process. B is the last one that was examined prior to having the final figures.
Carolyn – I don't know if the BOCC voted on that.
Betsy – They did not.
Chairman Martin – The County who would be actually paying less under B and paying more under A. The same for Travelers Highlands and then you will give a refund to those that have already paid under Option A. I think we took action in reference to Option B and need to stick with that. $33,000 for Kenny to pay in R&B.
Betsy – Perhaps I was mistaken.
Carolyn – The minutes from October 17, 2011.
Betsy – While Carolyn is reviewing the minutes, would you like to talk about the $25,000 contract and the … inaudible. I think we got it handled Lisa unless you have a new report from Bob.
Commissioner Samson – The total is $165,000.
Betsy – There is still one operator outstanding and that's not uncommon. We will sometimes receive at the end of the year.
Commissioner Samson – What's the total we have received?
Lisa – The total that we have received so far is $385,000 plus $75,000 minus $165,000.
Chairman Martin - $247,000.
Betsy – It will be confusing because the material value is shown in your numbers, which would not be shown in finance because it is not cash. I want to say it's about $35,000 would not be in these numbers.
Lisa – From the operators we have received $220,000 with an outstanding of $165,000 from one operator.
Chairman Martin – The developers, how much have we received.
Betsy – That's the $72,077 from the Strong PUD. Grand Junction Pipe …
Commissioner Jankovsky – So, $101,000.
Chairman Martin – I still think the rest of it was RTZ if they went forward with their land use. It doesn't change the bottom line of $960,000.
Carolyn – From the October 17 minutes, it doesn't look like the PID or the BOCC acted on the two options. The options were presented and nothing happened. We were focusing on the budget.
Chairman Martin – To get this ball rolling, we need to have a motion to accept Option A or Option B, forward that to the Board of County Commissioners.
Commissioner Samson - If we take Option B we're helping the Travelers Highlands owners.
Chairman Martin – Yes, we are representing those owners in this PID.
Betsy – If it helps at all, I certainly cannot speak for the operators but Road and Bridge does often work with the operators on various road improvements and maintenance. We can work with them on future things as well to offset that cost.
Motion
Commissioner Samson – I'll move that we approve Share Option B. Commissioner Jankovsky – I'll second that motion.
In favor: Jankovsky – aye Martin – aye Samson - aye

- Update on internal road grading, final invoice and consideration of contract and budget revision for overage - (BOCC and PID Board)

Betsy submitted the bid from Gould Construction of $961.41 over the approved expenditure. If the PID Board desires to pay the full amount of the invoice, a budget supplement for $962 is needed along with the approval for payment. Extra Work authorized by John Martin to add 36.15 tons at $26.595 equals the $961.41.
Chairman Martin explained the extra work that was involved and the decision he made as representative for the PID Board. I think we ought to absorb that cost. We did have a contingency in reference to $35,000 putting $10,000 aside for engineering design for drainage, which has to be addressed. I think we should pay the entire invoice.
Motion
Commissioner Jankovsky – I'll make a motion that we approve the additional payment to Gould Construction of $961.44 and to adopt the budget supplemental, 2011 dollars. Commissioner Samson – Second.
In favor: Jankovsky – aye Martin – aye Samson – aye

1. Consideration of procurement of engineering services –conceptual design for drainage

This was a discussion you had at length in October 17 there was discussion regarding the need for drainage improvements and the procurement of 3rd party engineering services to complete design of such improvements. Staff is asking for direction regarding this procurement in 2012.
Direction
Carolyn – Last time around the PID board approved using legal, procurement and Betsy's staff time without payment.
Betsy – Asked how to proceed with a proposal of engineering services or…unless there is a not to exceed amount.
Commissioner Samson – Yes.
Carolyn – Is this a competitive RFP.
Chairman Martin – Through the procurement process.
Betsy – This could be more of a quote situation under the Procurement Code. I will work with the Procurement Code and I need direction on that as well.
Commissioners Jankovsky, Chairman Martin and Commissioner Samson had no problem with that approach.
Betsy clarified using some of her staff to work on this would be acceptable.

2. Treasurer's Update and Hearing on Adoption of 2012 PID Budgets (29-1-108)

Chairman Martin – The total collected is $210,614.29 for Travelers Highlands PID.
A Resolution was submitted concerned with the Adoption of the Travelers Highlands Public Improvement District 2012 budget and appropriation of funds. Exhibit A was reviewed and Betsy thought an estimate for improvements.
Motion
Chairman Martin - Is that what we want to do is put a $100,000 for engineering and improvements to the internal roads and $50,000 for repayment to the County; or do we want to put more in. How much in fund balance do you wish to carry?
Commissioner Jankovsky - $30,000, we need to have a fund balance.
Commissioner Samson - We need a motion to accept the treasurer's report and authorize the PID Chair to sign. I will so move.
Commissioner Jankovsky - Second. In favor: Jankovsky – aye Martin – aye Samson - aye

3. Consideration and Approval of Resolution Certifying Mill Levy for calendar year 2012 (30-20-515)

A Resolution of the Board of Directors of the Travelers Highland Public Improvement District certifying the 50-mill levy for the Travelers Highland Public Improvement District for calendar year 2012 was submitted.
Motion
Commissioner Samson – Moved to approve the Resolution of the Board of Directors for the Travelers Highland Public Improvement District certifying the mill levy for the Travelers Highlands Improvement District for the calendar year 2012, a mill levy of 50 mills on every dollar of valuation for taxable property within the district.
Commissioner Jankovsky – Second. In favor: Jankovsky – aye Martin – aye Samson - aye
Carolyn – Do you want us to put on the agenda for the Board of County Commissioners for this decision?
All the Commissioners - Yes.

PID BOARD ADJOURNMENT

PROCEEDINGS OF THE
GARFIELD COUNTY BOARD OF COUNTY COMMISSIONERS
MONDAY, DECEMBER 19, 2011

ROLL CALL.
PLEDGE OF ALLEGIANCE
INVOCATION
PUBLIC COMMENTS FROM CITIZENS NOT ON THE AGENDA – 8:05 a.m.
REGULAR WORK SESSION:
Assessor Update: Jim Yellico – Certification of Levies and Revenues
Jim Yellico submitted the certification showing $3,763,899,520.00 in total assessed valuation.
Motion
Commissioner Jankovsky – I will make a motion that we accept the certification of levies and revenues as presented by the Garfield County Assessor's office and allow the Assessor to sign.
Jim stated that every one of the staff worked together to get this done.
Commissioner Jankovsky – You do all that work and we have a resolution to sign.
Chairman Martin – The weeks' worth of effort and 5 minutes worth of time.
Jim – I will submit copies to all the local governments that receive revenue.
Commissioner Samson – Second. In favor: Samson – aye Martin – aye Jankovsky - aye
Clerk & Recorder Update: Jean Alberico - Proposed changes to Precinct Boundaries
Jean Alberico presented the update on the proposed changes to the precinct boundaries and maps were included. She explained the maps were accepted by the Colorado State Supreme Court. Previously, Garfield County was divided into two House Districts, 61 and 57. When the Supreme Court accepted the map last week it kept Garfield County entirely in House District 57, we were already entirely in Senate 8 and Congressional 3. She explained how the precincts were divided in Aspen Glen making some in Precinct 3. We were going to completely redo Carbondale, but as you know, they are having a special election January 31 and there would not have been enough time to get these changes made in order to conduct that election. We will probably come back to you next year asking to make some additional changes in the Carbondale area. Right now, this one made more sense. The people who were in that portion of Aspen Glen who was in Precinct 5 if they chose not to vote by mail and went to the polling place; they had to go to Glenwood to vote and not Carbondale. The second map is Precincts 13, 14 and 15 in the New Castle area. Previously Precinct 14 just included the old town or the downtown part of New Castle. We changed the line to bring in part of Lakota Canyon into Precinct 14 and then a small portion of Lakota in the rest of Castle Valley in Precinct 15. The reason we had to leave part of Lakota in Castle Valley is when you are drawing precinct lines you are required to follow rivers, roads, natural type bridges and ravens or census blocks. The only thing we could find was an old drainage that comes down through Lakota Canyon and that about equally divides the number of voters in New Castle. Previously, we had a huge overload in Precinct 15. Now the last number of elections we have combined polling locations so even if their precinct boundary changes their poll location is not changing. It will still be at the New Castle Community Center. The last change we made was in the Rifle area, in 2000 when they did the reapportionment for the State House District some goofy lines between the 61 and 57 and they carved off a tiny precinct just outside of Rifle and put it in the 61st that was Precinct 19. Now that the entire County is in House District 57, we were able to enlarge that precinct and split some of those up. Mainly the reason you want these in a reasonable amount of voters is for caucus purposes. Oftentimes the caucus will hold meetings in someone's home so you don't want to have someone expecting more than 25 or 30 into their homes. We have divided equally the Rifle area. Precinct 19 expanded to include some of the area north that had been in Precinct 22 because it was a very large precinct. Precinct 20 is the same, Precinct 23 is the same and we made changes with Precincts 19, 21 and 22 to even up the population. What I'm asking is that approval of the Board for these precinct changes and authorization for the Board to sign a Resolution that will come back later, we've

worked closely with Rob Hykys in GIS and we thank him for all his help because he has made numerous maps for us. The other person we need to work closely with to get this project completed is the County Surveyor because part of the Resolution we submit will need to include meets and bounds descriptions of each one of these precincts and he will probably not have it done until shortly after the first of the year. I would like to bring that Resolution back on a consent agenda with the maps and proper meets and bounds descriptions. We will also work with the County Attorney's office to put that Resolution together. We will meet the deadline in reference to caucus. The other thing we will do as soon as they get these changes made is anytime we make a change to a voter record in our voter registration system, it generates information part that we are required to mail to the voter. We wanted to let the public know that mid-January when you get the card it's telling you if you have a new precinct and telling you which Congressional District, Senate District and House District you are in. This is simple now since we're all in Congressional 3, Senate 8 and House District 57. This is a required mailing. The Republican Caucus is February 7, the Democrats is March 6. Republicans a month early and will need to know if they have been affected to go the right location for their precinct caucus.

Motion

Commissioner Samson – I would move that we as a Board accept the Precinct changes as presented. Commissioner Jankovsky – Second. In favor: Samson – aye Martin – aye Jankovsky - aye

10th Supplement to the 2011 Adopted Budget – Lisa Dawson

Lisa Dawson and Drew Gorgey were present.

This was a noticed public hearing; Drew verified the published notice in the Citizen Telegram on December 15 and notice is proper.

Chairman Martin swore in speakers.

Lisa presented Exhibit A and explained the document included in the packet.

Motions

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

Commissioner Samson – Second. Motion carried.

Commissioner Jankovsky – I will make a motion that we accept the 10th Amendment to the 2011 Budget and the 10th Amendment for the appropriation of funds as presented in Exhibit A.

Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

Consent Agenda:

1. Approve Bills
2. Changes to Prior Warrant List
3. Liquor License Renewal for Glenwood Tramway LLC
4. Memorandum of As-Built Locations – Gas and Water Pipelines South and West of the Dever A Well Pad – Carolyn Dahlgren
5. Memorandum of As-Built Locations and Amendment of Pipeline Easement Agreement and Quitclaim Deed to Add Location of Dual Water Pipelines – Carolyn Dahlgren
6. Memorandum of As-Built Locations and Amendment of License/Permit to Use Garfield County Regional Airport Land for Pipeline Installation to Add Dual Water Pipelines – Carolyn Dahlgren
7. Renewal of contract with Swanson Services Corporation for Inmate Commissary Services—Gene Duran
8. Consideration of Re-vegetation Security Release-Public Service Company of Colorado – Steve Anthony
9. Second amendment to UMB Bank Purchasing Card Agreement – Lisa Dawson

Carolyn – Several things all of the agreements with Antero I need to pull because we were not able to get the exhibits put together quickly enough.

Drew identified the items as d, e and f.

Chairman Martin – We have d, e and f removed. Do I have a motion?

Motion

Commissioner Jankovsky – I will make a motion accept that we approve the consent agenda items, a, b, c, g, h, and i with changes as presented. Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky – aye

Chairman Martin – We will see the other items in 2012.

County Manager Update: Ed Green

Human Services Commission:

- **Family Visitor Program, Early Childhood Network, Raising a Reader, Rocky Mountain Head Start, Western CO Preschool**

Family Visitor Program

Sandy Swanson gave an indepth presentation of the Family Visitors program.

Raising a Reader

Rick Blauvelt gave an indepth presentation of the Raising a Reader program.

Early Childhood Network

Jonathan Godes gave an indepth presentation of the Early Childhood Network

Western Colorado Preschool

Elaine Grossman explained her program and how funding was structured

Headstart

Dolores Pittman, Operations Supervisor for Rocky Mountain Headstart based in Grand Junction gave an indepth presentation.

Birth Data

Sandy – Garfield County data on births is still running almost 35% of the moms younger than 25 years old. Moms with less than a high school education are in the 29/30% range. Births to single women have dropped this year that's about 23%.

Sandy – About 70% in Garfield County have high school education with students who are pregnant.

Human Services Commission Humanitarian Service Awards Subcommittee.

Sandy - Rick and I are here on behalf of Garfield County. This year we are asking for $6,500.00.

Commissioner Jankovsky – How much did we dollar amount last year?

Ed – It was $5,000.

Sandy – The reason we are asking for an increase is we have to get the plaques made.

Commissioner Jankovsky – Do you have any donations from the private industry?

Sandy –No, we haven't approached any but we could try or we would have to increase the prices we charge.

Motion

Commissioner Jankovsky – I will make a motion that we go ahead and provide a donation of $6500 to the Garfield County Human Humanitarian awards dinner and take this out of the Commissioner's grant funds.

Ed – Leaves a balance of $131,125.00.

Chairman Martin – That's good, I like it.

Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

Sandy – We will be emailing you with some dates so we make sure all three of you are present.

Commissioner Samson – Just to let you know, the first year we were not able to go because of the conflict with our national meeting in Washington DC. Those dates are March 3rd through March 7th.
Sandy – We will keep that in mind and we will email you to make sure that you can come.
Commissioner Samson – We do enjoy going and we definitely have a good time.

- **Board of Human Services:**

EFT/EBT Disbursements
Mary Baydarian – For the Month of November our EFT/EBT disbursements a total of $955,964.93.
Motion
Mary – Restated the total amount of disbursements as $955,964.93.
Commissioner Samson – I would so move. Commissioner Jankovsky – Second.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Consideration and Approval of 2011 Contract Agreement with the Office of the County Attorney**

Mary – This contract is for the office of the county attorney to provide representation in actions in child and family related cases in the amount not to exceed $90,000.00.
Motion
Commissioner Samson – I would move that we approve the consideration of 2011 contract with the office of the County Attorney in an amount not to exceed $90,000. Commissioner Jankovsky – Second.
Drew – I just point out that the assistant county attorney hourly rate is $55.00/hour, that's probably 1/3 or 25% of a private sector rate.
Chairman Martin – Many years ago we outsourced this.
Mary – Not only a bargain, it's an exceptional representation.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Consideration and Approval of Child Support Enforcement Cooperative Reimbursement Agreement with the County Attorney's Office**

Mary – This agreement is for the County Attorney's office to represent the department in child support enforcement cases and related initiatives. Garfield County has agreed to go through the 4D section under REALSP Colorado Initiative that we are in conjunction with Colorado Counties. REALSP stands for Reasonable Efficient Accountable Local Stage Partnership.
Motion
Commissioner Samson – I would move that we approve 2012 Child Support Enforcement Cooperative Reimbursement Agreement with the County Attorney's office for a not to exceed amount of $45,000.
Commissioner Jankovsky - Second and we need each Board member to sign that.
Chairman Martin – That is correct, all three need to sign.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

Consideration and Approval of the Purchase of Services Agreement with Pitkin County for IV-D (Child Support Enforcement) Services
Mary – This is a renewal agreement for Pitkin contracts with Garfield County for us to provide their child support enforcement services. This is an amount not to exceed $6,000.00.
Motion
Commissioner Jankovsky – I will make a motion that we approve the 2012 purchase of services agreement with Pitkin County for child support enforcement services in a not to exceed revenue amount of $6,000.00 and allow each member of the Board to sign.
Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

2012 Lease Agreement with Childhelp, Inc.
Mary – This is the lease agreement with Childhelp Inc. The department is requesting your consideration of approval of the 2012 lease with Child Help Inc. for the continued operation of the Childhelp River Bridge, child advocacy center program. This remains unchanged from last year with the rest for the facility is $8,000.00 on a quarterly basis and will continues to be offset by the services provided. The services provided in the facility during that time, those two figures equal $8,000, which offsets each other. The total would be $32,000 a year.
Motion
Commissioner Jankovsky – Okay, I will make a motion that we approve the lease agreement with Childhelp Inc for $ 32,000.00 annually and allow the chair to sign. Commissioner Samson – Second.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Consideration and Approval of the Contract Agreement with RFTA for Traveler Services**
- **Consideration and Approval of the Renewal of the Intergovernmental Agreement for Garfield County Senior Programs – Traveler Program**

Mary – This is the 2012 agreement with RFTA for Traveler Services and consideration of an IGA for Garfield County Senior Traveler program. The total over the RFTA contract is $70,000 and a not to exceed a provision of $475,000 based on the projections continue and if we aren't able to identify efficiencies and bring in additional monies that would come back to the Board.
Motion
Commissioner Jankovsky – That's what the other $35,000 is to get that $475,000. Okay. I would make a motion that we approve the 2012 contract with RFTA for Traveler Services with a dollar amount not to exceed $475,000 and allow the chair to sign and allow the chair to sign the HIPA requirements as provided.
Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Samson – Mary, what funding sources do you try to pursue?
Mary – We receive funding from the Area Agency on Aging and we do pursue the state in an attempt to increase that funding, we did get a small increase in March of 2011. We ordered some additional software that covers every possible granting source in the various areas that we operate in Human Services. Judy Martin is exploring all of those opportunities or the possibility of application to RFTA as well; RFTA is exploring grant opportunities so we keep you appraised.
Commissioner Samson – How many vans to you have?
Mary – I believe it's eleven.
Chairman Martin – Registration and it should be 20 buses.
Commissioner Jankovsky – There was a list in there.

- **Consideration and Approval of the Garfield County Senior Programs 9-Party Memorandum of Understanding**

Mary – This MOU is in the packet for review.
Motion
Commissioner Samson – I would move that we approve the Garfield County Senior Programs 9-Party Memorandum of Understanding and authorize the chair to sign. Commissioner Jankovsky - Second
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Consideration and Approval of the Intergovernmental Agreement for Forensic Interviewing Eagle County and Garfield County**

Mary – This agreement applies to the child advocacy center. We engage services not to exceed 10 hours a month. Currently, a caseworker works for Eagle County and meets the qualifications to provide those family services in addition to the staff at Childhelp River Bridge.

Motion

Commissioner Samson – I would move that we approve the IGA for forensic interviewing between Eagle and Garfield County and approve the chair to sign. Commissioner Jankovsky – Second and in an amount not to exceed $10,000 and I believe there is HIPA information in there that needs to be signed as well. Add that to the motion.

Chairman Martin – Thank you. All in Favor: Samson – aye Martin – aye Jankovsky - aye

Commissioner Jankovsky – Actually Mary signs that contract however, Mary likes to have the Board's approval.

Consideration and Approval of the Contract Amendment for the PREP Grant Contract between Garfield County and the State of Colorado.

Mary –This is the Personal Responsibility Education Program amendment we received an additional $5,000.00 from the state through the federal government to administer this program and that $5,000.00 goes toward training and operational cost.

Motion

Commissioner Jankovsky – I will make a motion that we approve the contract amendment for the PREP contract between Garfield County and the State of Colorado in an amount not to exceed $140,000 and authorize the chair to sign. Samson –Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Consideration and Approval of Contract Amendment NO. 2 of the State of Colorado Department of Health Care Policy and Financing Contract for Single Entry Point Case Management and Utilization Review for Medicaid Home and Community Based Services Waiver and Long Term Home Health Clients and Applicants.**

Mary – This amendment is for our Single Entry Point etc and the contract was included in the Board's packet.

Motion

Commissioner Samson – I would move that we approve the contract amendment number 2 for the State of Colorado Department of Health Care Policy and Financing contract for Single Entry Point Case Management and Utilization review for Medicaid Home and Community Based Services waiver and long term home health clients and applicants as explained by Mary. Commissioner Jankovsky – Second and allow the chair to sign. All in Favor: Samson – aye Martin – aye Jankovsky - aye

Wood Stove Replacement Program

Commissioner Samson – One question from a constituent who chewed on me a bit and I want to make sure I understand about the wood stove replacement program.

Ed – It is Jim Rada with Environmental.

Comments on Child Enforcement Child Support

Drew – Can I point one thing from this child support program report? The return on investment for child support enforcement is dramatic and only through November Mary's staff has collected $4.4 million dollars in unpaid child support. That's money comes back into the people who need it in this economy.

Chairman Martin – It's separate with Pitkin County and it shows how much work Garfield County has done for Pitkin County. They pay us $6000.00 to oversee the collection process, so it's a good return on their dollars.

Ed – In the past, Mary's organization has won awards for their recovery of this fund.

Chairman Martin – Mary has more power than the IRS.

Program Updates were included in the packet.

Board of Health:

- **Core Immunization Contract with CDPHE**

Mary Meisner – This is an annual core service contract in the amount of $19,680.00 and the contract defines the scope of work that we provide every year.

Motion

Commissioner Samson – I would move that we would approve the Core Immunization Contract with CDPHE not to exceed $19,680.00 and authorize the chair to sign. Commissioner Jankovsky – Second.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Nurse Consultant for Preschools Contract**

Mary – Laurel Little explained the program and Kate Johnson is working on the contract. This is a new service that pays $50/hour to have a nurse looking at basic fundamental health care in the facility such as hygiene and universal precautions. Kids that have a health care plan in place we would review those records with the center directors to make sure that's all good standard nursing practice. Elaine, who presented the presentation for her pre-schools, has expressed an interest in having our services available to their preschools. Not all, they do have a couple that are not in Garfield County so we wouldn't be looking at those at this time. That is more of an IGA thing.

Kate Johnson went through the contract I am asking that Mary Meisner have the authority to sign these contracts as I've been informed that there are approximately 36 early childhood providers in the region who are interested in services but that would be a decision for this Board. They are receiving money for this and not spending any money. Any sort of reference to nurses would refer to a registered public health nurse because those are the individuals from the Garfield County Public Health Agency that will be providing these services.

Motion

Commissioner Samson – I would move that we approve the purchases of services agreement between Garfield County and the Colorado Public Health Agency Service to provide health consulting services in exchange for fees to early childhood programs providers with the changes suggested by our counsel and authorize Mary be authorized to sign such in the future.

Commissioner Jankovsky – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

Food Industry Concern

Commissioner Jankovsky explained a meeting with Randi Lowenthal to talk about economic development. She is dealing with a number of people in the food industry that have all kinds of problems with the State of Colorado's as far expense, time, trying to get things through the State Health Department for start-up businesses etc. She expressed a concern. This deals with restaurant and food industry businesses so potentially manufacturing of food product, in this case it had to do with a salad dressing manufacture in Carbondale. I will refer her to you Mary. She did mention Pitkin has their own inspector. John just informed me that we don't want to go that route due to the expense.

Mary – We collaborate with the State Health Department and inspectors are state employees; they come to our area and inspect our restaurant and food services.

Chairman Martin – There is also a schedule in reference to when inspectors are going to be in this area. If you don't fall into that scheduled range then you have to wait for the next cycle.

- **Environmental Health 4th Quarter Update**

Jim Rada presented the quarterly update report and was not able to get this into your packet. The memo covers what we have been doing the last 3 months. Morgan Hill is our newest staff. I am working with Morgan on the Source Water Protection project. When I

hired Morgan, she was already working on this project in collaboration with the Colorado Rural Water Association and the municipalities of New Castle, Silt, Rifle, Parachute and Apple Tree Community.

Wood Stove Exchange Pilot Project

Jim - That project kicked off in October and so far, we've replaced a dozen or so old wood stoves.

Commissioner Samson – That was a total funding grant to us of $121,000.00.

Jim – Not as a grant, it was an environmental settlement at CDPHE that resulted in the $121,000.00 donation from a single entity that had an environmental violations. They chose to donate those funds to us and we proposed to exchange a number of old wood stoves.

Commissioner Samson – Was that for the entire state and then the $121,000.00 our portion.

Jim – It was a local violation on the environmental regulations by one company in Garfield County that the money came directly to the Environmental Health Department for this project.

Commissioner Samson - We've done a dozen and we hope to do about 20 more.

Chairman Martin – It runs about $3500 per stove installation.

Jim – We are targeting low-income households, at some point being a pilot program, we have designed it to include a formula for higher income families/households. The amount of money we had we were not able to go into other income levels but we feel at this point, the greatest benefit to our community is to serve those not able to be able to exchange those stoves.

Chairman Martin – You can take the old stove to the recycling and have a return on those stoves based on the poundage.

Jim – That's what we are doing. We require disposal and documentation of those stoves so they will not go back into usage. Some folks are making money on recycling.

Carolyn – There is information on the website for the stove project.

Jim – It includes replacement of gas burning devices too if someone has one that is not EPA certified.

Air Quality Monitoring

Jim – The 2011 report won't be out until the middle of 2012.

Chairman Maritn – But the 2010 report is completed and to do a comparison to see if we've increased or decreased. I'd like to see it side-by-side so we can see our programs are working and we've investing well into our program. That will give you folk's 6-months to show the comparison. Any other information we have in 2012 to lay on top of that issue.

Jim –Briefly, When complete in the next year or so the Source Water Protection Plan will provide guidance to communities along the river as to measure what we have taken to dictate their drinking water sources from contamination as well as maintaining treatment costs for the municipalities. We are working with the emergency management group and the middle Colorado watershed partnership to ensue this source water protection plan is integrated into other efforts in the County. I am continuing to represent the County with that group and was elected to be on the leadership committee for that organization. The goal for 2012 is to carry out the grant the group received from the State Health in terms of putting together of putting a watershed plan for the middle Colorado segment, the mouth of Glenwood Canyon to DeBeque Canyon.

Commissioner Jankovsky – I'd just ask you to work with the other water conservation groups that are set up in that area.

Jim - The DOLA grant is about to dry and we're very close to completing that project. The final report will go to DOLA in the middle of January. DOLA will reimburse for the final $160,000.00 plus dollars from that grant when done. I have been managing the energy efficiency and conservation block grant that the DOE granted. We are 8% spent on the original $227,000 grant. Your direction was to put that money into the hands of the people, we roughly have 85% of that grant would be provided to rebates and other incentives to help people make their homes more energy efficient.

Chairman Martin – There is a grant like that in jeopardy from state of Colorado. Those reimbursements haven't been back from the state to those people even though it was an incentive to do so. We're not in that position at the moment.

Jim - No, we pay those requests as soon as they get to us.

Chairman Martin – There was an accounting in reference to the state program $4 to $5 million dollars of missing somewhere. We don't want that to be our grant.

Jim – I have also taken on the role of project manager for the ABD-C, which is the other DOE Grant. We're currently in process of developing contract extension with CLEER on that grant for 2012 and this program is due to end of May 2013. Part of this grant, $545,000 dollars was to support an on-going residential/commercial audit for retrofit programs that were developed under the original DOLA grant. The other remaining $600,000 Garfield County received is dedicated to creating long-term energy efficiency in renewal energy financing options for residents and businesses in the County. We've recently established the $400,000 loan loss reserve program and we continue to work with CLEER. We will be talking with CLEER this week on a revolving loan for the remaining $200,000 that would provide smaller type loans for residences and businesses that would not qualify under the loan loss reserve program.

Research Projects

Jim - I have been working with the energy industry represents, local citizens, state and federal officials and Colorado State University to develop a study proposal that would aim to characterize emissions from select oil and gas operations in Garfield County and to gain a greater understanding of condition dispersion around those job sites. We've entered a pre-proposal stage from CSU, we're reviewing that to figure out next steps for final study design, and it's anticipated in early 2012 to be followed by solicitation of potential funding sources. The final item on my report is a project the Board approved back in 2010, the Environmental Health and Monitoring Design project with the Colorado School of Public Health. That contract is due to expire the end of this month. It was extended in 2011 as the result of the public review process surrounding the Battlement Mesa Health Impact Assessment. The School of Public Health has submitted a draft last week and I have the final in front of me. The EHEHMS report is one that I haven't had opportunity to read through the entire draft. I do not have a lot to offer you in terms of what it says other than 1) the document contains five study designs with the purpose of filling information gaps identified in the HIA; 2) monitoring the environment in Battlement Mesa through Antero Resources natural gas project; and 3) monitoring the health of Battlement Mesa residents. Battlement Mesa Community throughout the Antero Natural Gas Development project. The School of Public Health asserts that while these designs were motivated by proposed activities in Battement Mesa they can be applied to other natural gas areas in the County. I would request direction from the Board on how you would like to proceed with the review and release of this final EMH document.

Chairman Martin – Speaking for myself before we release it I would like to review it myself and then we can talk about releasing it and the options we would have under that and under the agreement we have, everything from the intellectual knowledge to the actual direction is it going. Let's review it and then discuss in January. I know the contract is going to run out.

Ed – Do you want to schedule at the work session January 4th.

Chairman Martin – I think it's important enough to review and have direction for Jim.

Jim – If you would like I can have the School of Public Health to attend to discuss portions or questions.

Chairman Maritn –That would important as well as anyone else from the citizens, the industry and observers.

Commissioner Samson – You could make this at 10:00 a.m. on January 4th.

Morgan stated she was excited and we work as a team. It is great to be back from school.

Mary – Thank you for your support in this environmental health program.

Jim – Publically, I would like acknowledge my team. I couldn't do it without them. We are getting many things accomplished and providing services to the citizens.

Public Meetings:

Rifle Area Relay for Life Request for Financial Assistance – Charlotte Squires
Charlotte explained the request of $3,000 for banners to post to say the relay is here and these are events. We would like to have some funds for our event February 11; we will have a chili cook off between guns and hoses (Garfield Police Department and the Fire Department). We will have a snowshoe softball tournament. The newspapers give us $1000 for advertising this event.
Ed – The request is for $5000.00. We have learned from the past that it cost us $2500 to $5000 depending on the number of teams. Last year we ended up with only 9 full teams to participate. In years past, we have up to 30 teams. Our goal is to have at least 20 teams this year. If we could have $3000 to $4000, we would be happy.
Carolyn explained the legal side of this issue and the practical side. The advice consistently from the county attorney's office over the years has been if the Board wishes to make such grants of money, you can do through your contract powers as you long as you have a scope of services like you recently did with GARCO sewing that shows there is a benefit to citizens of the County. The practical side of it is how you deal with numerous requests for money and you instructed Ed at one point to create an administrative committee from county employees to make decisions based on a decision matrix from the county employees and how you would spend your money. The taxpayer's money was going to 24 hours at Sunlight, Rifle Relay for Life and Carbondale Relay for Life. I want to caution you that the county attorney's office will not tell you, you cannot do it; we'll tell you can do it as long as you can write a scope of services under your contract authority and show the benefit to all the citizens of the County in using their tax money in this way. You do have an administrative and practical problem of multiple requests coming in and how you deal with it.
Commissioner Jankovsky – We've had the Sopris Swim Team and different things but I do agree with what Carolyn said, this is an event. This is perhaps something that should go through the Human Services Commission. It is different, it's as if you are coming to us as a private business asking us to sponsor of an event. I think we need to go back to some sort of an umbrella or a review committee to look at these types of requests and set aside a certain amount of dollars for the requests.
Ed – That's what they did, we had of around $10,000.00 or $15,000.00.
Commissioner Samson – Do we want to go ahead or do we want to form a committee?
Chairman Maritn – That's a decision of the Board. Warnings on both sides of the issue and the parameters placed.
Carolyn – Charlotte, when is your event?
Charlotte – Our event is going to be July 13, this does involve the whole community, its need awareness for more people. Someone should not have to go through Cancer alone.
Ed – Mentioned the Air Show was schedule for July 13.
Charlotte –We do not have that date set in stone so it is nice to know.
Drew – I would recommend if the date is flexible and actually be in August it would give us enough time to form a committee etc. It's not under related to recent funding requests.
Direction to Staff
Commissioner Martin – I think to give direction to staff to form the committee as in the past and put together a request for budget coming out of the discretionary fund dollars or other sources with recommendation.
Charlotte - We will be notified.
Commissioner Jankovsky – Yes. Keep in touch with Ed Green.

- **Decision to appoint Cody Smith and Doreen Harriett to Garfield County Fair Board**

Drew – Commissioner Samson, Betsy, Lisa and I attended the Fairboard meeting and had the opportunity to meet these folks and they were enthusiastic and ready to serve.
Commissioner Samson – I think both of these people could be a great asset to the Fairboard and I'm excited to have people that are willing to committee to that time and volunteer.
Motion
Commissioner Samson - I would move that we appoint Doreen Harriett and Cody Smith to a term of 1 year each to the Garfield County Fairboard. Commissioner Jankovsky – I'll second the motion.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **BOCC Community Meeting Schedule & approval of 2012 schedule – Mike Samson, Fred Jarman, Andrew Gorgey**

Commissioner Samson – It was a good meeting and we had input from different people. He read a letter and announced the following modifications to the schedule. At the spring meeting on March 12, we meet at the Sheriff's Annex in Rifle as it serves everyone in Western Garfield County. These meetings will start at 9:00 a.m. The summer meeting to be held at the Parachute Library on June 11 at 9:00 a.m., the fall meeting in Carbondale at the Town Hall on September 10 and the meeting in Silt at the Fire Station on December 10. On these days, the BOCC will work through the agenda until all items are complete and there would not be a 1:00 p.m. time. This will allow staff more time. We will make sure on these days for the citizens not on the agenda perhaps at the end of the meeting. NACO is set for March 3 through March 7. There will not be a meeting that Monday. There will be regular meetings on the 19th. If we need, we go to the 26th of March.
Commissioner Jankovsky - We'll need to change dates in March for the work session to the 13th.
Ed – The other one in June is the CCI conference and we will not have any land use in the afternoon on June 4 in order to give time for travel to Vail.
Tom – This will create work for Fred Jarman to make sure to notify his staff of this.
Fred said he would notice land use items for 9:00 a.m.
Commissioner Samson – Since we only have one meeting in Rifle, Parachute, Carbondale and Silt; we decided we would combine as requested from several of our town hall meetings with the municipalities combine town hall meetings and joint meetings with municipal elected offices. The main thing to emphasis here is as you see here number one note, the city or town council or every municipality within the county is always welcome to schedule a joint work session with us on any issue. I will tell you that I've asked Mr. Green to schedule with the City of Rifle in January to talk about recycling among other things.
Commissioner Jankovsky – Could we put oil shale on agenda?
Commissioner Samson – To compliment these meetings of our traveling regular meetings we devised a plan and need to talk about when we would like to do that in February, May and August and what we would do with that is a joint work session would be held with the City or Town Council and the BOCC from 6:00 p.m. to 7:00 p.m. This would allow us to hear their concerns as elected officials from those municipalities. Following at 7:00 p.m., we would actually have a town hall. For an hour we would get to listen to the elected officials and their concerns before the next 1 ½ all citizens not even living in that municipality if they want to travel, an open forum for a town hall for anyone to express their concerns to us. My question to you is this, we met in those four places so then we meet in New Castle and Battlement Mesa once as well as Carbondale for these town hall meetings.
Commissioner Jankovsky – I would like to add a Glenwood Springs town hall meeting as well.
Commissioner Samson – So, February, May, August and November.
Drew – Do these in the second month of the quarter so you are correct.
Commissioner Samson – Do you want to set dates for these now. If you do, my suggestion would be to try to make it a permanent thing or standard, we are meeting here the second Monday's so do we want to do like the 3rd.
Fred states the Planning Commission is the second and fourth Wednesday.
Chairman Martin – It has to have correspondence with the municipalities on when they are able. I don't think we can set it and dictate. It needs to be a mutual agreement.

Commissioner Jankovsky – I don't know if the municipalities meet on Wednesdays.
Commissioner Samson – We can come back and firm up the four dates February, May, August and November for the town hall meetings.
Chairman Martin – November 6 work session. That is a very busy day for Jean, Election Day.
Commissioner Jankovsky – I would like to push this back to the 14th for our work session.
Commissioner Samson suggested November 20 keeping it on a Tuesday.

- **GCHA possible limited partnership with Glenwood Green – Geneva Powell**

Geneva – Glenwood Green is the tax credit development at Glenwood Meadows. It will bring 60 affordable rentals and will target the AMI's at 40%, 50% or 60% AMI. It will be much like a voucher. We are in negotiations with a partner to base our vouchers there. The 40% will represent 13 of them; the vouchers will stay with the development and we'll be able to have families in that development. I wanted to have your input on this before we move forward with the partnership. The Glenwood City has in their code that affordable housing development comes through will be tap fees, dedication, permit fees and school education fees. The developer is receiving all of those that are allowed and if approved by the City would equal that $500,000. It shows that this Board would not be the only one receiving the ability to ….
Ed – It's about $120,000 a year that we would be losing.
Geneva – We checked with the Assessor's office and they tell us that Machebeuf, which is older but an attached credit about the same size in currently assessed for about $70,000 per year and they thought that the new development at Glenwood Green would be $80,000 to $100,000. When I put that to the developers, they disputed it because I don't know how the property tax is assessed. He said his profit would not be property assessed if anything goes in the profit that they will make on their profit margin won't be that high. The Housing Authority Board didn't want to move forward with the negotiation with the limited liability partnership without getting input from the Commissioners. That tax credit is directly at you.
Commissioner Samson – We didn't have anything in our packet on this. Could come back in front of us with more information that would be great. When is Glenwood going to take this up and render a decision?
Geneva – It was scheduled in November and it was continued. It was the week of Thanksgiving and I haven't heard from the City when it goes to them. Would you like me to come after that?
Commissioner Samson – Yes. I would like to know and you would have to work with the Assessor on this, what kind of money are we talking about.
Ed – You will probably want to know the total of the impact on the County.
Commissioner Samson – Yes, the total impact of the whole project but how much of that is the County's part. I would like to have some feedback from Glenwood as to how that is benefited them, are they pleased with the Machebeuf development, what is their input concerning them. It is the only one I know of in Glenwood.
Geneva – This in the only one in Glenwood, Rifle has two tax credit developments – Eagles Nest and White River Village. Carbondale has the Villas; those added together are about 175 units of this type in the County. This will add 60. This is their first phase and if it goes well they're not opposed to going back to see if they can add another 60 approved. Machebeuf and the Villas are both managed by the Archdiocese, they are a non-profit and they are property tax exempt. White River Village approached us for the same partnership; we denied it. Eagles Nest has not approached us but I think they are probably exempt. The big developer of this is the Monroe Group and their arm is called Steele; the Monroe group currently manages the Manor One and Two in Glenwood Springs for seniors.
Commissioner Samson – How many units are there at Machebeuf?
Chairman Martin – Quite a few. Three or four buildings.
Geneva – This at Glenwood Green would be three buildings of rentals and the fourth building would be a clubhouse and administrative offices.

- **Reaffirmation of policy regarding Garfield County Housing Authority health insurance coverage – Andrew Gorgey**

Drew – This is regarding the Housing Authority and their health insurance coverage. The issue through a due diligence review of our insurances coverage and a question was put to the county about whether the Housing Authority employees were county employees. They are not but they participate in our health insurance program though you're allowing them to and the issues was is this lawful. We looked at this from two perspectives, No. 1 whether the Housing Authority qualified as a public entity to participate in what is basically a public insurance pool, they are and they do and 2) whether the insurance company would consent to this arrangement and not only do they but they have for many years. We could not find a written record so I suggested to Gene to write a letter asking it was all right to keep this up and if it is all right with this Board, the arrangement will continue. Quickly for the record and budget purposes this is a budget neutral proposition they pay monthly administrative fee. They paid an administrative fee and they pay for their own insurance. Rather than getting a different program and policy, as long they like the choices that Katherine Ross and her staff make they can continue. If at any point they want to break off on their own, they can do that too.
Chairman Martin – Do we need a motion to reaffirm to allow this to happen?
Drew – Yes.
Geneva – My Board of Directors would like to stay where they are. They feel safer than being out in the world of insurance on our own.

Motion

Commissioner Samson – I would move that we approve the renewal of agreement between Garfield County and the Colorado Housing and Finance Authority to allow them to continue to purchase of health care through Garfield County. Commissioner Jankovsky – Second. All in Favor: Samson – aye Martin – aye Jankovsky – aye

- **Request of grant to continue covering the lease and utilities at 2102 Airport Road in Rifle for Garfield County Search & Rescue Inc's use – Tom Ice & Nathan Torres**

Tom Ice and Nathan Torres with S&R and Gene Duran were present.
Gene summarized the renewal with the lessor on the building and included was the sublease with Garfield County S&R. Mr. Ice contacted the sheriff's office and I let him know it was approved. That would be the next step to ensure all the pieces fit together. This request would be for the 2012 budget.
Chairman Martin – We discussed that during the budget discussions in reference to facilities etc.
Commissioner Samson – This is the Burges property.
Carolyn – The BOCC is the tenant. S&R is the sublet.

Motion

Commissioner Jankovsky – I will a make a motion that we continue to cover the lease and utilities at 2102 Airport Road in Rifle for Garfield County Search and Rescue and amend the MOU with the Garfield County Search and Rescue to note such and allow chair to sign. Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Consideration of change order (deduct) for CR 117 (Four Mile Rd.) Paving project – Betsy Suerth**

Betsy explained the project saying in October, we had a paving contract in a public bid and county trucks and operators were used utilized to assist this private contractor in the completion of a paving project just the CR 117 part of that project and roads were involved in the paving project. Upper management became aware of this after the fact and it's not something that we would not condone at the time. It did happen and the confusion followed. Following your consideration at this change order and any additional

direction, you might have for me at this time. A new policy will be implemented along with contract management training for the Road and Bridge middle management to make sure best practices. We will also examine is that contract template and we'll work with Procurement and the County Attorney's office to improve that contract. I would like to have authorization for the chair to sign this change order so that the public record shows that you were aware of this unusual practice.

Motion

Commissioner Samson – I would move that we authorize the chair to sign the consideration of the change order for CR 117 overlay for two miles of asphalt Four Mile Road paving project for the amount of 6,330.00. Commissioner Jankovsky – Second.

Chairman Martin – Looking back in the past when the County had a private contractor and there were circumstances where the county had to step up in one way or another to get the project done. Are we going to cut our own nose off to spit of face and say a policy where you're not going to do that and let the contractor suffer the consequences of not getting the project done.

Ed – No. Our intent, if this happens again, is to agree to it before proceedings.

Betsy stated that is a deduct.

Commissioner Jankovsky – If this has happened before is my comments on this but it shouldn't be without our knowledge. This is good that it is brought to our attention.

Chairman Martin – If the policy is that we get the information and give approval to the department head under these circumstances okay.

Ed – We're not going to impede if it makes sense to have it happen, we want to make sure the Board is aware of and agreed to it.

Chairman Martin – It is different if they are using County equipment on private property, which we have experienced. We don't want to handcuff ourselves just because of a policy. We'd rather have the project fail than to assist and I don't want that.

Betsy – That is not the intent. The intent is to keep flexibility but to keep the elected officials in the loop.

Commissioner Jankovsky – Where is the contractor in this discussion, is he aware of this deduction of $6300.00 and have they agreed to it.

Betsy – Yes. I had a conversation with the CEO last week about this issue and they are on board with it and will sign this contract.

All in Favor: Samson – aye Martin – aye Jankovsky – aye

- **Consideration and approval of Travelers Highland PID Board action on partner shares for intersection improvement – Betsy Suerth**

Betsy – Last week I was before you with the Travelers Highlands PID Board and the three of you sitting as that PID Board have approved share option B, which includes the Travelers share of $182,420 for the intersection cost at CR 300 and US 6 roads. This is before you today as the BOCC to approve or disapprove of that action by the PID Board.

Motion

Commissioner Jankovsky – I will make a motion we approve Travelers Highlands PID Board action on partner share for the intersection improvement, Share Option B and know that it to be paid over 4 years for a total of $182,420.

Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Renewal of Purchase of Professional Services-Recurring or As-Needed Engineering Services – CH2M Hill, Inc. – Brian Condie**

Carolyn –The contract in your folder for CH2M Hill is accurate as written and has been approved by CM2. The documents in your packet, Brian was expecting news from the FAA about the money that will approve as extra money for Olsson and Associates. Your motion was strictly upon contingent FAA funding. If we can work with CH2M Hill, first that's the easiest one. We're asking for signature authority for the chair pending signature from CH2M Hill. All this does is bring their basic into 2012. So far there are no releases to contact, no task are ordered yet because everything CH2M Hill is going to do if at all is dependent upon Federal and State funding. If the money comes through, Brian will be back with you with Drew saying here's the release to contract No. whatever it is in order to get a specific project done. That is in the scope of work we put in what Brian and the engineers are anticipating taxiway, ramp, sensors on the runway and other.

Commissioner Jankovsky – We're continuing this contract with then at a set rate and it is for a scope of work yet to be approved by FAA. This will be the authority to move forward on these items if you do get FAA funding.

Brian – FAA allows the airport to contract with an engineer for 5-years. This is an extention of that contract. They will have 2-years after this. FAA will approve everything that comes through.

Motion

Commissioner Jankovsky – I would make a motion we approve for the renewal of the purchase of professional services occurring or an needed engineering services at Garfield County Regional Airport with CH2M Hill Inc for 2012 and allow the Chair to sign.

Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Renewal of Professional Services Contract – Independent Contractor – Olsson Associates – Brian Condie**

Carolyn – The form for renewal for Olsson Associates in your packet is no longer accurate. It assumed appropriation by the federal government, it didn't happen so I have another form for the Board which is a 2012 renewal more like the document you just approved for CH2M Hill and the scope of services.

Brian – We are trying to close this project out before the end of the year. None of the money was carried over into the 2012 budget. What remains in there is about $40,000 that was approved for 2011 and is fully funded by the FAA. In talking with Lisa and Ed I will bring a supplement to the budget to carry that money forward, there is no new money going into this account. The remaining $17,000 has not been funded by the FAA so Olsson Associates understands that situation and if the FAA can come up with the money, then the Commissioners have already authorized it in 2011 but now that is done, we would come back to you to reauthorize that or approve the remaining balance of the 95/95 split with the FAA.

Carolyn – If FAA comes up with that almost extra $17,000.00 then there would be another amendment to a release to contract. The budget you approved in December had zero for this line item. There was no way you could sign a contract saying we have budgeted and appropriated otherwise made available x number of dollars. You cannot say that today either. We're asking for signature authority pending signature by Olsson Associates.

Motion

Commissioner Jankovsky - I will make a motion we approve the renewal for 2012 professional contract with Olsson Associates and allow the chair to sign. Commissioner Samson – Second.

All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Release(s) to contract – Olsson/PRT – Brian Condie**

Carolyn – This document is pulled since we do not have the money and we will have to wait until January or later before Brian comes back to you.

- **Recommendation to award a contract to Schmueser Gordon Meyer, Inc for the Engineering and Design of County Road 126 Black Diamond Mine Bridge and County Road 117 – Gene Duran and Jeff Nelson**

Gene Duran and Jeff Nelson presented the contract to Schmueser Gordon Meyer, Inc for the Engineering and Design of County Road 126, Black Diamond Mine Bridge and County Road 117. The committee reviewed the bids and Schmueser Gordon Meyer is the recommended contract award.

Jeff – This will be a professional services agreement completed to figure out the new corridor, the new bridge design, work through all the challenges of the existing irrigation, and come up with a plan for a bid for construction in late spring 2012. We will try to get the complete project reconstructed by the end of 2012, including Four Mile road where you have the large rock outcropping.

Motion

Commissioner Jankovsky - I agree with you on that bridge, I was driving up there yesterday and I was coming down and the car behind me on that bridge and one that wanted to make a right on Black Diamond Road with 5 cars backed up around the corner and it needs to be addressed. I make a motion we approve the award of a contract in the amount not to exceed $165,765.00 to Schmueser Gordon Meyer for the design of CR 126 Black Diamond Road Bridge and County Road 117 and authorize the chair to sign.
Commissioner Samson – Second.
Chairman Martin – The issue here is if County Road 126 Black Diamond road a county road or not. That has been discussed for many years. We need to continue to research and prove; however, we have done a huge amount of improvements to that road and we declared it a county public road. You have to have the deed, easement or agreement. Let's get it done.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Approval of a renewal of an agreement with Colorado Animal Rescue, Inc.—Gene Duran**

Gene Duran submitted the agreement to provide services to the sheriff's department for animal services. There is a reduction of $10,000 from 2011. We are requesting approval of the renewal.
Ed – Colorado Animal Rescue cares for the animals longer.
Chairman Martin – They coordinate with West Divide for placement if it goes beyond the contract. They step in and assist West Divide.
Chairman Martin –The original request in 1997 was $25,000 and it's grown to $390,000.00.

Motion

Commissioner Jankovsky – I would make a motion that we approve the contract with CARE to provide services for the Garfield County Sheriff's Department in the amount of $390,000 for 2012 and allow the chair to sign.
Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Approval of an extension of an agreement with Valley Events, Inc. for Fair Coordinator services—Gene Duran and Lisa Dawson**

Chairman Martin – We met with the Fairboard and they made their request.
Drew – Commissioners, this just gives them a month to come up with additional and clear terms. The issue is that the division of authority between the Fairboard and the Events Coordinator and it's all part of the same project. A resolution to appoint the Fairboard, which includes their updated By-Laws now that you have more or less a permanent commitment to the Event Coordinator in the Community Events Fund, her contract will change some and we need time to do that. The plan is to go back to the Fairboard at the January 10th meeting with the draft and the By-Laws and this should be completed by the end of January. The draft of her 2012 contract reflects the recommendation of the board and county management.

Motion

Chairman Maritn –You are asking us to approve an extension for one month?
Drew – Yes.
Commissioner Samson – So moved. Commissioner Jankovsky – Second.
Chairman Martin – That is not to exceed $2000.00. We will allow you to get that done, it's an important issue.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **Consideration of Garfield County Banking Services Agreement (Alpine Bank), with authority to Chair to sign—Gene Duran and Georgia Chamberlain**

Gene – The matter before the Board is the approval of the agreement with Alpine Bank and it was awarded the last meeting. Mr. Gorgey has been extremely busy putting together the final agreement and I have been attempting to get all the exhibits to that agreement put together.
Georgia – We have worked on getting the exhibits together and we have not had the opportunity to finalize them but we would like consideration for the chair to be authorized to sign the agreement once we have reviewed all the attachments and have all the signature cards signed.

Motion

Commissioner Jankovsky – I will make a motion that we approve this agreement for banking services between Garfield County and Alpine Bank Banking Cooperation and give the chair authority to sign after exhibits and attachments have been attached and reviewed by the County Attorney. Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye
Drew – For the record, this was a one-year agreement with 3-year renewals.

- **Renewal of agreement between Garfield County and Colorado Housing and Finance Authority-CHFA. Gene Duran and Jim Rada**

Gene – This is a renewal of an agreement passed on September 12, 2011. We are requesting an extension. It is in an amount not-to-exceed $13,000.00.
Chairman Martin – This is a discussion that took place down in New Castle at the fire station.
Commissioner Jankovsky – We placed $400,000.00 with CHAPA for loan guarantees; what exactly is this $13,000.00?
Jim Rada– This is for the administrative costs that would be associated with CHAPA's role or release in the loan loss reserve funds in 2012. The original $400,000.00 amount included a not-to-exceed amount of $30,000.00 I believe for administrative costs.
Commissioner Jankovsky – This fee is part of that $400,000.

Motion

Commissioner Jankovsky – With that I'll make a motion that we approve and authorize the chair to sign the contract for the renewal with Colorado Housing and Finance Authority in the amount of funds under this extension in the amount of $13,000.00; not-to-exceed $13,000.00 and allow the chair to sign. Commissioner Samson – Second.
All in Favor: Samson – aye Martin – aye Jankovsky - aye

- **County Attorney Update: Andrew Gorgey**
- **Consideration/approval of 2012 Agreement between Assessor, BOCC and County Attorney Re: Oil and Gas Audit Legal Services**

Drew – This is a 2012 irritation of an agreement already in place. The audit of business/personal property related to the natural gas has yielded both additional revenues and a few weeks ago, you approved an abatement so these are services necessary to continue that and I would say you are yielding a more accurate inventory and tax basis as a result.
Chairman Martin – It's been in the millions on returns.

Motion

Commissioner Jankovsky – I make a motion that we approve the 2012 agreement between the Assessor, BOCC and Garfield County attorney for the oil and gas audit legal services. Commissioner Samson – Second.
All in Favor: Samson – aye Martin – aye Jankovsky – aye

Calendar Section

Drew –We have scheduled a farewell honorary program for the Deputy County Attorney Carolyn Dahlgren for Friday, January 6 from 3 to 5 p.m. Her last working day will be Tuesday, January 3.

Senator Bennett

Chairman Martin – Senator Bennett's staff members will be here today about 3:00 p.m. to discuss any issue the Board has; they called and stated they were coming through and would stop in and if we have any issue they would be willing to sit and talk.

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

Chris Janus – Safety Issue – Bridge on Grand Avenue

Chris asked for help on safety issues from the Commissioners in regards to signs on the Grand Avenue Bridge for signs stating "Narrow Bridge". Do you folks know how many accidents have been on that bridge in the last 3-years - 250.

Commissioner Samson – 249 accidents. I have no idea.

Chris – Well you are one short, over 250 accidents in the past 3-years. This gentleman is telling me he thinks everyone knows it's a narrow bridge and I'm thinking that maybe not everyone does. If I can get a note from the Commissioners and then to the City and do the same process, I think it would help our community and save a lot of side view mirrors and perhaps reduce 250 accidents.

Commissioner Martin - I thought the County might take it back as a toll road. That's what it used to be.

Chris – I would hope that you are shocked that there is over 250 accidents on that bridge.

Chairman Martin – We'll consider that and I'm not going to say we will write that note today but we will consider that.

- **REGULAR AGENDA: BUILDING & PLANNING ISSUES**
- **County Attorney Update – Land Use Issues: Andrew Gorgey**
- **Public Meetings:**
- **Continued consideration of the Targeted Land Use Code Revisions and consideration of requests from Working Group - Working Group members, Fred Jarman and Tamra Allen**

Fred Jarman, Tamra Allen, Doug Pratt, Jeff Winston and Walt Brown presented. This was discussed indepth and Walt brought a 2-page document for the Board of our recommended changes in two phases.

Drew – This is a public meeting continued from December 6th and the posture of the subject is that the Commissioners through a hired consultant to review its ULUR to solicit input from staff, users and citizens and that Mr. Brown's group today has offered comments within that first procurement. You still have before you Clarion's recommendation that you can rule on today. 1) My recommendation to you would be first to decide if you want to act today on the proposed amendments from the Clarion working group so that work product and phase of this phase can be completed. 2) To decide whether you want to direct my office or the planning department or both to craft the parameters of a new citizen advisory group, you would then need to consider what that group does specifically, who's on the group and 3) whether or not you want to allocate county resources toward still more professional consulting opinion. I do not think there is anything sole source here about trying to get this type of consulting help. The persons mentioned today may or may not be the winning bidders in your the RFP; I think that is the process.

Fred Jarman – In Phase II, as I read through here just as a note the last Clarion presented to you and the document that's been out publically for several months already include number 6, 11, 13 and 15 of your Phase II. They already exist. So it seems like there's some matching up that doesn't exist from what they are delivering to you today. Phase II was discussed already and we took a great deal of time with Clarion and the working group to role that into.

Dave Smith – My only comment and take is at this point, I think the working group has loosely come together on a couple of issues and agreed and I think Walt presented a lot of it. The message I think that does need to be carried forward is that the group does see the Clarion amendments as a positive step forward. I think some of the folks don't see this as the end of the game at this point. There is no opposition of moving this thing forward in a formal matter to get the Clarion amendments process on the books. I think the issue that Walt raised is the continuation of that process after the fact. I think Drew's suggestion to bring it to P&Z for a final review and get it in that next step is good.

Drew – I just want to say thank you to Mr. Brown, Mr. Smith and Mr. Meyer and whoever is on that committee here today. No one paid them a cent to do this, they have spent a lot of time making recommendations and they are coming to ask you for permission to spend more time to look at the Code. I don't want that point to be lost.

Louis – I would echo what Walt said, there was a lot of thought process put into these and the consultants we are recommending Doug Pratt attended well over 100 hours of meetings; and largely what the group has done is to do a lot of brainstorming on the substance of code. Things like web links to make the code more interactive so you don't have to go through pages of information. Doug understands where the committee is going; he sat through every single meeting and if we have to start from scratch, I think we're almost starting from scratch. Jeff Winston was very instrumental in our comprehensive plan, he understands Garfield County but we felt that we needed broader perspective, not one just from inside the county of what the county is doing in the state, bring the best from other codes around the state but that was the methodology defined in the two people we selected.

Motion

Commissioner Jankovsky – I will make an amendment to sent the Clarion draft to the Planning and Zoning Commission as it is important enough and has made some major accomplishments forward and I think we need to get moving through the process. I will make that amendment and just because, I agree with what Walt, Louis and David said here, we need to continue on this, as there are more issues; this group that has been meeting is some of the brightest and best in land management in Garfield County and I respect their opinions. I think there is more we can do. I don't know if the time frame is 90-days or 180-days or a year. What we have done is a vast improvement in the Code and we need to move that forward. So I would like to come back and discuss more what the next step is going to be.

Commissioner Samson – I'm ready to …

Commissioner Jankovsky – I will make that motion that the BOCC forge the Clarion draft amendments to the land use code to the planning commission for formal review. Commissioner Samson – Second.

Chairman Martin – Step One. All in Favor: Samson – aye Martin – aye Jankovsky - aye

Discussion – Advisory Board

Chairman Martin – I would like to create an advisory board called the ULUR Citizen's Advisory Board.

Fred – I assume we would treat them as we do the P&Z where we provide administrative staff and guidance for the group and at your discretion provide a meeting place, which I assume to be here and set up a familiar structure you are familiar with and then bring it back on the 16th.

Chairman Martin – On that resolution, once they have accomplished their goal outlined by this board on what they are to accomplish, that is then dissolved.

Drew – Yes, my general understanding of the parameters is you hired Clarion to take one quick pass thru the Code, they've done so. You have something to show for your work product for 2011. The main users of the Code and the citizens are concerned that there is work that is unfinished so they want to continue working and finish what in their minds needs to be completed and make a recommendation to you just more or less as Clarion.

Fred – It's a big document and the working group has lots to go so I don't know how long it will take. It may be April to get it back to you.

Drew – The planning commission meets on the second and fourth Wednesdays. Those dates are January 11 and January 25. You are too late for the 11th but still on time for January 25. Can that be the date that it first goes to the P&Z?

Fred – It is likely, like I say the starting point is not the issue, it is how long it takes the P&Z to move thru the process.
Chairman Maritn – We have new members of the P&Z and we have positions to fill. This is what we need to be doing if we are open to businesses as Tom puts it. Is that agreed upon and the direction to staff? All Commissioners agreed.

Public Hearings:

- **Consider a request for a Zone District Amendment and Planned Unit Development (PUD) for a ±160-acre parcel located midway between the City of Glenwood Springs and the Town of Carbondale on the west side of SH 8**2.
- **Consider a request for a Subdivision Preliminary Plan on a ±160-acre parcel located midway between the City of Glenwood Springs and the Town of Carbondale on the west side of SH 82. This application seeks approval to create single family and two family lots, community space tract, open space and common area tracts, and utility and right-of-way tracts. Applicant is Carbondale Investments, LLC.**

Rockwood Shepherd Carbondale Investments, Laurie Baker land use counsel for Carbondale Investments and Sam Otero engineer were present.
This site requests PUD zoning to allow for 366 dwelling units, community space, open space and common area, utilities and right-of-way for the River Edge Colorado project. Applicant is Carbondale Investments, LLC.
The public hearing for this application was continued from November 21, 2011 and December 5, 2011 so that required documentation could be considered and finalized – Kathy Eastley
Chairman Martin swore in the speakers.
Carey Gagnon – We are covering items 3a and 3b together, the P&Z rezoning and the subdivision planned for River Edge Colorado. On November 21st at the initial public hearing on this application, Commissioners voted 2 to 1 to move forward with their approval. The motion at that time was to approve the project based on staff's recommendation with some minor modifications to several conditions of approval. Then you continued the public hearing for finalizing the necessary resolution and for finalizing the associated legal documents. What you have in your packet today are almost entire finalized documents. There is one outstanding issue regarding the Phase Zero Improvement Agreement. This was explained. Several of these are in keeping with Commissioner Jankovsky's motion at the hearing but there are additional modification we made to keep it present under current conditions and also just some minor clean-ups. We highlighted them. Commissioner approval number two, the motion contained a request that the preliminary plan be valid for a period of 3-years for first final plat. I incorporated that to be strictly in our code language which is that approval will be for a period of 3-years or until the first final plat has been received…inaudible. This is in line with the code requirements in Section 4-103c but also to ensure the 3-year period minimum. Carey continued to go through the various conditions.
Sam Otero and Laurie Baker provided input. We felt it was important for all three parties to have a seat at the table and be part of the MOU. We're crafting that MOU now in draft form on January 24. I have a second meeting with Dan and Betsy to go through the MOU in more detail and then we'll circulate it. We've been moving that particular condition forward because of the substantial impact.
Carey explained the Phase Zero Improvements Agreement, the Development Agreement, the 10 year vesting period, security for the project vegetation and the grading permit.
Commissioner Jankovsky - You recommend we have two resolutions.
Rocky – I met with Steve out there to restore it to what it is, then the question came up then how am I going to find out as for security to restore the property because it's in bad shape now. We're willing to give a reasonable security I think 15% statewide is standard. It's more for replacing, if we don't do it, it's the same as it is now. It's not like we destroyed something and didn't fix it. It's destroyed now. It's not a deal breaker for us.
Chairman Martin –It's still a challenge because it has been a totally disturbed site which is stockpiled already from gravel to top soil.
Rocky – That why I put the stockpile guarantee in there for 100% cost to remove that so no matter what happens to us, at least those will go away.
Sam – This is strictly for Phase Zero and under that phase, landscaping is vegetation. There is some berming along the conservation easement that will occur during that time. I was telling Rocky I have done those contracts anywhere from 10% to 25%. It varies on if you're doing river restoration versus the straight erosion for land. It's not an easy number to put in there but I think it is completely based on revegetation and some of that work along the conservation easement.
Rocky – Mostly just revegetation making places back to native, the landscaping comes in after we start our construction of the project. The only actual landscaping would be along the berms where we are going to do plants and stuff.
Laurie –I want to reiterate the way entire agreement is we're going to come back with a grading permit with a plan and cost including the cost estimates for revegetation. Then you will have to approve that afterwards. We will have more detailed conversation and the building department will have to determine cost.
Commissioner Jankovsky – Then 15% of your landscaping improvement, the landscaping is site development.
Laurie – The way it works, we will put up 110% security including revegetation, so the 15% is once they are there for the 2-year warranty period what's the right number to reduce it to.
Chairman Martin – I still struggle with putting revegetation into a disturbed site so that you can disturb it to be building it and then landscape it. It is redundant in some ways. There are certain areas that need to be addressed so then we only look at weed and pest and say guys you have a real problem here and follow underneath Steve's guidelines of weed control, etc. To revegetate something and then dig it up again for construction is a waste of time, money and effort.
Sam – I want to bring up in the plans that we submitted, there are three levels of vegetation that occur in Phase Zero.
Commissioner Jankovsky – It's going to come in front of us again with the dollar amounts.
Rocky – Yes, you'll have the dollar amounts.
Chairman Martin – At that point, I think we can address the issues that aren't going to disturbed. At that point, address your 15%.
Carey – If that is something the Board is comfortable with then rather than identify 10%, 15%, and 100% at this point, my preference would be leave it as an amount to be determined by the parties with input from the vegetation management department at the time of submission of construction plans. I would request a 10-minute recess so I can go ahead and you can move on with the application that follows and I will clean up the changes one to the resolution and then the improvement agreement, run it by them and if it's okay we can get everything finalized today.
Temporary recess.

- **A request to amend Section 8-102 of the Land Use Code, specifically modifying the threshold, percentage and geography in which affordable housing is required. Applicant is the Garfield County Board of County Commissioners. – Tamra Allen**

This is a noticed public hearing.
Carey – Ms. Allen was in charge of notification, the only notice required is notified by publication and that was done in the Rifle Citizen Telegram on October 27th, identified the date, time and describes the changes to be made to the text of the ULUR. Notice is adequate.
Chairman Martin – Swore in the speakers.
Tamra – Before I get started, I wanted to acknowledge originally the Board had a request for a text amendment to our affordable housing regulations in tandem or in stride with a building incentive. You do not see that building incentive on your schedule today for your consideration. I did want to acknowledge there was a failure to notice that building incentive properly at the planning

commission level and so we have taken steps to correct that notice and it will be at the planning commission at its next regular meeting with that 30-days notice requirement. I do believe that these two items reported together is a standalone issue and the Board can take action on this today if deemed appropriate. Tamra gave a presentation and the Board is familiar with this text amendment. It is a text amendment to the ULUR to Article 8 dealing with affordable housing and in our ULUR; it deals specifically with Section 102 on the applicability of our affordable housing requirements. The three areas in which the text amendment addresses, the first deals with threshold, the second with percentage and the third one deals with geographic. Tamra explained the difference in the 2000 Code, the 2008 Code and the 2030 Code.

Motion

Commissioner Jankovsky – I would make a motion to close the public hearing. Commissioner Samson – Second.
All in Favor: Samson – aye Martin – aye Jankovsky - aye
Commissioner Jankovsky – I would make a motion that we approve a resolution of a text amendment to amend Sections 8-102 of the ULUR of 2008 as amended and that is in relationship to affordable housing regulations. Commissioner Samson – Second. All in Favor: Samson – aye Martin – aye Jankovsky - aye

Continued discussion on River Edge Colorado

Chairman Martin – Reconvene the subject of the River Edge Colorado.
Carey –I have the finalized documents, between you and Commissioner Jankovsky and the Resolution of approving the Preliminary Plan and the PUD for River Edge Colorado and the 4 exhibits A, B, C, and D. B being the now revised Phase Zero Improvements Agreement, you also have the second resolution, which designates the development agreement vested property …etc. At this point if the documents are acceptable to the Board you want to finally close your public hearing, assuming there are no further questions, and then you can move forward with a motion.
Commissioner Jankovsky – I would like to confirm with the applicant that you are okay with those final changes we made in B and under the Zero Phasing.
Rocky – Correct.

Motions

Chairman Martin – Do I have a motion to close the public hearing.
Commissioner Samson – So moved. Commissioner Jankovsky – Second. Motion carried.
Commissioner Jankovsky – I will make a motion that we approve a Resolution for a Planned Unit Development and Subdivision Preliminary Plan for River Edge Colorado; this development consists of 366 dwelling units and related uses facilities on 160 acre parcel located on the west side on Hwy 82 at Cattle Creek Intersection, 7 and 16 Township 7 South Range 88West and Section 12 and Township 7 South Range 89West, Garfield County Colorado and that we approve with conditions 1-14 and authorize the Chair to sign.
Commissioner Samson – Second. All in Favor: Samson – aye Jankovsky – aye Oppose Martin – aye
Commissioner Jankovsky – I would make a motion that we approve a Resolution for a Site Specific Development Plan establishing a vested property pursuant to Article 68 Title 24 CRS in Section 1-202 of the Garfield County Unified Land Use Resolution of 2008 as amended for River Edge Colorado and authorize the chair to sign. Commissioner Samson – Second.
Chairman Martin – I'm still hung up in reference to the overall issue, we'll call for the questions.
All in Favor: Samson – aye Jankovsky – aye Opposed - Martin – aye
Commissioner Jankovsky – It's up to you Rocky to put this together and as Chairman Martin said and made me the doubter I should have supported. I'm just afraid there is so much in there and it may be subject to failure. I don't know if it's a clerk process or not but you are on a cutting edge, a heck of a challenge and I don't want you to fail, that's all. No other action needed on River Edge at this time.
Carey – That's correct.

- **COMMISSIONER ISSUES:**
- **Commissioner Reports**
- **Commissioner Calendars**
- **Approval of Minutes**

November 7, 2011 – Jean, Commissioner Jankovsky made several corrections.
Chairman Martin – Motion to accept with the corrections. Commissioner Samson – Second. Motion carried.
Commissioner Agenda Items

- T**own of Silt Funding Request**

Dave Moore, Mayor of Silt was present.
Drew – This item is on the agenda at my request; the Commissioners recently accepted an invitation from the Town of Silt to listen to what I term an economic development project. The reason I asked to put this on was to update you on the status of a legal opinion regarding the county's ability to participate in economic projects generally. I have been researching with the assistance of counsel in Colorado Springs. I have reviewed what I believe to be one of the leading cases on the topic Fisher vs City of Colorado Springs. I've researched other known cases that interpret Section 11 of Colorado Constitution Section 1 and 2. However, rather than give advice to you piece meal, I would like to do is at the January 16th is to present a more formalized legal opinion to you to give you guidance on all requests of this type that may include discussion of the type of request you got today from a non-profit organization and that may include your contract power but I will make that a top priority if not the number one priority for 2012 so you can use that opinion in response to all of these types of requests.
Commissioner Jankovsky – Mr. Chair would you be willing to share some of your meetings in Silt last week with yourself, Mayor Moore, Trustee Alliuse and Counsel Lee Leavenworth.
Chairman Martin – The meeting was in reference to forming an Urban Renewal Authority and the plans of Silt in their urban development taking place on economic development. They are still looking at forming an Urban Renewal Authority, they have a petition, which is signed, and a number of signatures are required. They have a blighted area, which they have identified, and a plan in which they wish to go forward with. It takes a resolution to create that board and to appoint the different folks on the Urban Renewal Authority, which they are willing to do, they have made a request from the Trustees to the Garfield County Commissioners in reference to a grant to put things together and go forward with their project. They would also contract with the Urban Renewal Authority to accomplish what they have outlined in their Urban Renewal Authority plan. I think it is a good positive step for Silt, gives them identity. They have numerous projects they want to go forward from street scrapes to grocery store to bank to pharmacy, etc. in an area in which is zoned and allowed to be done. It is an area that needs improvement. They met all statutory requirements and they would like to know if we could give them that head start they need.
Commissioner Jankovsky - Urban Renewal Authority then would be separate from the Town of Silt.
Chairman Martin explained how the Urban Renewal Authority works, what has to be proven are tax increment financing, general framework for a blighted area and property values increased with the URA. He explained what the Town of Silt would do to have the URA formed and it would be a separate unit of government. There's an improvement district in the Meadows, that takes action from the city council, and it takes participation of developer as well as town council to put that increase of overall sales tax. It can be done. Based upon the potential for revenue that is coming through, someone like George K. Baum or someone would have an estimate and they can go for bonds and can sell those bonds for the revenue and do their projects. Tom identified any kind of grant or money that

was requested by Silt and if it comes from Garfield County, it must be non-ad valorum tax, no tax dollars. The only source, which we have identified, was our rainy day or energy mitigation fund from royalties from payments of the federal government on energy development. That is exempt from Tabor as well. And they are very much aware of that on limitations.
Dave Moore, Mayor of Silt – I had one question, have you received the opinion from our attorney.
Drew – Yes.
Dave – Have you been in contact with Lee. I'm sure Lee would be interested in where you are headed with this and if we could request you stay in contact w/Lee and keep him abreast so he can keep us informed.
Drew – Absolutely.
Chairman Martin – After our legal opinion Dave, we would like to set up a meeting with the Trustees so we can discuss this openly and make sure you understand the decision.
Drew – I want to be very clear to the Town of Silt and my own client, I will not rush to be ready for the 9th but I will do everything I can.
Dave – In response to Commissioner Samson's questions, there will be anywhere from 5 to 11 members, one trustee and only one is allowed and it will sit in sequential times for 2 year staggered terms. They have to be taxpaying citizens of the Town of Silt registered voters. Statutorily speaking the mayor appoints them but I am sure the mayor will get the blessing of the Board.

ADJOURNMENT

Senator Bennett's representatives, Sarah Hughes and Becka Montgomery presented an update.