

JANUARY 6, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 6, 1997 with Chairman Marian I. Smith and Commissioners Arnold L. Mackley and Elmer (Buckey) Arbaney present. Also present were: Commissioners elect John Martin and Larry McCown, County Administrator Chuck Deschenes, and Clerk & Recorder Mildred Alsdorf.

ORDER

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

COUNTY ADMINISTRATOR

Water Meters - Airport

Chuck Deschenes handed out his report to the Board including the bills and payroll. Correspondence from the City of Rifle regarding the Airport and the happenings back in 1992 was submitted for discussion. Among the items discussed included the agreement to get water to the airport with a provision that water meters would be installed at the airport at each building. The County cost-share was to be the service and in-kind to cut the bank back. Now it appears that the City of Rifle realized that the Airport has been getting water for free for the past five years. Chuck has indicated that a central meter at the Airport would be sufficient to rectify the error. The County would pay the cost of the meter installation. Chuck stated he had given the Commissioners a copy of the Agreement and his letter of response to David Hawker, City Manager of the City of Rifle, to this concern.

UMTRA Property

Chuck reported that Mr. Leavenworth and Mr. Hawker have proposed a method of dealing with the issue. He would keep the Commissioners updated as new information was available.

Fairgrounds Tractor

Lee, at the Fairgrounds, is trying out a new model of tractor and determining the flexibility of the machinery. Mike McBreen has expressed a concern for availability of parts since it is Russian made equipment.

Chairman Smith requested that bids go out for the equipment since it is above \$5,000. Commissioner Arbaney stated that all tractor dealers should be given an opportunity to be involved and bid competitively. Larry McCown suggested Lee call the various tractor dealerships and advise them of what the County was looking for and have the dealers respond appropriately.

Commissioner Arbaney stated they would like a constraint of approximately \$12,000 but if there was a good deal for around \$15,000 that would be a possibility.

Improvement regarding the Rifle Sportsman Range

Chuck reported the improvement to the Rifle Sportsman Range was being discussed as an attempt to attract more events, both State and National. Chuck stated the group needed to make the public aware of the community services they provide at their facilities, including police training, 4-H, Scouts, etc.

Airport/Heli Hut Corporation

Chuck presented the lease agreement by and between the Garfield County Airport Authority and Heli Hut Corporation. He stated the Airport Authority does all the leases but the County has to sign off on them as the property is County-owned. Chuck added that Don DeFord will present these to the Commissioners for signature.

Housing Authority Board

Chuck reported that Dorothy Marshall is resigning from the Housing Authority Board and her term ends in 1997. He stated that this will need an appointment to fill the vacancy.

Chairman Smith read Dorothy's letter of resignation into the record. Chairman Smith added that this a geographical board and someone from the Carbondale would be an appropriate appointment.

Sheriff /Deputy Sheriff/ Communications Director- VISA Limit Increase

Chuck stated that Sheriff Delassandri made a request to increase his VISA credit limit from \$500 to \$2,000 for VISA charges. Chairman Smith stated she thought the Board had previously approved this request, however, since Chuck did not have a record of the approval he requested a motion authorizing the increase. A request was also made to increase Communication's Director Jim Stevens and Deputy Sheriff's Jim Sears VISA limit to \$1000 each.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve the VISA credit limit to \$2000 for the Sheriff and \$1,000 for both Jim Stevens and Jim Sears; carried.

Colorado River Conservancy Board

Chuck reported he had four applications for this vacancy on the Colorado River Conservancy Board - Dick Jolley, Dr. William Zilm, Dick Hunt, and Ted Schultz. He added that Dick Hunt had letters of endorsement from Delaney & Balcomb and Law Firm of Coloia and Houpt.

Commissioners elect John Martin and Larry McCown both gave positive input on their support for Dick Hunt to be appointed to fill the vacancy. They indicated that all of the water attorneys endorsed Dick Hunt. Discussion was held for the vacancy.

Commissioner Arbaney stated he had been lobbied heavily and he agreed with Dick Hunt that a real shake up was needed in that department. However, he personally would prefer Dr. Zilm.

A motion was made by Commissioner Mackley and Chairman Smith stepped down as Chair to second the motion to appoint Dick Hunt to the Colorado River Conservancy Board. Vote - Commissioner Mackley - aye; Commissioner Chairman Smith - aye; Commissioner Arbaney - nay.

COUNTY ATTORNEY

County Road 346

Don DeFord reported on the property discussion held with Attorney Leavenworth, City Manager David Hacker, Chuck and himself. He stated an agreement was reached with the City of Rifle regarding the split. He stated that various options were explored and it ended up that Rifle would take the property and split it with the County. Don stated that Rifle would request the split and the County would implement it.

A three party agreement between the State, Rifle, and the County will be drawn up. Don stated that legally it can be done this way. He added that a position on the water will be an issue and it might be a forced issue with water provided via a cistern. Because of the water and sewer problems, Rifle needs to have the property transferred in order to be able to trade it someday. Commissioner Mackley stated this is merely a land issue and felt the County should state in the Agreement that the land would be used as a shop for the County.

Don stated a question of the water and sewer may be an issue and suggested if the County would want to split. He added that the County funds were used to match the UMTRA funds and it was agreed to split the property however, the County subdivision regulations are among his concerns. Don requested feedback and suggested this parcel of land conveyed may be valuable in the next 10 to 15 years.

Larry McCown stated to let Rifle pursue the land and the County will do the split. If the County does not get the property, so be it. The survey was performed at a cost of \$5,000 and this should be the County's share. Now let the City of Rifle pay the cost of preparing the documents.

Lease Agreement - Airport Heliport Hanger

Don presented the lease and stated it should be executed by the County until the Airport Authority owns the property.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the lease agreement for the Heli Hut, LLC, (Airport Heliport Hanger); carried.

JAIL DISCUSSION

Sheriff Tom Delassandri, Dale Hancock and Chairman Al Maggard from the Jail Advisory Board were present to give the report.

Jail Count

Total in jail: 87; weekend totals were up to 99; main jail 38; Work Release 28; females 5; 14 in other jails; no Home Detention; 1 Day Reporting; 1 State Hospital; 9 Department of Corrections being housed in other jails. 7 Weekenders today; 9 on Saturday and 7 on Sunday.

Correspondence - Courthouse Security

Tom reported that he had received correspondence from Judge Ossola regarding the Courthouse Security issue. He passed out a copy to the Board. Chuck expressed the County was responsible for the locks and the Judge's request included very high security locks. Chuck had photos of the locks and passed them out for review. He stated this was a part of the proposal; a complete budget will be forthcoming by mid-month. Judge Ossola wants modifications of the Courtroom including a rearrangement of the furniture for safety purposes; a bullet proof enclosure in the bench area; and a safe regress for the court reporter. Chuck's concern was addressing the modifications on a piece-meal basis.

Don stated it was between the Sheriff and the District Court Judge to determine what was appropriate for the security in the Courthouse. Supreme Court has ruled in the case in Weld County that as long as the Commissioners are providing a reasonable level of security that was sufficient. Don also added that the cost of Court security could not be turned back to the State and this was also addressed in the latest Supreme Court Case.

The Sheriff suggested to the Commissioners that a bidding process should be applied.

It was decided that Mike McBreen should go directly to the Court Administrator and search for prices.

Community Corrections

Chairman Al Maggard reported the regular Board meeting is Thursday at noon at the Hotel Colorado, January 9, 1997. He extended an open invitation to the Commissioners and the Commissioners elect to attend.

Jail

Dale gave a brief overview of the progress to date stating the Jail Advisory Committee and Commissioners have been working with a contractor and a management firm. He stated that a significant amount of money was expended to develop a schematic. He further suggested the new Commissioners sit down with these firms and see the big picture.

Dale reported that he talks with the architects every month and added they were willing to pick up where they left off in the conversations.

Sheriff Delassandri stated Bob Johnson called and was ready to go at any time when the County is ready. He reported that the Montrose jail project is having to put more structural construction than previously budgeted therefore, they are having problems with the cost. Inadequate soil tests have been identified as the problem.

The Work Session and Tour of the Fort Collins Jail

The work session and jail tour were discussed. Plans were made for an overnight trip to meet with the architectural and construction firms in Denver and tour the jail in Fort Collins for January 24th and 25th, 1997.

Trauma Board

Dale also stated he had been requested by the Commissioners to attend the meetings of the Regional Trauma Board in Rifle and the next meeting date is January 22, 1997 at 1:30.

Roaring Fork Holding Authority

Don announced there will be a meeting of the Roaring Fork Holding Authority on January 8th there is a meeting set for the Roaring Fork Holding Authority and it was very important for the Commissioners to select a representative as well as to be sure of how the County is represented. Commissioner Arbaney stated he would be attending this meeting on January 8th and there will be two meetings held in Denver,

one is with GoCo. Commissioner Arbaney stated the Commissioner who was going to be the one representing the County should attend these meetings. Don stated some very complicated decisions needed to be made and are being put before the Commissioners very quickly. He stated that Walt Brown wants to speak to the group as an at-large Board member regarding the legal issues and the position of Garfield County. Larry McCown was concerned regarding land uses and accesses in relation to how these will affect the County. Commissioner Arbaney also stated a financial obligation was a concern of his as well.

Springridge I Existing Subdivision on Greenwald Property

This is a project that Mr. Greenwald and Mr. Fitzgerald were involved in. Don stated Walt Brown, appointed counsel for the Commissioners, is working on this project. Several weeks ago Mr. Fitzgerald called and asked if the County was in a position where security could be released on this subdivision. This is the subdivision where they were supposed to build a pond, then they got involved in the West Divide Plan and the County held off giving them time to get an order in place. The county has held \$83,000 in security for that pond during the course of the last couple of years. This security expires on the 15th of March. Don told Mr. Fitzgerald that until he saw an actual certified copy of the court order concerning that West Divide Plan he would not be in a position to recommend that the security be released. There is another obligation that goes with that security. Right now the County owns the property where the pond is to be placed and that it is to be returned to Mr. Greenwald when we release the security. Don stated he took a look at the documents and saw that there is number of issues involved. The Ponds are actually supposed to be constructed by the end of July if that order wasn't in place and lastly in spite of repeated requests, he has never received a copy of the certified order. At this juncture, Don stated he has decided given the many issues involved, the security needs to be turned over to Walt Brown as conflict counsel to deal with the issues, to sort out what has to be done with the security, the pond land and get an order back as to where they are with the West Divide Supply plan. This was turned over to Walt Brown as conflict counsel and fits with other things he is doing. Springridge has met all requirements except the pond. Walt Brown now has this issue.

Boundary Line Adjustment - Airport

Don stated he had received the request from Russell George regarding Rifle Land Associates desirous of adjusting the boundary lines. Don asked Chuck to explain. Chuck stated this is 13.418 acres located on the Southwest boundary of the Airport that is needed for runway clearance. The land does not have a lot of economic value as there is a major drainage running through it, but the Commissioners are trading with Rifle Land Associates in exchange for spring improvements and piping that the County put in Rifle Land Associates' property when the County ran the original water to the Airport from the springs. Rifle Land Associates retained the water rights, however, included was a 10 year agreement that the Airport could use the irrigation water on the Airport for plants, etc.

A motion was made by Commissioner Arbaney to authorize the Chair to sign the document boundary line adjustments with Rifle Land Associates and the Airport. Commissioner Mackley seconded the motion; carried.

Annexation of Lots in McLearn Orchard

Don presented a letter to the Commissioners of December 20th from Rifle regarding the annexation of lots in the McLearn Orchard. One of the lots they are going to annex is more than 10 acres by a small amount. When property exceeds 10 acres and is subject to annexation, this requires an annexation impact report. Rifle is asking the Commissioners to waive that report. Mark has no problem with that as long as they commit to annexing any county roads that border the property. Don described this as road 346 by the Airport.

Commissioner Mackley made a motion to waive the annexation report providing Rifle will annex any county roads that border the property. Commissioner Arbaney seconded the motion; carried.

Building and Planning

Mark Bean reported and submitted the following:

Aspen Glen Filing No. 1 - Acknowledgment of Partial Satisfaction of SIA

Mark submitted a request from Aspen Glen Golf Company to release \$150,400.00 from their Letter of Credit for Filing No. 1. He stated this was based upon a certification from Schmueser Gordon Meyer, Inc. This is for water lines, manholes, work around the eagles nest and wetland areas.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a release of funds in the amount of \$150,400.00; carried.

A request from Tom Scott that his exemption be extended for 120 days. Mark stated this is the property south of Sievers RV Park. Mr. Scott has decided not to actually create this third lot. What he is requesting is an amendment to the previous plat. He is attempting to get his property annexed into the Town of Silt and believes to have this left as one lot will help his effort in negotiations.

Mark stated this will come before the Commissioners for signature after the amendment is made. The Commissioners agreed this will be okay.

Ron and Margie Martin - Amended Exemption Plat

Mark presented a request for an amended exemption plat for Ron and Margie Martin. Once they resolved a dispute with BLM, they were required to amend their exemption plat. They have everything resolved. Mark stated he still needed the County Surveyor's signature and would bring it back for signature.

Oak Meadows Water and Sewer System

Mark stated he had a copy of a letter from Robert Delaney stating he would be out of the State for the meeting scheduled today at 2:00 P.M.

Emergency Broadcasting

Guy Meyer gave an update and stated there were changes in emergency broadcasting systems and the State has put out some new grants. This gives the County the capability to break into video and audio and give out emergency broadcast through the dispatch center.

Incident Management Group

Guy stated this will be discussed at the public safety meeting and invited the new Commissioners to attend the Safety Council Meetings.

Joint Fire-Fighting Facility at the Airport - BLM/Rifle Fire Protection District

Chuck reported that BLM, Rifle Fire Protection, Burning Mountain Fire Protection, and the Airport would share in a facility. BLM already has money that has been appropriated for it. BLM wants this for a bunk house for summer fire crews and Rifle, with all the growth going on in that area, see the future needs to have crews in that particular area.

Letter on Colorado Trauma Council Appointments

Dale submitted a letter that states St. Mary's Hospital has been designated as the key resource facility for the Colorado Trauma Council.

Ambulance Licenses

Dale presented the ambulance service license for the New Castle Ambulance Service, the Carbondale Rural Fire Protection District, Tri-County Ambulance, Inc., City of Glenwood Springs/Department of Emergency Services, Rifle Fire Protection District, Town of Silt Volunteer Ambulance, and Grand Valley Fire Protection District

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign these 7 Ambulance Service Licenses as read into the record by Dale Hancock; carried.

FCC and TV Licenses

Dale reported that he had a conversation last week with Chuck regarding scheduling licensing, assets, etc. One of the things that brought this to a higher level of attention is that all of the licenses are due for re-issue 6 days before the date they die. February 3, 1997 is the date of Colorado's date for application and Feb. 9 is the date if the licenses are not in use they go away.

Dale stated he sought counsel with Henry Solomon that he would have a paralegal prepare the application as far as license re-issuance is concerned. Dale and Chuck determined that there is still value to be rung out of these licenses and if the County can possibly make this happen we ought to. So the process for all the applications will be started so they can be turned in by Feb. 3rd. Henry Solomon will send a bill for a paralegal service at \$60 hour. Dale stated there is a Sunset clause on these licenses as a part of the Telecommunications Act of 1996 but he does not think they are subject to any administrative discretion on the part of the FCC. This means they would automatically die if the County is not broadcasting. Dale stated some of the options in using these licenses as: County broadcast over the sites with WTCI by buying a signal for one month turning on all microwave feeds then at the time of application the County would be utilizing our licenses and broadcasting; or contact KKCT and KREX engineering staff and made a deal for our translators to pick up their signal then we would be broadcasting; or Channel 6 who proposes to give the County \$10,000 for 5 sites and for just the hardware they think the County should give them the licenses to broadcast PBS on all sites.

Discussion was in-depth with Dale going into detail as to what needed to be done. Dale left the discussion with Channel 6 by stating the County Attorney would need to talk with the Channel 6 attorney to work out the details.

Chuck was supportive of Dale's plan.

The Commissioners gave their approval for Dale to proceed as follows: to sell to Channel 6 for 5 sites, selling 5 translators, antennas, splitters, whatever it will take to get the picture broadcast in Sunlight/Lookout - Glenwood, Coal Ridge - New Castle, Anvil Points - Rifle/Battlement; and Doghead - the rest of Battlement Mesa.

DEPARTMENT HEADS

Carol McNeal and Holly Tatnell gave a report to the board stating the position opening was given to the Commissioners for input.

AMENDED FINAL PLAT - LOT 13 - DAKOTA MEADOWS SUBDIVISION

Mark stated this was an amended final plat dividing lots for the condominiums. No action was needed today. Mark will come bring this back for signature at final plat.

DISCUSSION - HUMAN SERVICE COMMISSION

Cheryl Hurst, Chairperson for Human Service Commission; Margaret Long; Mickey Rimmel; and Deb Stewart were present and submitted a packet for input into the breakdown of funding.

Cheryl stated the proposal for RFP's was revised. The Commission was asking for input from the Commissioners. After it was ready and approved by the Commissioners it would be available to be dispersed for those wanting funding.

Discussion was held and a decision made that the RFP's would be available at the Administrator's office and an advertisement would be placed in the newspaper.

The Commissioners suggested Cheryl use the purchasing criteria of publishing two times.

Chuck stated he would take responsibility to have this RFP published after the approved wording was given to him. These were proposed to come before the Commissioners on 3/17 with recommendations and have first quarter payment to be made in April, 1997.

A discussion was held as to who would be the ones to review the RFP's and made the recommendations.

Cheryl stated due to the large number of members, the expense of copying the RFP's that she was suggesting a representation of all the general categories be selected to make the recommendations. She also requested one of the Commissioners sit on the smaller committee. Commissioner Mackley stated he wanted to make sure there was a fair representations.

Chairman Smith wanted to make sure that overlapping of services was not occurring therefore, she suggested that the group requesting assistance submit documentation showing the total revenue services. Deb Stewart stated she was trying to obtain copies of the services provided in Garfield County and provide a profile of each agency.

Margaret Long suggested to ask for a copy of the most current audit or the annual financial statement, current fund balances, and the total clients served - unduplicated. She stated it would be helpful to also have a cost benefit per ratio.

The Commissioners gave approval for the smaller group as long as an active representation served from each agency.

CONTINUED PUBLIC MEETING - SB-35 LOCATED APPROXIMATELY 1/2 MILE WEST OF GLENWOOD SPRINGS, ALONG COUNTY ROAD 132. APPLICANT: RUDY STEELE

Eric McCafferty, Don DeFord, and Rudy Steele were present.

Eric presented.

This is an exemption from the definition of subdivision on a 9.22 acre tract of land located approximately one (1) mile north of West Glenwood along County Road 132 (Mitchell Creek). The applicant is proposing to subdivide, by exemption, the 9.22 acre tract into two (2) parcels of 4.62 acres each.

Recommendations:

Staff recommended a continuance due to a need for time to demonstrate the various issues raised within the original report can be met. The staff report update states that there is still remaining to be addressed the issues concerning the new bridge's ability to provide adequate and safe access to emergency vehicles, and the determination that the proposed lot, which staff contemplates would be developed as a single family residential lot, can meet applicable requirements.

A motion was made by Commissioner Mackley to extend this until June 16th at 2:00 P.M. Commissioner Arbaney seconded the motion; carried.

PUBLIC HEARING - ABATEMENTS: RUTH L. GARDNER, KING REAL ESTATE DEVELOPMENT COMPANY, INC., THOMAS G. MORTON, RAY TAYLOR REYNOLDS, ERNESTO AND CONSUELO ANCHONDO

Shannon Hurst presented the following abatements: Ruth L. Gardner for \$185.63; King Real Estate Development Co, Inc. for \$6.05; Thomas G. Morton for \$49.67; Ray Taylor Reynolds for \$39.46; and Ernesto and Consuelo Anchondo for \$33.25.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign the abatements as presented and read into the record; motion carried.

DIRECTION ON ROARING FORK HOLDING AUTHORITY - INTERGOVERNMENTAL AGREEMENT

Walt Brown, Don DeFord, Chuck Deschenes, and the Commissioners and Commissioners elect held a discussion regarding the Roaring Fork Holding Authority - Intergovernmental Agreement.

Executive Session - Roaring Fork Holding Authority

Commissioner Arbaney made a motion to go into an Executive Session to discuss the legal issues of the Roaring Fork Holding Authority. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney made a motion to come out of Executive Session. Commissioner Mackley seconded the motion; carried.

Commissioner Arbaney made a motion to authorize the Chair to write two letters directed to Tom Newland, Assistant Manager of Pitkin County and the Roaring Fork Holding Authority informing them of the existence of the review requirements of Section 30-128-110(1)(d) that it does serve a planning function and informing the representatives that they put forth an amendment to the IGA which would require and permit

local approval of crossing of the right-of-way pursuant to adopted land use policies; and for Garfield County designating specific existing crossings; and the current obligation of the County under the IGA, use of the \$500,000, they are under no circumstances to approve action of the Holding Authority that would permit Garfield County exceeding of their limit. Commissioner Mackey seconded the motion; carried.

Commissioner - Voting Member - Roaring Fork Railroad Holding Authority

A motion was made to appoint John Martin beginning with the January 8th meeting by Commissioner Arbaney and seconded by Commissioner Mackley to be the voting member on the Roaring Fork Railroad Holding Authority; motion carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd gave his report to the Board.

County Road 100

King reported that three vehicles pressured the flaggers into letting them drive on the road before the rejuvenate on the newly paved road had a chance to penetrate and the wheel paths of these vehicles caused the rejuvenate to lift and become irritated in these wheel ruts areas. King stated, in the spring, the road will be chip and sealed.

BLM

King submitted correspondence from BLM regarding items the County needs to address dealing with oil and gas lease information. King reviewed this with the Commissioners. It was determined that this is the County's responsibility to put something different together to address the issue of the land transfer and environmental assessment.

Chairman Smith stated for King and Don to address these concerns and to guarantee the access of Langstaff's to their property.

King stated he would work with Don and get a response going.

Landfill

King handed out the map which indicates all the drilling that is prudent to do at this time. He stated the 5 holes projected to be drilled may be adequate. There is some speculation on drilling a 6th hole south of Langstaff's but it was not productive and terminated the drilling until later. King stated that every hole is terminated at bedrock. Four of the holes were dry, the fifth hole may have some moisture. The moisture may be added versus a natural moisture. King said that depending upon the final findings, it is in the project scope to take some samples and determine what kind of moisture is there. The purpose of the holes is to demonstrate to the State of Colorado information on the bedrock.

Drug Testing/Sampling

Regarding the investigation on drug and alcohol testing for CDL, King stated that Dale has made contact with the agency providing this service for the State. The test will cost \$25 more per test than was previously being paid. The testing will be done at Valley View Hospital and the Medical Associates Office in Rifle.

COMMUNICATIONS

Jim Stevens presented there was a meeting set with A.J. Johnson of Eagle County for tomorrow to look at their U800 Megahertz system and invited any of the Commissioners to attend the meeting.

DISCUSSION - OAK MEADOWS WATER AND SEWER SYSTEMS

Don DeFord, Mark Bean, Ralph Delaney and Larry Green were present. Don stated he had received correspondence from Robert Delaney to indicate he would not be present for today's discussion but explains the present situation.

Larry Green stated he did not have a lot to say beyond what is contained in the letter. The issue of the discharge permit with the State is moving forward and it is always slower than they expect. Larry stated it is forthcoming and there are no hurdles or questions that have arisen that appear to make it impossible or difficult to get the permit, it is just letting the bureaucracy run its course in Grand Junction. The water rights case, some progress has been made with some of the objectors. Some have resolved their differences and only one objector remaining in the case. A date for status review with the courts has been set for February and the matter will either be set for trial at that time or the matter will be resolved. Larry said that

last Fall, the Board wanted to set this matter for review to make sure they were continuing to move ahead. He requested to set this again for review in several month. A date was set for April 21st at 2:00 P.M.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley extending the Oak Meadows Water and Sewer Systems review of all improvements until April 21st at 2:00 P.M; carried.

Bills and Payroll

Commissioner elect John Martin questioned the method of purchasing and stated this appears to need measures to tighten the process.

A motion was made to approve the bills and payroll as submitted by Commissioner Mackley and seconded by Commissioner Arbaney; carried.

Chairman Smith stated it was time for Chuck to send out a memorandum to all department heads that the Commissioners were watching budgets closely and to carefully appropriate budgets monthly.

Adjournment until after the Retirement Recognition.

Attest:

Chairman of the Board

RETIREMENT RECOGNITION FOR COUNTY COMMISSIONERS ELMER (BUCKEY) ARBANEY AND ARNOLD L. MACKLEY

Resolutions

Resolution No. 97-01 concerned with the recognition of Elmer (Buckey) Arbaney, and delivering praise, kudos, and other sundry back-slapping congratulations at the moment of his departure from the confines of the office of Garfield Country Commissioner was read into the record by Chairman Smith.

Resolution 97-02 concerned with the recognition of Arnold L. Mackley, and delivering praise, kudos, and other sundry back-slapping congratulations at the moment of his departure from the confines of the office of Garfield Country Commissioner was read into the record by Chairman Smith.

Presentations

Antique Ballot Boxes with engraved name plaques and dates of service were presented to the retiring Commissioners.

Chairman Smith presented Commissioner Mackley with an Irish Warmer and a poem

"The time has come for peaceful days for you to sit and read a bit and as you rest your weary back may this Irish warmer be a hit. Count your days as jobs well done, take pride in hours spent for one who's walked the paths with you knows what work and friendship meant."

and

Hug - A - Bear and instructions from the medical journal

"Patients who undergo abdominal or chest surgery are often told to do coughing exercises to prevent lung infections. These exercises which involve hugging a pillow against the chest and coughing rigorously can be very painful. Though it sounds silly, you'll find it more comforting to use a Teddy Bear instead of a pillow. Teddy Bear technique is now being used in hospitals across the Country."

Chairman Smith presented Commissioner Arbaney with a

"As you contemplate your future with no Monday meeting days, may you heed the monthly forecast and scout the ECR way, so no matter where you journey you'll know what lies ahead and you can plan your travel safely if you just remember what he said."

For Commissioners elect John Martin and Larry McCown, Chairman Smith presented them with lead pencils and a notepad.

"Of all the things that you may need as you face the years ahead, none may be as valuable as a pencil made with lead. So as you check the items in your daily memory book, may these pencils topped with rubber be worth your second look."

Speeches

Chairman Smith stated it was going to be hard to let the past go but she stated she thinks there are two good new ones coming on and she is looking forward to working with them also. It's been great working with Arnold and Buckey. She stated she was really going to miss them.

She thanked everyone for coming to the party and to Milt Blakey, she was going to miss working with him also.

The Republican Party Chairman Dennis Pretti thanked Commissioner Arbaney and Commissioner Mackley for upholding the Republican ideals and for the good job done for the entire County.

Commissioner Arbaney stated that he and Arnold were leaving behind one of the finest Commissioners that has ever been.

Commissioner Mackley stated he had formed a lot of new friendships while serving as Commissioner and even though there has been some tense moments and tough times, they did get through it and hopefully Garfield County would be able to go forward. He stated he has great faith in the newly elected and always had faith in Commissioner Smith so the County is left in good hands. He thanked everyone for all the support and kindness through the years.

Mildred Alsdorf stated Representative Scott McInnis phoned her to express his disappointment at not being able to attend the retirement recognition. Scott stated he needed to be in Washington regarding the Newt Gingrich matter but would be sending them a letter.

Milt Blakey stated as one of the elected officials having to go through the tough times with the folks on this Board, he thinks they did a tremendous job for Garfield County and the people of Garfield County and the County is in the best possible condition under the very difficult circumstances it had to deal with.

Chairman Smith stated all the elected officials had to work together and endure the tough times together. It took their cooperation to get through those years.

Commissioner Mackley thanked Tom Beard, his team and all those who worked to pass the sales tax for Garfield County.

Approximately 100 guests were present for the retirement recognition.

JANUARY 7, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Meeting and Public Hearing with the Board of County Commissioners began at 8:00 A.M. on Monday January 27, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

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

PUBLIC HEARING - AMENDMENT TO THE GARFIELD COUNTY SUBDIVISION REGULATIONS - ROAD IMPACT FEES

Peter Nichols and Dennis Stranger were present.

Mark Bean presented that on November 12th, the Planning Commission reviewed the proposed changes to the Subdivision Regulations and recommended that the Board of County Commissioners approve the amendments. The proposed changes only establish a formula, there is no fee established until there is a capital improvements plan adopted by the Board to establish the cost of the particular road in question.

Don DeFord reviewed the Proof of Publication and the Memorandum dated December 31, 1996. Don advised the Commissioners there was adequate and proper notification and they could proceed.

Mark submitted Exhibit A - Proof of Publication and Exhibit B - Memorandum dated December 31, 1996 for the record.

Chairman Smith admitted Exhibit A and B into the record.

The entire Memorandum dated December 31, 1996 was read into the record.

The following spoke to the proposed Amendments:
Pat Fitzgerald of 1317 Riverview, Glenwood Springs, CO.
Dave Sturges of 1310 Riverview, Glenwood Springs, CO
Sean McKenna of 0030 Sunlight Drive
Nancy Crenshaw of 0123 Meadowood, Glenwood Spgs
Larry Green, Attorney

Adjourn 9:30 P.M.

Attest:

Chairman of the Board

Follow-Up

On Monday, January 13, 1997 Resolution No. 97-04 was adopted "Resolution concerned with the Amendment of the "Subdivision Regulations of Garfield County, Colorado, of 1984" adding Section 4:94.

JANUARY 13, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 13, 1997 with Chairman Marian I. Smith and Commissioners Arnold L. Mackley and Elmer (Buckey) Arbaney present. Also present were: Commissioners elect John Martin and Larry McCown, County Administrator Chuck Deschenes, and Clerk & Recorder Mildred Alsdorf.

ORDER

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

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board.

Personnel Termination

Chuck submitted a letter to terminate Jennifer Nickel, an employee, for the Commissioners to review and approve for signature.

Commissioner Mackley made a motion to approve the Chair to sign a letter terminating Jennifer Nickel as of January 2, 1997. Commissioner Arbaney seconded the motion; carried.

Railroad Right Away

Chuck stated there was a meeting scheduled for January 17th at 10 A.M. in Carbondale and the Railroad Authority was requesting at least two Commissioners to be present. It was discussed to have Walt Brown attend this meeting as a possible representative would be a better plan. Chuck agreed to contact Walt and determine his availability for the meeting.

Extension

Chuck presented job descriptions for the new position and also stated he has a survey for Holly and Carol to fill out. Holly and Carol making comments to this was a concern to the Commissioners as they felt their input would be very valuable for the process. The Commissioners indicated they felt the 4H programs should be the administrative position since it was the priority.

Personnel Meeting - Cancellation

Mildred Alsdorf stated the Personnel Meeting was canceled for the 16th due to several department heads being unavailable.

Art Weaver - Fixed Asset Report

Chuck stated that Art Weaver was retained to give a report of fixed assets. Chuck stated the 1/2 position was deleted in 1988. The auditors have made a recommendation that items under \$500 be taken off the list; addressed some areas that need attention; and Chuck stated he was focused on obtaining a verified list of fixed assets by department.

Overview of the Audit

Sharon Brenner has been working and thus far she has not had any comments. Sharon looked through the voids and payroll and the major way to get through the payroll would be to have a "ghost." Chuck stated that internal controls are set up and department heads receive a print-out monthly.

Bid for County Road 117 Construction Work

Discussion was held regarding the bids for the Construction work on County Road 117. Commissioner Arbaney stated one company was unresponsive the other two were more in the ballpark. One was not as complete. \$500,000 for 1/2 mile up to - \$3,000,000 for a mile. We give the general specifications, the width, the carrying capacity and they took these amounts and bid. Designs for slopes, guard rails, walls, etc. were not necessary per Commissioner Arbaney.

Overview of Holly's Position

Chuck stated Holly gave a very good report during the sales tax presentation. The position is regional and the Commissioners are not that involved. Discussion was held regarding the effectiveness of the position being located in Garfield County. The Board supported Carol to do administrative and 4H responsibilities. They also agreed that it was extremely important for Carol and Holly to have input into the job description.

JAIL DISCUSSION

Sheriff Tom Delassandri, Dale Hancock, Don DeFord, Chairman of the Jail Advisory Board Al Maggard and Chuck Deschenes was present.

Jail Count

Total in Jail 100; 47 main jail; 31 Work Release; 7 females; 14 in other jails; 1 Day Reporting; no Home Detention; 1 State Hospitals; 10 Department of Corrections and all 10 are being housed in the Gilpin Jail. The others being housed in other jails are: 2 in Grand County and 1 in Weld County.

Tom Delassandri reported that the Sheriff's Annual Meeting would be held in Aurora this week.

Jail Advisory meeting last Thursday Morning - holding pattern to see what position the Commissioners will take on the jail. Possible discussions opening up.

Environmental Concerns

Tom stated that environmentally there is no concern for toxicity in the basement. Tom stated he was reluctant to spend the money. He also stated the main cost is raising the ceiling, heating and ventilation. The approximate cost figures \$400,000.

Jail Negotiations with the City - Mediation

Chair of the Community Corrections/Jail Advisory Board Al Maggard stated the problem now was the possibility of looking for a facilitator to meet with both the Commissioners and City Council members to determine a resolution on the location of the new County jail. He stated the cost would be split between the two parties and a period of approximately 3 hours in the evening was being considered in a completely neutral location. He added this will possibly be open to the public.

It was a general consensus that a facilitator needs to be someone totally out of the area.

Work Session Schedule - Jail Tour

The work session with Reilly Johnson in Denver was set for Friday and Saturday January 24 - 25th at 11:00 A.M. in Denver. Plans are to meet with URS, Reilly Johnson and tour the Denver County Jail on Friday and then on Saturday, January 25th travel to Fort Collins and tour the Larimer County Jail.

The jail at the current site was discussed as a potential. The Lincoln DeVore study performed back in the 70's was discussed.

Tom and Al voiced how nice it was to work with Commissioners Mackley and Arbaney.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Dan Blankenship - Roaring Fork Transit Agency - handed out a letter seeking the Commissioners approval. He stated that former discussions were held with RFTA and he had requested additional funds. He was requesting signature on a letter showing broad community support for a transit system in the area to be

given to the lobbyist RFRHA has hired to pursue funding. Dan stated as soon as all signatures were obtained that he would provide the County with a copy for the record and filing. The letter was on Pitkin County letterhead as they are the grantee for all the grant funds. The local match will be approximately \$1.8 million and RFTA has this much in reserve at the present. Dan also stated RFTA did a bonding issue back in 1994 and there is still \$3 - \$4 million capability remaining. The buses they will be obtaining are expansion buses.

A motion was made by Commissioner Mackley to authorize the Chair to sign a letter to the Federal Legislators concerning appropriations from the Federal Transit Administration for RFTA. Commissioner Arbaney seconded the motion. Discussion: Commissioner Arbaney stated this should be the Colorado Transit Coalition and not RFTA. Commissioner Mackley just wanted the words RFTA to be noted in the motion; carried.

A motion was amended to read Chair or the Chair Pro-Tem would be able to sign the letter was made by Commissioner Mackley and seconded by Commissioner Arbaney; carried.

Executive Session - Potential Personnel Claim

A motion was made by Commissioner Arbaney to go into an Executive Session to discuss the potential insurance and liability issues for a personnel claim. Commissioner Mackley seconded the motion; carried. A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to come out of Executive Session; carried.

DEPARTMENT HEADS

Clerk & Recorder

Mildred Alsdorf stated she will have to do a recount on the Parachute recall election for the school district.

Treasurer

Georgia Chamberlain gave the Treasurer's report. She stated there were two bank accounts in Mesa National Bank - Solid Waste and Fairground Board. She made a request to close these out and consolidate the accounts at Alpine Bank. She stated the benefits to the County would be consolidation of accounts, increase the interest rate, and save staff time to reconcile the statements.

Garfield County SWD - Account 1020042478 and the other is the Garfield County Maintenance Fairground - Account 10200453206.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to approve the closing out of the accounts as stated by Georgia and proceeding to make deposits to Alpine Bank; carried.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean gave the report and submitted the following information:

Final Plat for Sierra Bluffs Filing 2 is scheduled for later this morning; Ranch Creek for a re-zoning request for a portion of the Ranch at Roaring Fork plan development will be next week; Sunlight View for the Subdivision re-zoning request on Feb. 3rd - Zilm; Senate Bill 35 - Lyons is scheduled for today; Eric Hamel, Glen next week; Cook and Craw - scheduled for the first part of February. Tucker Phrase - scheduled for Feb. 10th; Conditional Use and Special Use Permit for Whitehorse Energy and Ernest; Referrals - 2 request for re-zoning to be referred to the Planning Commission - Dale Eubank and Robert Delaney for their property just east of Carbondale zoned for ag industrial to commercial general. This needs to be referred to the Planning Commission for review on the 12th of Feb.

A motion was made to refer the Eubank and Delaney zoning request as stated for the record by Commissioner Mackley and seconded by Commissioner Arbaney; carried.

Mark stated he had some amendment to the Aspen Glen PUD. These amendments are moving locations of dwellings and types of dwellings around, basically internally and does not increase the density. The Planning Commission will deal with the preliminary plan called Club Villas. This is a time share/fractional ownership. Some property owners in Aspen Glen are very upset. The way Aspen Glen wrote their PUD was that a single ownership in a lot. Mark stated the Board will have to address the issue to some extent and deal with it in a public hearing.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to refer the Aspen Glen PUD to the Planning Commission; carried.

AARD Lane Use Policy

Commissioner Arbaney stated he had requested storage be an addition in the AARD land use policy as a special use and it was discussed. Commissioner Arbaney specified that this should be "storage in general."

Mark stated he would initiate this in the March meeting with the Planning Commission. Commissioner Arbaney also requested to be notified of the meetings when this would be dealt with.

Year-End Summary - Building and Planning

Mark also stated he had a "good news report for the year end." He stated they went beyond any number than ever before in terms of totals, dollars, residential dwelling units as well as areas that the activities occurred in. Total permits - 418 versus 403 which was our busiest year since 1982. In terms of residential dwelling units - 281 versus 250 in 1994; pointing out a significant amount of manufactured homes; Revenues - \$470,000.00 - over projections of \$320,000.00; added in other sewage disposals, special uses, etc. brought the total to an excess of 1/2 million in revenues. This year Mark stated the department covered their actual overhead and costs.

Battlement Mesa as a single growth center is the busiest area; Carbondale and Glenwood are the next busiest areas - these are strictly the unincorporated County areas.

Resolution and Plat- Antonelli

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign a Resolution and Plat concerned with granting an Exemption from the Garfield County Subdivision Regulations for Larry and Glenda Antonelli; carried.

Amended Exemption Plat - RV Park - Sievers

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign the amended exemption plat for Sievers; carried.

Resolution - Garfield County Amended Subdivision Regulations of 1984 - Adding Sec. 4:94

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with the Amendment of the "Subdivision Regulations of Garfield County, Colorado, of 1984" adding Section 4:94;" carried.

Acknowledgment of Partial Satisfaction - Clausen/Spring Creek Land Company

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign an Acknowledgment of Partial Satisfaction Subdivision Improvements Agreement for Norman Clausen and Spring Creek Land Company for \$107,358 for the Cedar Hills Ranch Subdivision based upon a certification by High County Engineering; carried.

Capital Improvements Program

Mark requested direction from the Board as to their pleasure regarding the capital improvements program. The Commissioners stated this should be dealt with the new Board of Commissioners on the Agenda January 20, 1997.

Administration

Chuck presented that on February 19th at 4 P.M. there would be a three-way meeting with the Airport Authority, the City of Rifle, and the Board of County Commissioners regarding a discussion on water issues. The joint meeting was requested by Rifle. Chuck stated that Ellen takes minutes and send them out. The meeting will be held at the Airport Terminal.

FINAL PLAT - SIERRA BLUFFS II SUBDIVISION - APPLICANTS: WAYNE AND WANDA COOLEY

Mark Bean, Don DeFord, Chuck Deschenes and Melody Matthews for Wayne Cooley were present.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to authorize the Chair to sign both the final plat and the Subdivision Improvements Agreements for Sierra Bluffs Filing II Subdivision for Wayne and Wanda Cooley. Discussion: there is one outstanding issue which is they need to pay the \$600 in school impact fees prior to close out. Motion carried.

CONTINUED PUBLIC HEARING - CONSIDER VACATION OF EASTERN PORTION OF COUNTY ROAD 318

Don DeFord presented a Resolution drafted by Mr. Allan Thulson for an exclusive road easement between M. Carter Jolley, Jr. and BLM concerned with vacating portion of a public road and right-of-way known as County Road 318. Don stated a letter had been received from Mr. Mottice of BLM stating there were no objections. He also stated he had reviewed the resolution as being presented and finds there are no objections to this and submitted Exhibit A, a map of the land in question, attached to the resolution.

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to authorize the Chair to sign a Resolution concerned with vacating portions of a public road and right-of-way known as County Road 318; carried.

ROAD AND BRIDGE - BID AWARD FOR RECONSTRUCTION OF COUNTY ROAD 117

King Lloyd was not present. Mike McBreen reported King was ill today. Mike presented the bid award for reconstruction of County Road 117. Mike stated they received 3 bids - Design Engineering and Construction Engineering \$346,024.00; Con-Sy \$277,470.00; and Gould Construction \$441,472.00. No decision was made and the matter was postponed until next Monday's meeting, January 20, 1997.

County Administration - Roaring Fork Railroad Authority

Chuck Deschenes stated the County has received a check for 1/2 million from the Division of Local Government and it has been deposited. He talked with Tim Sarno regarding the check and Tim stated the County should preface any negotiation on changes directly with the State.

Accident Report

Chuck reported there was an accident with a snow grader on Friday. The driver was clearing the school bus route and Chuck gave permission for the grader to complete the route and then go have a drug/alcohol test performed.

PUBLIC MEETING - SB-35 SUB EXEMPTION LOCATED TWO MILES SOUTHEAST OF RULISON OFF OF COUNTY ROAD 301. APPLICANTS: JAMES AND ILSE LYONS

Eric McCafferty, Don DeFord, Chuck Deschenes, Sam Phelps, James and Ilse Lyons were present. Don DeFord determined that adequate notification was given and instructed the Commissioners were entitled to proceed.

Eric presented: This is an exemption from the definition of subdivision for James and Ilse Lyons on a 51 acre tract of land located approximately 7 miles east of Parachute on Holmes Mesa, north and west of County Road 301. The applicants propose to subdivide, by exemption, the 51 acre tract into three (3) parcels of 15.92, 15.92 and 19.36 acres each. The existing dwelling and barn would be located on proposed lot #2 and the other lots would be developed as single family homesites, sometime in the future.

Recommendation:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit \$200.00 in School Impact Fees (\$400.00 total), for the creation of the exemption parcels, prior to authorization of an exemption plat.

That the following plat notes be included: "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
"The individual lot owners shall be responsible for the control of noxious weeds."

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply the 1994 Uniform Building Code, as adopted.

Prior to final approval, the well water shall be tested, by an independent laboratory, for nitrate/nitrite and fecal coliform bacteria content. Additionally, the applicants shall prepare a well-sharing declaration. All information shall be submitted to the Planning Department for review.

Prior to final approval, the applicant shall consult with the County Road and Bridge Department regarding new driveway intersections with County Road 301 and obtain any driveway permits required by the Department.

That the following provisions be included in the protective covenants governing the exemption parcels:

One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.

No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances. All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Wayne Wells - 6691 309 Road - owns 265 acres adjoining this property on the east and border him again on the North. His concern is two fold - the area is getting broken up and he cannot do anything about that but two things concerns him: previously John Brodenick testified at the Odgers/Potters just to the North of here, that this was an important game travel area for both elk and deer north and south and Wayne's concern is if you go up 309 Road now the first 1/2 mile is now totally blocked off for game travel with vineyards and orchards. It is getting to where people block off the excess to wild game, therefore he requested they consider not blocking off completely each of the three lots for game travel. The other point regards the Odgers/Potters exemption as well regarding well use. This well is legal and proper and the 4 gal per minute was tested but to avoid any additional damage to the aquifer he would like to request the Board limit the well permit to the 4 gal per minute that it was tested at for those houses.

Chairman Smith asked Don if the Board could put restrictions on the well permit.

Don stated no, this is a state issue.

Commissioner Mackley stated Game and Fish recommend a 42" fence.

Mr. Lyons stated his land is for pasture and has not objections to the wild game on his land.

Connie Erhard - 6006 Road 309 also expressed a concern for the game and the well, and asked if they could request to apply for additional wells.

Commissioner Arbaney stated there is a 35 acre well restriction. This is again through the state.

Mr. Lyons stated they do not use a lot of water.

A motion was made by Commissioner Arbaney to approve an exemption from the definition of subdivision for James and Ilse Lyons on a tract of land as described in the staff packet and staff comments complete with all major issues and concerns, suggested findings, and recommendations, adding the condition of

fencing will be to the approved height of the Game and Fish Department. Commissioner Mackley seconded the motion; carried.

Colorado River Water Conservation District - Appointment

A motion was made to appoint J. Richard "Dick" Hunt of 14913 Highway 82, Carbondale to replace Jean Cole whose term expires in January of 1997.

Mildred Alsdorf administered the oath of office.

PUBLIC MEETING - CONDITIONAL USE PERMIT - HOME OCCUPATION FOR AN AUTOMOTIVE REPAIR/WELDING OPERATION. APPLICANTS: BRAD AND CHERY EARNEST

Eric McCafferty, Don DeFord, Brad and Chery Earnest of 2309 Midland Avenue - Glenwood Springs, 81602 were present.

Eric presented: This is a Conditional Use Permit for Home Occupation for Brad and Chery Earnest on a 2.0 acre tract of land located at 2309 Midland Avenue. The applicant's propose a Home Occupation to allow a welding/automotive repair operation, as well as a computerized record-keeping service. Hours of operation are proposed to be from 8:00 A.M. to 6:00 P.M.; however, days of operation are not specified. The applicants plan to construct a 30 foot by 50 foot garage that would enclose the welding/automotive repair operations and would be constructed below the bank at the west side of the property.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all proposals of the applicant made in the application and at the public meeting with the Board shall be considered conditions of approval, unless specified otherwise by the Board.
2. There shall be no signage indicating the commercial use of the property, except that the address of the property shall be posted at Midland Avenue.
3. If the nature of the permitted businesses ever substantially changes to include the necessity of several trips originating or terminating at the property, then this Conditional Use Permit shall be subject to further review and, if found that an appearance or impact of a commercial activity exists, the permit may be subject to revocation.
4. That no more than four (4) individuals shall work on-site.
5. The applicant remove from storage on the property all materials that would not be used in the day-to-day operation of the welding/automotive home occupation.
6. All welding/automotive repair be conducted within the proposed garage.
7. That there be a limit of no more than four (4) repair vehicles, not otherwise owned by the applicant, allowed on the site at any one time, which shall be contained in the garage at all times.
8. Nine (9) months after conditional approval of this permit, staff shall visit the site to determine compliance with these conditions of approval. This visit will occur on or after, October 13, 1997.

Brad Earnest stated the occupation was more of a restoration process although he would be doing some repairs that will be necessary but it is not the main interest.

Commissioner Smith stated a review should be scheduled to have them return to review the application and verify that things were going as they planned.

Brad Earnest asked if his hours could be adjusted within reason. Commissioner Arbaney stated he could relate to these restricted hours and the restriction of No. 4 with only immediate members of his family shall work on-site. Brad stated it was a trade-off and could live with the restriction of no paid employees. No more than 4 workers on site and no restriction on hours as long as the work is done inside the garage as it cannot not be monitored.

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to grant a conditional use permit for a home occupation for an automotive repair/welding operation for Brad and Chery Earnest as stated in the staff packet with all major issues and concerns, suggested findings and recommendations as reflected in the preceding list of conditions as read into the record by Eric McCafferty. Motion carried.

PUBLIC HEARING - FOR A NATURAL GAS COMPRESSOR LOCATED TWO MILES WEST OF RIFLE ON COUNTY ROAD 246. APPLICANT: WILDHORSE ENERGY PARTNERS

Eric McCafferty, Don DeFord, and Dick McKinley were present. Eric stated this was a subsidiary of KN Energy.

Don determined that adequate notification was given and instructed the Commissioners they were entitled to proceed.

The following Exhibits were presented: Exhibit A - Application; Exhibit B - Notification and Returned Receipts; Exhibit C - Project Information and Staff Comments; and Exhibit D - Copy of Garfield County Revised Zoning Regulations of 1978. Exhibit A - D were admitted into the record.

Eric presented:

This is a Special Use Permit for a natural gas compressor and related equipment for Wildhorse Energy Partners, LLC on a 7 acre tract of land located within approximately two (2) miles west of Rifle, north of County road 264. The applicant proposes to install an additional natural gas compressor unit, as well as an additional dehydration unit. The proposed unit would consist of a Waukesha L36GL natural gas-fired engine, and unspecified compressor unit, mounted on a skid base. Except for scheduled maintenance, the facility would operate 24 hours/day, 365 days/year.

Dick McKinley - Operations Leader clarified that KN Energy should be included on page 1 and also stated that KN Energy is the majority holder.

Recommendations:

Staff recommends APPROVAL of the application, subject to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

Prior to the operation of the additional facilities, all air pollution emission permits shall be issued by the Colorado Department of Health and operation of the facilities shall be consistent with the conditions of approval of such permits(s). Upon receipt of the permit(s), copies shall be submitted to the Planning Department for review.

The amount of noise to be generated by the operation of this facility be consistent with the predicted amounts as contained herein. If noise complaints are received by the County, the Board of County Commissioners shall have the authority to require the applicant or operator of the facility to conduct a noise assessment and develop strategies to reduce the amount of noise emanating from the applicant's property.

The construction of the foundation for the engine/compressor unit and all other facilities shall be done in a manner to prevent perceptible vibration from occurring outside of the property boundary as it exists on the Existing Conditions Survey Map. Any foundations shall be constructed with respect to the shrink-swell and erosive potential of the soil and construction shall strive to minimize soil disturbance.

Reclamation and revegetation of the site shall be required when the operator ceases use of the facility, in a manner that returns the site to its original, pre-construction state.

The applicant shall file an emergency plan with the Rifle Fire Department and the Garfield County Department of Emergency Management, prior to the issuance of the Special Use Permit.

Any out-of-state vehicles used in the construction, operation or maintenance of the facility shall be registered or apportioned in the State of Colorado.

The Special Use Permit shall be issued upon demonstration of satisfactory compliance of all listed conditions of approval.

The applicant/operator of the facility shall control noxious weeds on the site.

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

A motion was made by Commissioner Mackley and seconded by Commissioner Arbaney to approve a Special Use Permit for a Natural Gas Compressor and related equipment for Wildhorse Energy Partners, LLC located two miles West of Rifle on County Road 246 as described in the staff packet with all major issues and concerns, suggested findings, and recommendations noting that KN Energy is the major owner of the company; carried.

Field Trip - Zilm Property

A date was set for a tour and review of the Zilm property for January 21st at 10 A.M.

ROARING FORK RAILROAD AUTHORITY - AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

Update of the Glenwood-to-Aspen Rail Corridor

Walt Brown gave an update on the meeting held in Denver with Union Pacific to discuss the shared use agreement and GoCo to discuss various aspects of their grant. At the time Walt and George Russo appeared in the offices of Union, they met with four representatives of the Southern Pacific Real Estate Enterprise, Steve Gordon was one of them and Paul Timmons basically there to discuss the Union shared-use agreement. Walt stated he learned for the first time in the experience of the RFRHA attorney that the railroad will not be connecting to the train station in Glenwood. In other words you are buying a line without an end something that leads to a rainbow. The problem is that there is no way to get to the line - get the line to the station that is presently in Glenwood. What this did is put into play the properties that you have in common use or accommodation may be, the UPL property. Mr. Timmons and his other attorneys gave Walt a four copies of an extension agreement which he delivered to Chris Lane to extend the closing to February 28, 1997. However, the extension has a clause in it that requires that RFRHA notify them 15 days before closing that they are going to close, something of an election to purchase. Walt took a few minutes with the Union lawyers afterwards to ask questions about the history and criteria of license revocation process that Union has used over the years since it has been owned by them and particularly about access to the Wye and access to the Glenwood station since during the conversation with the parties on the phone from Aspen - Chris Lane, City Attorney John Wooster and the City Manager in Basalt, it became obvious that none of us had any idea that the purchase did or could not connect to the station. We knew it did not but we did not know that it could not until the last minute when it became apparent only Amtrak had the right to grant the use or access of the line. Amtrak has control by a "first right-of-way" they call it. Railroad law is sort of like water law - a little obtuse but Walt said they have first right and apparently is a kin to ownership meaning they can allow or disallow anyone on there. They have made it clear to Union that they will not. The Authority would be looking at another 2.9 million for a station, the property and all the other aspects. Walt said they did then go to GoCo and not advance any positions of RFRHA or this Board at the meeting with Union because Walt stated they really didn't have to advance and there wasn't any need. At GoCo Walt was given some general information on the background of GoCo and their 1996 minutes. That was the result of the meeting, delivered the documents to Don DeFord, the amended IGA which had been delivered to Walt on Wednesday night. Walt stated the meeting held on Wednesday night was about a number of things including an amended IGA which was first presented and is the subject of the memo. It seemed to Walt that at first glance at the meeting that it had significant changes to it. John's letter to the Roaring Fork Holding Authority as well as the letter directed to Walt to advance the position on this Board on the areas of the railroad that Walt felt had to be reserved for cuts. The reason Walt put this in was because the memo had those specifically identified and he wasn't sure what the Board was going to do as far as action that night. There was quite a discussion about having a meeting of everyone which Walt warned Mildred about briefly on the 29th of which it will be difficult for Garfield County Commissioners to be in attendance but they have gone ahead and scheduled the meeting of all the governments to appear in the Carbondale City Hall for 9 A.M. The meeting on Friday, January 17th was set up for the Governor to appear and Wooster was asked to drop in on the Governor on Thursday to see if he could make the meeting which evidently he could not make.

There is a RFRHA meeting scheduled for Friday to discuss with each of the governments the amendments to the IGA. Don and Walt and John have discussed these in their travels.

RFRHA has no minutes, and have not kept any minutes that Walt is aware of. Notice is usually given by phone not in writing. Walt stated they are dealing with Garfield County's \$500,000 and the other 2.4 million plus another 5 million in other people's funds.

John stated these meetings were very tentative as well.

Walt stated the request this Board made regarding access to properties and going through the County Planning Process became the topic of discussion for the night.

The question arose as to whether or not C-DOT knows that they do not have access to the Glenwood Station.

Walt stated the line ends after it includes the Wye and cannot touch the adjacent track either.

Further discussion included:

Amtrak may be interested in offering transportation to Aspen from Glenwood.

Alternative - a new station;

Initiate own meetings - land at UPL

Union Pacific - a station at the Airport

7 A.M. Wednesday morning - at City Hall - a report from Jon Tripp

Draft amended IGA - Friday

Executive Session - Legal Issues

A motion was made by Commissioner Arbaney and seconded by Commissioner Mackley to go into an Executive Session to discuss the legal issues regarding RFRHA; carried.

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

Adjournment and Retirement of Commissioner Mackley and Commissioner Arbaney

Attest:

Chairman of the Board

JANUARY 14, 1997

OATH OF OFFICE

DISTRICT ATTORNEY MARK "MAC" MEYERS

and

COMMISSIONER JOHN F. MARTIN ELECT

COMMISSIONER LARRY L. MCCOWN ELECT

with

JUDGE OSSOLA - PRESIDING

The SPECIAL Oath of Office for the District Attorney and County Commissioners was held in the Garfield County Courthouse in Room 301 at 9:00 A.M. Judge Ossola, Ninth Judicial District, presided and administered the Oaths.

Refreshments were served and approximately 150 guests were in attendance.

JANUARY 14, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 10:30 A.M. on Tuesday, January 14, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 10:30 A.M.

ELECTION OF OFFICERS

Commissioner Martin made a motion to appoint Commissioner Smith as the Chairman of the Board of County Commissioners. Commissioner McCown seconded the motion; carried.

Commissioner McCown made a motion to appoint Commissioner Martin as Chairman Pro-Tem. Chairman Smith stepped down from the Chair to second the motion; carried.

Trauma Bill

Commissioner Martin made a motion to authorize staff to send a letter to Kim Cook in support of the Trauma Bill. Commissioner McCown seconded the motion; carried.

Adjourn until January 20, 1997

Attest:

Board of County Commissioners

JANUARY 20, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday January 20, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Library Board

Chuck presented the Library fund balance. Discussion was held regarding the cost of the election with the bill as proposed in the Legislature.

Rifle Fish Hatchery - Information

Chuck stated because of Whirling disease the at Rifle Fish Hatchery they will be changing their waters going further up Rifle Creek. He stated he will keep the Commissioners informed. Chuck presented a Petition for that purpose. Chuck was unaware of any issues that may be forthcoming. at this time; however the main focus is to eliminate the Whirling disease.

Chairman Smith stated they may know what causes it but do not have a cure.

4th Inter-Agency with Federal Agencies

Chuck stated that Gary Osier wanted to sit down and talk about issues that will be presented before the Commissioners in 1997. The meeting date was changed from the 4th of February at Buffalo Valley to February 18th. The meeting has been set for 11:40 A.M. Chuck stated this will be a regular meeting date for the Commissioners as Monday, February 17th is a holiday.

Capital Outlay

Chuck presented the capital outlay deletion sheets for the New Castle Library. He stated some of the problems at the Library in that they sold valuable antiques for very few dollars. Chairman Smith stated she was not happy at all by this, but would sign the capital outlay sheets anyway. She stated this process should have gone through the purchasing department for public auction.

Commissioner Martin stated he felt the process should be tightened; and noted for the record that this deletion took place in May and June of 1995.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the capital outlay sheets for the deletion of inventory at the New Castle Library;carried.

Discussion - Regional Communications Authority - Agenda Item - 2 P.M.

A discussion was held regarding some of the aspects of the Intergovernmental Agreement establishing a Regional Communications Authority. All three Commissioners had input and concerns to discuss at the meeting later today.

Commissioner Martin stated he had made comments to the proposal and was prepared to obtain answers to his concerns.

Commissioner McCown stated he had the opinion that the communication parties were firm in their purpose to obtain this separate authority. He stated he had some concerns but felt it was a workable situation and headed in the right direction.

Chairman Smith stated she had also made notations and felt prepared to have a good discussion.

Chuck stated he was not in favor of a separate authority and had many concerns of the Commissioners losing control of a separate department. He stated concerns for liability, insurance, CAPP coverage, and a possibility of agencies fighting for their pound of flesh.

Chuck was in favor of keeping this under the County. Boulder has a new agreement with a separate authority and it is working well. Don has the new guidelines and is reviewing the document.

Chairman Smith stated she wanted to make sure to have a 120 day clause stating if the County determines it isn't working it will be terminated. She also had a concern that since New Castle and Silt are not incorporated that they would not be left out of any future negotiations. And it gives the Board authority to condemn property yet County funds will have been used to purchase the property. The Revenue source is not defined; and the County pays for all capital improvements yet this is coordinated by the Board itself. No one to coordinate for FCC.

Chuck stated that right after this sales tax passed Rifle City Council felt that two communication centers were a good ideal. Lee Leavenworth represents the City of Rifle and is working as the appointed attorney for this Authority.

Commissioner Martin referenced the wording, "budget shall not says we will also have the tax - this says "we will" and takes the tax after it. He stated this needs to be clarified and be in full agreement that this sales tax was going to be forever.

Chuck stated a concern that it gives power to forfeit property. He was in favor of the Authority having power to operate on a day to day basis, but felt the way the proposal is worded it could be pure power to do whatever.

Chairman Smith stated a concern for the I-70 Corridor. She was not sure where this leaves the State Patrol and any future consolidation with that department.

Commissioner McCown voiced concerns that if the County attempts to make drastic changes, it will blow up in our face.

Commissioner Martin discussed the totally separate personnel system, explored some of the possible reasons the Authority was proposing to do this, and options.

Commissioner McCown stated they basically wanted to stand alone and he did not have a problem with what the Authority was proposing.

Chuck stated this would be establishing another separate government and overlapping some of the services provided by the County. He stated this would be a very high cost to implement and would be taking away from the original intent of the sales tax.

SOCIAL SERVICES

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

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

JAIL DISCUSSION

Tom Delassandri, Dale Hancock, Doyle McGinley, Al Maggard and Dave Sturges were present.

Jail Count

Total in Jail: 100. 111 on Sunday; Workender Program - 10; 34 main jail; 35 work release; 6 females; 24 in other jails; No Home Detention; 1 Day Reporting; No State Hospital. Of the 24 in other jails, 12 are DOC. The total cost to date is \$15,900 for prison board for January 1997. This does not include the transportation cost.

Sheriff Conference

Tom stated he attended a Sheriff's Conference last Thursday, Friday, and Saturday. Governor Romer promises substantial relief in the backlog of DOC inmates housed in county jails over the next 2 years. He stated construction on the Sterling facility has begun and a plan to farm more inmates out to Texas and Minnesota in the very near future. A total of 2800 beds should be added by the year 2000 but this will still

put the State at a 20% under capability to handle the supply and demands. Romer stated unless the Legislature changes the laws, you can expect to see about the same as what you see now in the prison industry.

Operations

Dale Hancock reported the meeting was still on with Reilly Johnson for Friday, January 24, 1997. He stated the Commissioner should meet him at the Courthouse at 7:00 A.M. The tour of the Denver County Jail was set for 10:00 A.M. and a meeting with Reilly Johnson/URS at 1:30 P.M. He stated they will travel to Fort Collins, stay at the Holiday Inn, and tour the Larimer County jail in Fort Collins on Saturday morning. Dale added that Alan Matlosz wants to go on a tour with the Commissioners.

Jail

Discussion was held regarding obtaining a bid for the destruction of the UPL building; giving notice that the Lift-Up Building is free to anyone who will come and move it; relocation of the county vehicles and equipment presently stored in the UPL building; the little house in the back and giving notification to the tenants; and the vacant lot being used for parking. A question regarding if the lot would need to be paved for parking was a concern.

A decision was made for Chuck to start moving on these issues. It was suggested that he call Jackie at Lift-Up to verify any interest in the building and if not then provide public notice; to give the tenant in the little house a 30 day notice that the structure would be torn down; and to explore possibilities of storage for county equipment and vehicles.

Commissioner Martin made this into a motion. Commissioner McCown seconded the motion. Discussion: Chuck would prepare a time table and bring it to the Board in February. Motion carried.

Courthouse Security - Workshop

The work session with Judge Ossola has been canceled. Judge Ossola has asked not to have it. Chuck will be putting out a letter than explains the situation.

Mediator - Jail Issue

Chairman of the Jail Advisory Board Al Maggard stated the obtaining a mediator was in process. City Council has decided to deal directly with the Commissioners, with a mediator if necessary, and has removed the jail advisory board from being involved in the process.

Al reported on a meeting set for next Thursday morning to explore the basement option and other aspects.

Joint City Council/County Commissioners Meeting

Mildred Alsdorf reported that she has been working with Robin to set up a meeting date, time, and place with City Council. A breakfast meeting has been scheduled.

February 4, 1997 at the Hotel Colorado, Teddy Roosevelt Room at 7:30 A.M. was agreed upon.

Discussion was held and it was agreed to meet once a quarter with City Council if this was agreeable with them.

Railroad Corridor

A meeting was planned for Friday, February 7th from 10 A.M. until 2:00 P.M. at Carbondale City Hall for further discussion on the railroad corridors. All governments have been requested to be represented.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Terry White- Roaring Fork Transit Agency submitted a request before the Board for letters of support for Federal funding for the Roaring Fork Transit transportation system which included replacing buses. He stated they were going to Washington with this request for funding; a local match is available. Terry was requesting the Commissioners sign a conjunctive letter with the other counties in this area of service which would be sent to Senators Campbell, Representatives McInnis and Allard.

Commissioner McCown made a motion that the Chair be authorized to sign a letter to Senator Campbell, Representatives McInnis, and Allard to show support of the Roaring Fork Transit Agency in seeking funding for replacing buses. Commissioner Martin seconded the motion; carried.

Terry stated as soon as he secured the other signatures that he would forward a copy of the letter to the Commissioners.

Dave Sturges stated there was an enabling resolution for support of the transportation district. Russell George has introduced legislation for the regional areas to develop. This needs to be passed by the Legislature. He added he serves as a representative of the City to the RFRHA Board. Lou Trapani is the formal representative and Dave is the alternate.

COUNTY BUSINESS

Chuck verified the Tuesday, January 21st tour to do a site review for the Zilms at 10 A.M.

Club 20

A motion was made by Commissioner McCown to authorize the Chair Pro-Tem to sign an endorsement letter for Chairman Smith to serve on the Club 20 Board for Garfield County. Commissioner Martin seconded the motion; carried.

Proxy to Commissioner Martin

Mildred Alsdorf requested Commissioner Martin give his proxy to Commissioner McCown for the Personnel Meeting to be held on February 6th since Commissioner Martin would be unavailable to attend the meeting.

Commissioner Martin so stated.

EMPLOYEE OF THE MONTH

Sheriff Delassandri, Barbara Sunderland and April Trent were present.

April Trent was awarded the Employee of the Month for January 1997. Tom stated she was a wonderful employee.

DEPARTMENT HEADS

Extension

Carol McNeel was present. Chairman Smith stated she had spoken to Milan and he wanted Holly to have the supervisory capabilities this year. Next year he would re-evaluate the situation therefore, Chairman Smith stated the position open would be as an Extension Agent. Chairman Smith stated the Board wanted 4-H to be the predominate portion of the position. At this point Chuck is drafting a letter to send to Milan stating the objectives of the Commissioners. She suggested for Carol to wait until this letter went out before Carol did anything regarding the opening. Chairman Smith stated that Milan is going to his top people to get input however, Milan now knew the reasons behind the action taken by this board and was now aware of the problems. Chairman Smith stated the regional office only worked to share information and this Board wants an old-type agent that can answer questions and provide support for the County.

Operations

Site Utilization Agreements

Dale Hancock submitted the two Site Utilization Agreements for signature of the Chair as follows: KREX - TV - Anvil Points for \$78.00 and KQIX for occupancy at Anvil Points for \$104 on East Elk Creek.

Commissioner McCown made a motion to authorize the Chair to sign the two Site Utilization Agreements for KREX for \$78.00/per month and KQIX for \$104/per month. Commissioner Martin seconded the motion; carried.

FCC - Application for renewal of license for TV Translators

Dale presented the following discussion regarding KRMA:

A general concept was agreed to last week with KRMA. Dale referenced the telecommunication act of 1996 stating, if you are not broadcasting on your licenses that you hold on February 9th they are gone. Chuck and Dale had talked about the need to reinstate broadcasting and discussed several options including broadcasting with a microwave or allowing Channel 20 to broadcast using our licenses. Dale stated he had an offer from KRMA for 5 sites and 5 translators and the position is this - forget the money and light up all the translators. So this is where we sit at the present. Dale stated he did not think KRMA would accept the deal as this would require a fair amount of engineering expenses in doing this by February 9th. But is the

County's primary objective, which coming from the last board was to keep those licenses if we could, that is the only way we could keep all those licenses according to this Telecommunications Act of 1996. This also comes at the same time that the county is re-applying for re-issuance of those 40 different licenses. Dale stated he faxed KRMA a proposal just this morning. If KRMA decides they do not want to do this, then Dale suggested the County go back and say okay give me a check for \$10,000 that you talked about before and we still want to keep our licenses and you need to authorize us to rebroadcast your programming but the county would still hold the licenses. They may say, we don't want to play at all.

Chuck stated what Dale laid out is the best plan.

Dale stated there are two sides to this issue. One would say that the LPTV licenses are worth a zillion dollars but he has tried to sell them for two years and from Dale's market response they are not worth that much. What Dale thinks they are worth is if the FCC will take this spectrum back and use it for the PC licenses and find a way for them to make a lot more money than they would on LPTV. Dale stated there is no future auction of licenses after this February 9th date. Dale stated he thought the County should attempt to keep the licenses and this is the appropriate steps regardless of whether this is a big dollar value or not. You have the telephone company and satellite folks, etc. - this technology is going away. The sites are what has value. All twelve of the County's sites that have power and right-of-way agreements and requisite licenses, those are valuable. These are the chips that we play.

Dale stated he was going to leave this with the Commissioners to do as they selected.

Steve Moore - appraised by Dale - Department of Energy - Easement - Counties squabble with them. If control to BLM we will have to re-negotiate a new contract or be subject to their regulations as far as site management is concerned. We have commercial interest in there - BLM sites - types of user fees we pay them.

Banking Agreement

Don DeFord and Georgia Chamberlain presented the banking agreement.

Don stated he had submitted two documents to the Board for review. One was the draft of the banking agreement for 1997 and the other is a proposed resolution to establish payments by warrant or order.

The two documents were discussed, then rescheduled for 4:00 P.M. today for additional brainstorming and decisions.

PUBLIC HEARING - ZONE DISTRICT AMENDMENT FROM ACCOMMODATIONS/REST PLANNED DEVELOPMENT TO PLANNED UNIT DEVELOPMENT FOR THE RANCH CREEK PLANNED UNIT DEVELOPMENT LOCATED AT THE RANCH AT ROARING FORK. APPLICANTS: JANE JENKINS AND STAGECOACH ASSOCIATION, INC.

Mark Bean, Don DeFord and David Brown representing the applicants were present.

Don determined that adequate notification and publication was made and instructed the Commissioners they were entitled to proceed.

Mark presented the following Exhibits for the record: Exhibit A - Proof of publication; Exhibit B - all returned receipts; Exhibit C - Application and attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Letter from the Carbondale and Rural Fire Protection District regarding impact fees for development; Exhibit F - Ranch at Roaring Fork Memo from Chairman of the Homeowners Legal Committee - David Brown; Exhibit G - Letter with Attachments from Leonard Oates dtd 1/9/97; Exhibit H - Fax - from Mr. Kelley who works with Mr. Oates - a complaint for declaratory judgment. Chairman Smith admitted Exhibits A - H into the record.

Mark summarized the staff report. He stated this is a requested for a planned unit zoning text for the Ranch Creek PUD and the applicants are Jane Jenkins and Stagecoach Association.

Mark stated the Planning Commission did review this application and approved it on December 11, 1996 with a list of conditions.

Mark gave a brief history of the project reading directly from the staff report, description of the proposal. *David P. Brown* - 0006 Harmony Road, Carbondale gave additional highlights of the application to possibly clarify some concerns.

George Hopfenbeck - 0312 Stagecoach Lane - member of the Homeowners Association Legal Committee; also owns a home in Denver. Mr. Hopfenbeck stated he could not represent everyone's viewpoint but was speaking for the Homeowners' Association. He stated Wix/Brown is not a part of the Homeowners Association and Jenkins is annexed into the Homeowners Association; like the residential versus commercial and the HOA does have some concerns about density on Wix/Brown; concerns about setbacks and building heights; no specific water/sewer agreement - terminated agreement of 1981 in 1996 however regardless of this they are willing to renegotiate; sewer - the 145 units with the Elder plat would exceed 50,000 gal per day capacity; water - the well and storage may need to be increased; the water and sewer lines may need to be relocated; no agreements for maintenance/repair of roads; and there is no architectural control.

Richard Hunt - 14913 Highway 82 stated his concerns were similar to Mr. Hopfenbeck however his biggest concern was the density issues. The homes would only be 850 sq ft - 1800 sq ft.. He questioned the type of person that may be attracted to such a small home; sounds like a downgrading of the community.

David B. Kelly with the law firm of Oates, Hughes, Knezevich and Gardenswartz 533 East Hopkins Avenue - Aspen stated he was the attorney representing Phil Henke.

John Wix - G.P. Stagecoach Association stated there was a non-exclusive use of up to 50 spaces from 6 P.M. - 2 A.M. for parking.

Frank Hollowell - 0101 Stagecoach Drive

Discussion:

Commissioner Martin stated he did not have any questions but had the following concerns: density too great; water and sewer agreement not in place; parking and open space - particularly referenced the lack of appropriate open space; golf course being referenced as open space not acceptable as it is a restricted area; and the concern regarding the 100 year floodplain - the water on Blue Creek regarding erosion; the agreement on road use and the proposed narrowing. John stated the minimum width was for a purpose. John summarized that he sees a large stumblingblock to certain covenants, house sizes and architectural and believes these issues need to be worked out prior to any Board action.

Commissioner McCown stated he did not have as much problem with the issues as Commissioner Martin however the density concerns, water and sewer capabilities, and covenant agreements needed to be addressed.

Chairman Smith stated she too had concerns regarding the floodplain; setbacks for roadways; water and sewer; open space; and density. She stated there was a lot of material that was not available to the Commissioners. She suggested this should be continued until some of the concerns are answered. Mark Bean suggested since there was not a date certain as to when the specific issues would be settled, he recommended one to be determined, then if the parties need additional time, the matter can be continued again.

A motion was made by Commissioner Martin to set this on the Commissioners' Agenda for May 5th at 4 P.M. Discussion.

Commissioner McCown wanted to know how long after the issues are resolved, could the applicants submit a sketch plan.

Mark Bean answered between 60 and 75 days.

Don DeFord clarified that this was not a sketch plan, this is a Planned Unit Development (PUD) and is treated as a zone district amendment in Sections 4 and 10 of the Garfield County Zoning Resolution; typically density and open space is what zoning is all about.

Commissioner McCown seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION - BID AWARD FOR RECONSTRUCTION OF COUNTY ROAD 117

Don DeFord and King Lloyd presented the Four Mile Road proposal.

Four-Mile Road

Don stated, the point of the contract is the design build which the County has done in the past and Don voiced some uneasiness about a contract like this. On all occasions in the past when the county has used design build, a separate engineer has been retained to act as project manager for a number of reasons. One is King's work load and the ability to separately supervise the project; and secondly, when we retain a

separate engineer they get one with the specific engineering expertise to deal with that type of a project. Don stated his experience with design build you get some good design but also run some greater contractual risk unless you have proper supervision because the design and contractor are one entity. The other issues are the acquisition of property.

Retain a Title Company/Title Insurance

There will be properties needed to be acquired for this project and Buckey has talked with the property owners and to Don's understanding there is no problem conveying property to the County, actually they are going to donate it. Before acquiring right-of-way the County needs to verify title to make sure the property is clear of liens, encumbrances and if not to make sure what those are and clear them.

Don asked authority to retain a title company to do a title search and to also provide title insurance for the property.

Commissioner McCown so moved; Commissioner Martin seconded; carried.

Don was directed to go ahead and retain a title company prior to awarding the bid.

Design Build

King stated he would like the Board to consider to schedule a special meeting to sit down with Don DeFord and John Meckling and talk to the Commissioners in more detail than time allows in this regular meeting to discuss this project. King stated he has sent out a round of questions and clarifications to the proposers and is waiting on two responses.

A special workshop was scheduled with King on Wednesday, January 22, 1997 at 9 A.M.

King stated he had put together packets in advance of the continued discussion. All of the packets were put in the same order for comparison purposes. He submitted Con-Sy; Gould; and Bogue. Each packet included a summary sheet. Each proposal has a slightly different approach to solving the problem which is typical in a design build process. King submitted a summary sheet and bid. There will be another round of clarification materials by the Wednesday meeting.

King stated he would need to have a personal meeting with Bershenyi in order to answer some of the concerns the proposers brought forth.

Soils Document

King stated John Meckling from CTL Thompson provided the soils documents. King handed out a document containing the soils report and explained the variances in speed limits on the various portions of the road.

John stated there were six different types of pavement that could be used and anyone of the six was appropriate for the use. John further explained that CTL Thompson came up with the alternatives and put this in order of preference as to the best alternative to choose from with respect to maintenance and cost. If structurally constructed properly, then they only fail because of poor drainage. The drainage method is the most important especially if there is irrigation.

King and John stated they will go into more depth with the proposals on Wednesday and John will prepare a cost and ratio table for each contractor which will give a back tracking from 20 years to present taking into account the maintenance. John stated in the back of the document he submitted recommended maintenance reports as well.

Monitoring Wells at Landfill

King reported has developed substantial water in the Well No. 1 at the top end of the project. There is 15 feet of water in the hole. King stated they are in the process of bailing the water out. It is a 58 foot deep monitoring well. The top is sealed. They are trying to get a rate of when the water is coming in. It was dry at first and no indication of water coming in. The hole is screened and casing in plastic and in a pre-manufacturing section. The technicians are determining if this is a sealing problem, a pressure problem, or whatever. The Hole no. 5 that originally showed up wet is now dry. The geologist is concerned as this interrupts the report he planned to give the State.

Slaughter House Road in Canyon Creek

Lee Finnell County Road 138 approached King with a request that he had researched in previously approved 1996 Board Minutes. Lee stated the Commissioners committed to looking into the possibility of plowing this road. King stated in years past this road was maintained periodically. This is a single lane County road, but one not listed on the "maintained list." King stated that the County receives \$1,600 - \$1,800 per mile for users fee reimbursed back from the State for roads that it maintains. County Road 138 is not presently on this maintained list.

The Commissioners decided to take a look at the road during their next road tour on and decide at that time.

Community Operations

5 Licenses - Channel 20

Dale Hancock stated he needed to tie up what he did not finish earlier in the meeting today. On Friday he received notice from the FCC - the LPTV that 5 licenses Channel 20 had applied for was approved for transferred. What this does is trigger a check for \$20,000 to be cut by UPN to the County within 5 working days. These are KQ6GW - Divide Creek/Grass Valley; KQ6LX - Glenwood Springs; K49AH - Silt/Rulison/4 Mile Creek; K61BN - Rulison/4 Mile Creek; and KQ4GQ - Morrisiana Mesa.

Western Slope Communication - KISS County

The other thing is that Dale has a letter from Western Slope Communications - KISS County Radio stating they would like to set up in our Sunlight TV shack an 8 watt transmitter to get better KISS County coverage.

Discussion. Dale explained the previous situation involving Western Slope Communications. The decision was that Dale would write a letter to them that the County will not do anything until we take a look at our site management plan.

AT&T WIRELESS - CELLULAR IN COMMUNITY - PRESENTATION TO FAMILY VISITORS PROGRAM

Sheila Markowitz, Educator for the Family Visitors Program and Craig Goudy of 1001 16th Street, Denver, Community Relations Manager, Cellular Division with AT&T Wireless Services were present. Craig stated that 106 non-profit agencies participating and it was designed to assist in the delivery of services. Sheila stated the Family Visitors Program has received this as part of a grant. In addition to the phone there is free air time as well. Sheila stated this will be loaned to clients who do not a telephone and are in need of a telephone during a crisis time in their life.

Personnel Meeting Re-Scheduled

Susan Owens - February 6th - 9:00 A.M. Personnel

Extensions

Carol McNeel stated she and Holly attended their first Human Service Commission meeting and clarified they were only to serve as an ex-officio member.

The week of January 28, 1997 Carol announced they would be starting their Leadership Enrollment Classes.

On Wednesday, January 22, 1997 they will be going to the Stock Show in Denver. They have a kid in the calving and two in the finals.

The Council Officers will be meeting on February 3rd to plan the program for the year; but the meeting in February will be focused on "child abuse awareness goals." J. C. Penney's, who is clearing out everything right now because of inventory, and has donated everything from 24 months to Toddlers 2. This will be added to the kids program.

Ron and Margie Martin Amended Plat

Mildred presented for Mark Bean an amended plat for Ron and Margie Martin.

A motion was made by Commissioner Martin to sign the amended plat in reference to a surveyor's discrepancy. Commissioner McCown Larry seconded, carried.

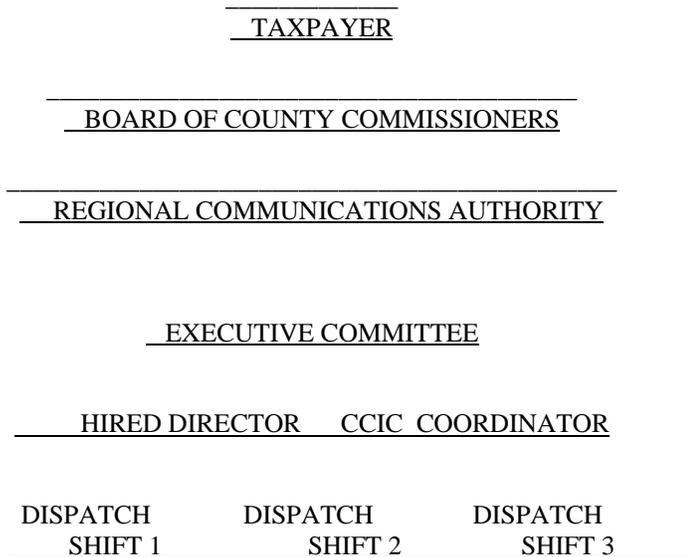
CONSIDERATION OF EMERGENCY COMMUNICATIONS AUTHORITY

County Attorney Don DeFord, Communications Director Jim Stevens, Attorney for the Emergency Communications Authority Lee Leavenworth, Glenwood Springs Police Chief Terry Wilson, Rifle Police

Chief Daryl Meisner, City Council Lou Trapani, Director of Emergency Medical Services Jim Mason; Sales Tax Co-Chairman Tom Beard, Carbondale Fire Department Ron Leech, and New Castle Police Dennis Mahon were present to discuss the progress in terms of establishing the sales tax revenues and the steering committee for an Inter-Governmental Agreement (IGA) to provide a unified County emergency communications system; to coordinate the emergency services communications and dispatching by and for the parties; to lead to the creation of a centralized countywide emergency communications operation; and establish a separate, durable entity.

A general description of what is being proposed as to structure was provided by Lee Leavenworth stating that generally the IGA would establish a separate governmental entity within where there are three representing bodies: the board of directors for controlling and policy making and the executive board, a smaller group that would act as a day to day operations committee for the authority.

The organization chart was:



Discussion was lengthy and a decision was reached to continue the discussion on Tuesday, January 21, 1997 beginning at 1:00 P.M. in Room 301 of the Courthouse.

Don DeFord stated he would provide the Commissioners with draft number 7 showing the concerns and suggested changes from the Commissioners input.

The Commissioners basically agreed that with some modifications this IGA can work. Commissioner Martin stated his main concerns were the taxpayer and the cost to start and operate a new level of government.

CONTINUED PUBLIC MEETING - SB-35 SUB EXEMPTION LOCATED AT MISSOURI HEIGHTS SOUTH OF CR 102. APPLICANTS: STANLEY AND ETHEL GLEN

Eric McCafferty requested an 8 week continuance for the Glen Public Meeting.

Commissioner Martin made a motion to continue this matter until April 21, 1997 at 3:00 P.M.
Commissioner McCown seconded the motion; carried.

Board of Health - Telephone Bids

Margaret Long presented the Board of Health had solicited bids for a new phone system. She stated the Nurses were moving to the third floor at Taughenbaugh which necessitated the system change. There were three bids: Custom Communications - \$8525; Unitel \$8400; and Western Slope Telecommunication \$4870 + \$300.

Margaret stated she was recommending the low bid.

A motion was made by Commissioner McCown to accept the low bid from Western Slope Telecommunications for \$5,170.00. Commissioner Martin seconded the motion.

Legal Status of Blake

Margaret Long and Colette Barksdale presented that Garfield County owns a portion of the right-of-way on Blake Avenue in front of the Mountain View building.

Discussion was held regarding the ramifications of ownership and liability issues.

Don stated the County could legally dedicate through deed this portion of the right-a-way to the City of Glenwood Springs.

Colette and Margaret would contact the County Surveyor to work with them on this and bring it back for motion.

Warrant System - Resolution

Georgia Chamberlain and Don DeFord presented the options for consideration on a method to logistically provide safeguards in internal controls in reference to the payment of claims against Garfield County and payroll.

Georgia stated she had spoken to the auditor, Sharon Brenner regarding various methods.

Don will draft a Resolution incorporating the suggestions of the Board and Department Heads.

Commissioner Martin stated in regard to the purchasing policy that this needs to be revisited.

The procedures of the Airport Authority and the Library Board were also discussed. The Airport Authority is a separate entity however, the Library Board is not and Chuck stated by statute the Commissioners have authority over their warrant system.

Chuck stated after the Resolution was signed, he will go to the Library Board meetings and present the source documents.

Don requested the Chair to be authorized to sign the Resolution as discussed.

Commissioner McCown so moved; Commissioner Martin seconded the motion; carried.

Banking Agreement

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Banking Agreement with Alpine Bank for 1997; carried.

House Bill #1055

Election Expenses for a Library District

Don indicated Chuck had briefly discussed this with the Commissioners earlier. Bill #1055 is a Bill that would essentially in some instances require payment of election expenses by this Board for formation of a library district. Two reason Don brought this to the Board's attention: Mildred brought it to Don's attention that this was a Bill pending in the House last week. Mildred stated she had heard from Peg Ackerman, CCI's Lobbist. Secondly, Don stated that Russell George has called him the next day after talking with Mildred. Russell was most perturbed about this Bill. He had not been contacted before and was searching for information regarding the Bill. What he was most upset about was not so much the

contents of the Bill but the way it came to his attention. He felt that since he was the Representative for the District that it should have come through him and certainly he should have known about it before it was introduced. He did want to know what the position of this Board was regarding the Bill.

Chuck stated CCI wasn't actually supporting it but Chuck had received a call last week regarding input from the County. Originally, Chuck was told that the bill originated from Garfield County about this type of thing and Chuck stated that Garfield County did not sponsor such a Bill but referenced CCI back to the Legislature. Chuck stated he imagined the State Library Association and the Garfield County Library were the ones pushing this not Garfield County as a County.

Chuck stated he would have to discuss this with his Board but he thought they would not support it because basically they look for that bond as an indication of whether or not there is public support enough to pass an election or not. Otherwise it is looked as a potential waste of time and money on the part of the voters. Chairman Smith stated it appears the writers of the Bill benefited themselves.

Don stated the Bill contains no discretion, the Board is required to pay the election expenses.

The petition would need 30% of electors or 300 electors. Chuck stated he had left a message on Wattenberg, Taylor, George and Nichols's voice mail to return a call to him, so he would keep the Board informed as he had more information.

Russell stated he would talk with Nichols to determine from whence she was requested to be the sponsor. Chairman Smith stated they can do this every two years, if it doesn't pass, they can do it again and again. Don stated the cost was between \$10,000 and \$15,000 to put this on the election ballot.

Elimination of State Merit System - House Bill

Don stated he had not seen this Bill but had heard it was coming.

Chairman Smith stated Hopper and Anderson introduced the Bill to eliminate the State Merit System and requires Counties to cover the Social Services Employees under a County Merit System and meet specified Merit criteria.

Don stated since the lost litigation on Amendment I turnback, now the mandates are starting to flow through the State Legislature. What has happened also on State Merit System employees in the last year out of Adams County is this: A case is with Supreme Court now, but the Court of Appeal ruled that first of all County Departments were not part of the County Government for liability purposes and the State of Colorado had a duty to indemnify Adams County for the cost of defense. Secondly, that the employees were not County employees and so what we are seeing and the rationale is first of all the State Government made all the policy for the Department of Social Services and secondly the employees were controlled under a State employment policy not a county employment policy. If they shift that, not only does the County get their employment issue but all the liability issues as well.

The Commissioners stated they opposed this measure unless there was funding attached to it; or unless they totally state they go to the existing Personnel System and are treated like everybody else.

Don stated the County would get the worst of both worlds if the County gets these Social Service employees but has to conform to their system.

A questionnaire has been submitted and Chairman Smith directed Chuck to fill it out.

Litigation Issues

Don stated he had several litigation issues but this discussion did not require an Executive Session.

Battlement Mesa Partners Case

This was a case nearly three years ago out of the Board of Equalization Property Tax issue with Battlement Mesa Partners. There were two issues in the litigation: 1) whether or not mobile home lots that actually had mobile homes on them could be valued as vacate land by Battlement Mesa Partners; and 2) the second issue was whether or not Battlement Mesa Partners could deduct soft marketing cost from the value for properties when they valued vacant land. The Assessor, Steve Rippey, first had valued the mobile homes properties as developed properties since they had mobile homes on them, and not allowed deductions on soft cost. Don added the case has been before Judge DeVilbis and waiting for him to make a decision for more than a year. The Judges' decision was in our favor on both counts for the Assessor on a motion for summary judgment in lieu Steve was correct in his evaluation and he upheld the Constitutionality of the Statute. Don expects the later issue to be appealed, but the former he thinks the attorney for Battlement Mesa Partners will give up.

Don stated that Steve Rippy actually agrees on the soft cost issue as a professional matter with Battlement Mesa that the Statute should not say what it says is; however, the State of Colorado is defending the County on this because they are the ones who drafted it.

Rail - Updates

Commissioner Martin will attend on January 23rd.

Don stated in discussions with Chris Lane he was also informed that yet another draft of the proposed new IGA will be forthcoming from Mr. Wooster, the Aspen City Attorney before the meeting on the 23rd. Don stated if they wanted input from him they needed to have this to him in advance to review. This was last Thursday, and to date Don has not seen anything.

Commissioner Martin stated the manner in which material is presented is at the actual meeting without a time to review.

Don stated if he did not get the new draft in time to review it and if new issues are raised, the only thing he suggested was to state this County cannot take a position, so we'll vote No until a chance to review and then reconsider it. If Commissioner Martin does this, then Don will have a chance to review it.

Don stated he received an interesting memo from Debbie Quinn, Assistant County Attorney for Pitkin County. Don assumed that Pitkin County and City of Aspen were walking in lockstep on this issue and it doesn't appear to that way. She had a number of very pertinent questions that relate some to the IGA but also to the basic agreement with Southern Pacific with regard to the purchase of property. These are important and particular so if this amended IGA is put into place. Her questions concern liability on environmental damages for which we have a \$100,000 indemnification from the Railroad. That means we pay everything above that. The ROW purchase; what's going to happen and who's going to pay the cost of litigation if we purchase the ROW subject to litigation; and future acquisition of ROW that we were not going to acquire from the Railroad - who's going to pay for that. This was a little different with the Roaring Fork Holding Authority was going to be the property owner because then they bore the liability risk and the responsibility for litigation. Now if the County were going to be a property owner, the county has liability for environmental damage so the question is as she points out in her memo that we know the extent of environmental liability; if we are a property owner we have to pay the cost of litigation.

Don stated he would furnish copies of the memorandum from Debbie Quinn to all the Commissioners.

Dubofsky Bill

Don submitted Dubofsky last billing. He stated however, when the case was dismissed, Dubofsky was claiming he had out of pocket expenses. This bill is for \$2000. However, Don stated the last bill he submitted was understood by both parties to be Dubofsky's last bill and Don had told him at that time that this was the final bill.

Commissioner Martin made a motion to deny the bill since the notice had been given to Dubofsky that they would not pay him any more money. Commissioner McCown seconded the motion; carried.

Litigation - DeFoore

Don stated that Milt Blakey submitted a letter indicating he did not make a decision regarding filing of the criminal case. He has left it for his successor and has asked the Colorado Bureau of Investigations to continue their investigation in the matter. So apparently the criminal issues are under consideration.

Letter to the City of Rifle - Annexation - County road 346

Don stated Chairman Smith has previously been authorized to sign this letter to the City of Rifle informing them that under certain conditions we will waive the annexation impact report. This was discussed at the January 13th meeting involving county Road 346. Don stated he talked with Attorney Leavenworth about this road and he was going to discuss it today but was tied up with other issues. Lee explained Rifle's policy is they will annex the complete width of the right-of-way and they anticipate annexing the properties in sequence to their Industrial Park and completing it by July 1997. He did not want to commit annexing all the way to the Airport.

Stillwater

Don stated the previous Board signed Annexing Agreements with the Town of Silt giving them the right to annex specific County Roads.

Chairman Smith stated one of the ballot questions for the residents of Silt is whether or not they want to annex these County Roads.

Mildred stated there are seven issues regarding Stillwater on the ballot and if the voters reject any one of those seven, it throws the entire initiative out.

Right-of-Way - CRMS - County Road 106

Don stated Bob Emerson asked specifically for the right-of-way across CRMS property be addressed by the Board today. Bob wants confirmation that he was free to tell CRMS Board and Trustees that the County's position is that County Road 106 is still a county road.

This is the road that runs across what appears to be an open field on CRMS. Several years ago in the mid-1970's this actually was an open County road. It was partially relocated and when it was it was allowed to go back to a field and across CRMS. When Don looked at the minutes on this action in 1977, the position the Board took then was they weren't going to use it then as a County road but they did not want to vacate it as they felt there may be a need for it in the future. Subsequently, in the mid-1980's on a tax case and at the request of CRMS attorney, the Board of Commissioners required that the Assessor delete the acreage attributable to that road when he valued property for CRMS. So based on that to Emerson, Don stated he would go ahead and say that he found no evidence that County Road 106 had ever been vacated or abandoned by the County. This is important to Carbondale because they want to put a sewer line in that road and go down the right-of-way and not have to pay CRMS. If this is okay with the Board, Don stated he would go ahead and make that representation to Carbondale and CRMS.

Commissioner McCown stated if there was no further action, then he didn't see how this Board could make any other determination.

Bond Commissioner

Don requested clarification on the Board's pleasure on this issue. A consensus was to wait for the Courts to see if they needed the Bond Commissioner to do pre-sentencing findings.

UMTRA

Mark Bean presented in the settlement with UMTRA and this whole project that the City of Rifle made an agreement which states: UMPTRA would provide water to certain properties that are using ground water located in the contamination area. The problem is the water line settlement only goes part of the way out, just short of the West Interchange. The agreement doesn't include those affected all the way out to the area past the Interchange. So basically UMTRA has requested an ordinance, that Don and Mark reviewed and didn't have a problem with, saying they would provide water lines out to certain points. Then they suggested the County institute certain controls to ensure anyone developing out in that area was aware of where the water line ends. From that point, either the party wishing to develop the land would be held responsible for getting the water line to their property; or they could drill a well and guarantee a reverse osmosis system was in place which would eliminate the contamination. Mark stated he had a problem with this as UMPTRA was placing the burden on the County.

The Department of Energy, UMTRA, and the Department of Health wants us to guarantee there is good water there and in Mark's mind they should get a water line all the way to where they don't want people to use it. This is putting a burden on the county to develop a regulation they say they may have to amend on a fairly regular basis due to development as it moves West. Mark does not want to see this county put on the spot.

Mark added that he and Don have an alternative to suggest called the UMTRA Overlay or something to that effect, which will in fact require re-zoning of a portion (sort of like floodplain zones) but it institutes this control that says if you are going to develop this area, you either have to have city water provided to your property or you have to an engineer who will provide documentation to certify that the RO system you are putting in will in fact eliminate the contamination that is occurring from the UMTRA site. Mark stated this was an "unfunded mandate."

Discussion.

Chairman Smith stated the Department of Energy should have paid to extend this water line.

Mark stated he and Don had drafted a response and would present it to the city of Rifle and say that you need to develop an application with this language if you want to do this and also identify all the affected property owners. Oil and Gas Conversion will make this determination.

Summers Lodge on Historical List

Chairman Smith stated she had received a letter stating they want to put Summers Lodge on the Colorado Historical Preservation List and wondered if the Board had any comments. This is the old mansion in Glenwood Park. She added that what this does is they get tax benefits.

Commissioner Martin stated they had stripped the building and sold all the antiques in auction.

Connie Lewis has refurbished it.

Chairman Smith requested that Don talk to the Assessor and report back.

Mountain Meadow at Prince Creek Subdivision SIA

Don stated he had received a letter from Mr. Hicks. Don and Mark had a discussion with John Schenk, attorney for the Allens and developers of Mountain Meadows, last Friday and agreed that if John was going to pursue other remedies other than using the Hicks property for drainage, then it would require an extension of the SIA agreement and a commitment that they would not convey properties pending resolution of these issues. That's necessitated because technically what they are doing in terms of drainage does not conform to the approved final plat and until this question is resolved as to what the final plat should look like, they are subject to revocation. Don stated he and the staff have agreed not to seek revocation of the final plat as long as they would submit not to sell lots until this is resolved. Don stated he thinks the engineers and John have agreed upon a solution where they can deal with all the drainage on-site and would not have to deal with Hicks or any of the adjoining property owners. John has presented an amended SIA and the important parts are that they would extend the letter of credit for improvements and commit to no conveyances will be done until an approved drainage plan is submitted.

Mark stated the Public Hearing was closed and the County would end up re-opening the Public Hearing, subject the Commissioners to additional discussion of this different proposal.

Don requested the Chair be authorized to sign the first amended SIA for Mountain Meadows. He stated there is an attached fax signed by Mrs. Allen.

Commissioner McCown made a motion that the Chair be authorized to sign an amendment to SIA Mountain Meadows at Prince Creek Subdivision. Commissioner Martin seconded; carried.

Memo - Script Card

Chairman Smith directed Chuck to put out a memo on the script card stating that if you do not want the generic medication, it is not the script card denying this, it is the pharmacy. Generic medication is a cost saving measure for the pharmacy. Have the doctor put this on the prescription "to dispense as written."

Barton and Bill Porter

Mark stated he had three requests for extensions for Barton and Bill Porter - Bill Porter for one lot; Barton and Bill for three lots; and Barton and Bill for two lots all of them extended to February 13, 1997.

Commissioner McCown made a motion to extend the requests as presented by Mark for Bill and Barton Porter until February 13th. Commissioner Martin seconded the motion; carried.

Resolution and Plat - Norm and Virginia Hunt

Commissioner Martin made a motion to authorize the Chair to sign a Resolution and Plat for Norm and Virginia Hunt. Commissioner McCown seconded the motion; carried.

Capital Improvements Plan

Mark requested direction on how to proceed with the capital improvement plan.

Discussion. Mark was directed to obtain a cost estimate from Dennis Stranger and Peter Nichols and present it at the February 3, 1997 meeting. This would need to be an Agenda item and presented as a workshop.

Bills

Chuck Deschenes presented the claims against Garfield County for the second run of December 1996.

Commissioner Martin made a motion to approve the bills as presented. Commissioner McCown seconded the motion; carried.

Agenda Item with City of Glenwood Springs Meeting on Feb. 4th

The City and County Road Issues, Jail, IGA, and the Railroad Corridor were determines issues the Commissioners would like to bring up for discussion.

Adjournment - 5:55 P.M.

Attest:

Board of County Commissioners
Garfield County, Colorado

JANUARY 21, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Continued Meeting of the Board of County Commissioners began at 1:00 P.M. on Tuesday, January 21, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Attorney Don DeFord; County Administrator Chuck Deschenes; County Clerk and Recorder Mildred Alsdorf; Rifle Police Chief Daryl Meisner; and Communications Director Jim Stevens

CALL TO ORDER

The meeting was called to order by Chairman Smith at 1:00 P.M.

INTERGOVERNMENTAL GOVERNMENT AGREEMENT

Continued discussion on the Regional Communication Authority was discussed. The draft was reviewed point by point and various amendments were made.

Don DeFord was to redraft the contract incorporating the changes and distribute to the steering committee members for review.

A new time was set to review changes on the Board of County Commissioner's Agenda for Monday, February 3, 1997 at 2:30 P.M.

Recessed

JANUARY 27, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Workshop of the Board of County Commissioners began at 8:00 A.M. on Monday January 27, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The workshop was called to order by Chairman Smith at 8:00 A.M.

The following issues were discussed.:

Administration:

Chuck stated the work load was such to justify hiring an additional person. This would be for a Personnel Officer/Administrative Officer. He stated the position was about ready to advertise.

Jail:

The situation regarding the jail were discussed. It was decided to be in a pro-active mode. The Lift- Up House was to be offered as a give-a-way to a private non-profit organization and the only requirement was for the organization to move it. The UPL building was going to be kept however. The possibility of using the basement as a temporary jail were discussed. The general consensus was that this would be too costly to renovate and adapt to a jail.

Goals and Objectives:

The Commissioners discussed the goals and objectives - one being the capital improvement plan was discussed in-depth.

Agricultural Community:

The Right to Farm, Quality of Life, Air Quality, Comprehensive Plan and the Environment were issues of concern to the Commissioners. These were discussed and a commitment to preserve agriculture was made.

Purchasing Policy:

The purchasing policy is of concern as it is currently being implemented. Going through appropriate procedures was discussed making sure invoices were timely going through accounting.

Employees:

Personnel, Communication; Newsletter, Budgeting Processes, and Staffing in various departments was discussed.

Economic Development:

A diversified economy with one stop shopping was explored.

Relationships:

The Cities and domestic relationships were under discussion. The joint meetings with the City of Glenwood Springs will begin on Tuesday, February 4, 1997.

Airport:

The Commissioners gave input into the Hanger building lease for 25 years at \$504.00 per year as well as into the cost of bonds.

Recycling:

The cost and method by which the recycling program could be continued was explored. Several options were suggested. Chuck will put out a memorandum explaining the new system. We will see how the bids come back for trash removal and recycling.

Planning Department:

Jennifer Moore has been hired to help Stella in the building and planning department.

Social Services:

The following issues were discussed: Motor Pool, Merit System, CCI - Welfare Reform SB97 - Abolish AFDC.

Job Service Center - JTPA - 9 county area. Margaret will draft a letter by January 31st.

Concerns within the Rural Counties:

- Welfare Reform
- Job Service
- Health Department
- HUTF
- Bridge Grant Program
- State Boards and Commission

Capitol Improvement Plan:

Mark Bean discussed the Capitol Improvements Plan. A decision was to meet on February 4, 1997 with Dennis Stranger and Peter Nichols.

New Position in Administration:

Chuck Deschenes discussed the new position for administration. It was decided that Chuck would advertise for a Personnel Director with 80% Personnel and 20% Administration. Chuck stated he would like to delegate the entire area of human resource responsibility to this person as well as have some assistance in administrative areas such as contract negotiations; etc. after a time of training had transpired.

Deferred Maintenance: -

All facilities were discussed and it was suggested that as a goal, space options should be explored.

- Taughenbaugh Building
- Road and Bridge Shop
 - Central location for the Silt/Rifle areas and
 - Glenwood Springs possibly at the Gravel Pit in the Cattle Creek area

The Denver and Rio Grande Concerns:

The following issues were discussed:
Share cost proportionally
Federal dollars

Quest
Freeze Corridor/land use control

Dale presented material requiring Board action.

Board Action

A motion was made by Commissioner McCown for the Chair to sign applications for the issuance for renewal for licenses for K61BN, K49AH, KO6LX, KO6GW and KO4GQ.the Channel 6K license. Commissioner Martin seconded the motion; carried.

A motion was made by Commissioner McCown for the Chair to be authorized to sign a resolution the .5% of mineral leasing funds distributed back to the School Districts within Garfield County boundaries which includes RE1, RE2, Grand Valley, DeBeque and Eagle RE50J and 95% to Road and Bridge. Commissioner Martin seconded the motion; carried.

A motion was made by Commissioner McCown for the Chair to be authorized to sign the existing license renewals as they are prepared and brought before the Commissioners. Commissioner Martin seconded the motion; carried.

An announcement was made that Social Services was having their Open House of Friday, February 7th from 4:00 P.M. - 7:00 P.M.

An announcement was made for 4:00 P.M. on February 19th in Rifle. The City Council and County Commissioners will meet at the Fairgrounds.

The list of *priorities* was determined to be as follows:

- 1) Jail

- 2) Capital Improvements Plan (Dennis & Pete)
 - Space
 - _Taughenbaugh
 - _Road and Bridge
 - Glenwood Shop
 - Combine Silt and Rifle
 - Deferred Maintenance
 - _ On all county structures

- 3) Services/benefits to taxpayers
 - Purchasing - make more effective
 - "One-stop shopping" for those needing services
 - Employees - Total Quality Management
 - _Personnel
 - _Communications
 - _Budget - More communications during process and before process; long-term goals need to be identified
 - _Employee Evaluations
 - Road & Bridge
 - Four-10s, but 5-day per week coverage

Management Structure/Capacity
Dust
Motor Pool
Airport ((Separate) Economic Development)

- 4) Quality of Life
 - Comprehensive Plan
 - Environment - Vegetation Management
 - _Air Quality
 - Diversity Economy (Economic Development)
 - Preserve Agriculture
 - _Right to Farm

- 5) Relations with Elected Officials and other governments
 - "Rural" County Issues
 - _Welfare "Reform"
 - _Job Service "Reform"
 - _Health Department "

Adjourn - 2:50 P.M.

Attest: Board of County Commissioners
Garfield County, Colorado

FEBRUARY 3, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 3, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report.

Chuck stated that Dave Gallagher had been in contact with Steve Anthony. Chuck wondered if the Board was interested in talking with him. The Board suggested that Chuck contact Steve directly before proceeding any further.

Accounting

Chuck reported that Barbara Brown, Accounting Supervisor, has accumulated some vacation days that she is unable to take due to the shortage of staff. Chuck requested permission to pay her for some of the vacation days. He stated there was a temporary working in the office and contributing. The position will be opened for a permanent position.

Sheriff Dalessandri - Personnel Action Sheet

Chuck received a personnel action sheet regarding Sheriff Dalessandri's daughter. Chuck requested the Board to review this request in regard to personnel policy direction.

Bills and Payroll

Mildred stated all the changes are not back in regard to the Resolution; therefore, as soon as these are completed the review of claims and payroll will be scheduled on the Commissioner's Monday Agenda for 8:00 A.M. as a regular item.

The Board reviewed the bills, held discussion, and Commissioner McCown made a request to authorize the Chair to sign the Resolution to pay the claims against Garfield County for the first run of January 1997 and the payroll for January 1997. Commissioner Martin seconded the motion; carried.

COUNTY ATTORNEY

Don DeFord presented the following items before the Board:

Rifle - Annexation County Road 346

Don and Lee Leavenworth had a conversation last Friday with respect to the annexation of County Road 346. Don stated that Rifle will not annex any part of the County Road 346 and amended the lot size adjoining CR 346 so it would not be 10 acres and require annexation. A joint request was made to the State to improve this road. Don stated this is an agenda item on February 18th for discussion. He added that Rifle's Mayor also needed to be present at this meeting in order to assure the Commissioners that this was the City Officials' new position on annexing and not just the City Attorney's position. In response to Commissioner McCown's question on annexation; Don stated the County can never force annexation, however cities have some authority if the road is annexed on three sides. The County does not have this privilege.

Railroad Authority

A meeting with the attorneys on the Railroad Authority is scheduled. For the February 5th meeting Commissioner Martin, as representative for this Board, needs directions on the issues at hand. February 7th from 10 A.M. - 2 P.M. a meeting is scheduled for the entire governmental entities at the City Hall in Carbondale. Don prepared a memo to review the many outstanding issues that Commissioner Martin will

have to address. Don requested to set a meeting with the Board on Tuesday, for an hour's discussion in Executive Session on these issues. February 4th at 1:30 was set for this discussion. Don stated the entire governmental group needs to make some decision. Pitkin County will not be making a decision in Carbondale due to their regulations stating all decision made by Pitkin County must be in their County.

County Road 117 Project

Don stated he had contacted the title company to proceed with the title search of land needed to acquire for road expansion. Don added that some changes need to be made. He stated that King spoke to John Bershenyi and there is no problem. King didn't know who to talk to regarding Colodny's property; therefore this property has not been obtained. An subordination agreement will need to be obtained. Lee Leavenworth stated Colodny's will work with the Board only after they have an agreement established on lot size within a PUD. Don indicated the property acquisition may be subject to an exchange negotiation.

Don requested a time on the agenda today for an Executive Session with the Sheriff to discuss a claim filed on the jail.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Operations Dale Hancock, Chairman of the Jail Advisory Board Al Maggard, Board Members Doyle McGinley, Dave Sturges, Colleen Truden and Jan Kaufman were present for the report.

Jail Count

Total in jail - 106. 36 main jail; 41 work release; 7 females; 20 other jails; no Home Detention; 1 Day Reporting; 1 State Hospital; 10 of the 20 in other jails are DOC.

As far as the over-crowding in the jail, Tom stated there is nothing the State can do at this point. They are working to alleviate the problem.

The Rescue of the snowmobile early Saturday morning resulted in the Search and Rescue snow-cat getting stuck above Debeque; then on the way back to Glenwood, the truck hit a spot of ice, jack-knifed the trailer, flipped the snowcat and totalled the entire unit.

Jail Advisory Board

Al Maggard submitted the final report on the analysis on the basement with respect to the Sheriff's out-of-area housing of inmate cost from last year. The working committee would like the Commissioners to meet with the Jail Advisory Board at their next meeting which is this Thursday at 7 A.M. at the Courthouse Room 301. Al stated they needed direction. Commissioner Martin stated after the joint meeting with the City of Glenwood Springs they may have some direction to provide to this Committee. Al suggested to get copies of this report to the media and to the City of Glenwood Springs.

Al stated there was more information the Board may want to use with the City when negotiating.

Joint Meeting with the City Council

It was discussed as to who should attend with respect to staff. Chairman Smith stated she wanted Don, Chuck, Mark, Dale and Tom to be at the Joint Meeting with City Council on Tuesday, February 5th at 7:30 A.M. at the Hotel Colorado, Teddy Roosevelt Room. Breakfast is provided.

Lift-Up

Dale stated Lift-Up did not want to take the building off the County's hands. Dale wanted to get press coverage stating the building was available for removal.

Commissioner Martin stated he would willing to sell the building for \$1 to a non-profit agency or sell it to anyone interested for a very minimal cost. Dale requested a time line as to when to start legal notices after notifying the non-profit agencies. Chairman Smith stated the first of March would be reasonable. Notice will be given to the tenant residing in the building behind the Lift-Up building this week.

Dave Sturges asked if there was any County land where this building could be placed. He stated that Lift-Up was having trouble re-locating to a suitable location.

Commissioner Martin stated he would like various non-profit's to come forward and make a request. Dale stated he would open it to the non-profit first, then to everyone.

Community Corrections

Al Maggard stated the regular meeting is next Thursday, February 13th at noon at the Hotel Colorado.

Executive Session - Legal Issue at the Jail

A motion was made by Commissioner Martin and Commissioner McCown seconded to go into an Executive Session to discuss an issue at the jail; carried.

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

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Steve Rippey and Lori Minerich-Campbell were present. Lori was awarded the Employee of the Month. Steve stated she is very deserving. She greets the public as they come in and Steve added he gets a lot of compliments on her all the time.

CCI

Commissioner McCown made a motion that the County join CCI as a participating county. Commissioner Martin seconded: Discussion.

A lot of research was done and found that CCI has good information. A lot of decisions are made on public lands and Commissioner Martin would like this county to have a say in order to be a true representative and to keep abreast of all the issues. Commissioner McCown stated that the eastern counties seem to get most of the information, but by participating and sitting on the committees he felt we should make an effort and participate. Commissioner McCown stated there is a House Bill #1211 that is presently on the floor for discussion that would eliminate all County Departments from using County money to pay for membership fees. This is an attempt to open the door for lobbyists. Motion carried.

A motion to amend the budget to cover the dues of between \$18,000 and \$19,000 dollars was made by Commissioner Martin and seconded by Commissioner McCown; carried.

Additional discussion regarding CCI and County Commissioner participation

Chuck stated he would like to get more reports back from CCI to inform the Commissioners on the issues being lobbied.

Commissioner Martin stated there is a direct tie into their computer system that will be available on the internet.

Chairman Smith stated that Health and Human Services is very heavy in the participation of CCI and they leave out the County Commissioners.

Mildred Alsdorf stated that a House Bill was on the floor regarding a fee increase. She added this money should come to the Clerk's Offices versus the Department of Revenue.

Commissioner McCown stated at present the oil and gas is the most prominent discussion.

One Stop Career Center

Commissioner McCown stated the Governor was in favor of the Job Service Center changed to One Stop Career Centers.

Date to Discuss Board Appointments - March 3rd

Appointments for the various Boards was discussed. March 3rd from 11:00 A.M. - 12:00 A.M. was set on the Agenda for interviews. The letters will be reviewed and pre-screened.

Commissioner Martin stated he had received several letters of request.

DEPARTMENT HEADS

Extension

Carol McNeel presented her report. Commissioner McCown stated he had met Milan and discussed the separation issue. Milan stated after the second agent is hired they will make a decision.

Holly told Carol they would hire the other agent for Garfield County and then made a decision. This is contrary to what Chairman Smith stated was her discussion with Milan earlier. Carol stated they also will be hiring in a part-timer for one day a week for clerical, receptionist and bookkeeping duties.

Carol stated they are scheduling a Fairboard meeting for February 20th. They meet at 7:30 P.M. at the Fairgrounds. Frank Starbuck has agreed to stay on the Board. Commissioner Martin stated he had been approached by a couple of individuals who were also willing to serve. Commissioner Martin suggested to them that they should submit a letter of interest.

State Fair

An individual has been hired from Grand Junction to manager the State Fair. At the present time they are in debt to the tune of between \$6 and \$9 million.

County Fair

Chuck stated he had appraised Lee there would not be a fee for the Fairgrounds this year for the County Fair. Carol stated that the Rifle and Meeker Fair are scheduled for the same dates. The pens for the pigs are still unsettled. Lee wants to do permanent pens. Chuck stated to have Carol advise the Board what was needed.

Tractor Purchase

Chuck stated that Mike McBreen in purchasing was going to investigate the liability of the Belaruse (Russian) made tractor. Chairman Smith stated she had a problem with parts on the foreign build tractor. This was also a concern for Commissioner McCown. Chuck stated there are other pieces of equipment (tractors) available. Chuck was to get with Mike and direct him to seek aggressive bids with specifications as desired by the Commissioners.

Community Operations

TV Translators/Licenses

For the sake of staying in compliance with the FCC the County has to be broadcasting over these inactivated translators by February 9th. Therefore, Dale stated the translators have to be activated. Mickey Rice and Dale will travel, via snow shoes since the snowcat was wrecked, up Sunlight mountain to fire up the translators. Translators Nos. 54 and 56 will light up the other 28 channels much like a series of lights function - when one turns on the others come on. This will be Channel 20 broadcasting. Dale stated he was also trying to get Channel 6 to obtain the 6 other licenses, put \$10,000 into the deal for translators, and the County will give them the licenses at the same time. Dale's main intention is to get everything up and running to assure the FCC that the County is eligible to have re-issuance of these licenses.

Sites

Dale stated Channel 20 may want us to maintain our sites. Dale stated the sites are valuable due the power and right-of-way. These 12 sites are worth no less than \$125,000 each. Dale stated that Channel 6 has agreed to serve Glenwood Springs. Dale stated there is a request to buy Channel 54 and 56 for Pitkin County to broadcast the Fox Channel.

Commissioner McCown stated Dale should go ahead with negotiations with Pitkin County to work a deal where the County does not sell but to make a cooperative agreement with them regarding broadcasting Fox. Chuck stated that Pitkin County may be getting some remuneration from Fox.

Trauma Bill

Dale stated he would be going to Meeker on February 19 to propose regulations regarding the Trauma Bill pre-hospital regulations. As it is now written, this would be real tough on a volunteer responder unit.

SITE APPLICATION FOR SEWAGE TREATMENT WORKS - RIVERBEND SUBDIVISION. APPLICANT: R. B. WATER & SEWER

Steve Boat of 225 Glen Eagle Circle, New Castle and Mark Bean presented. This is an application for an increase in capacity for the wastewater treatment plant currently serving Riverbend PUD in Garfield County, Colorado. The plant is currently operating under Site Application #4134. The site is located approximately three miles east of New Castle.

This application would increase the capacity of the plant from its current level of 19,950 gallons per day to 24,700 gallons per day.

Mark explained for the benefit of the two new Commissioners that the State requires this Board approve as the Board of Health and as the Board of County Commissioners to make a recommendation to State Department of Health State Water Quality Control Commission regarding the location of these facilities. Steve and his company as a part of their completion of his PUD which is near this site agreed to expand or at least get the approval for the technical expansion of the facility. This was part of his Subdivision approval. So basically what is occurring here is that he is complying with conditions of approval that the County requested he do before the final plat was signed. From the staff point of view, we would recommend that the Board authorize the Chair to sign both as the Board of County Commissioners and then come out and go into the Board of Health.

A motion was made to approve and the Chair to sign a site application for Riverbend Wastewater Treatment Plat by Commissioner McCown and seconded by Commissioner Martin; carried.

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

A motion to approve the Chair to sign a site application for Riverbend Wastewater Treatment Plant on behalf of the Board of Health was made by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made to come out of the Board of Health and into the Board of County Commissioners was made by Commissioner Martin and seconded by Commissioner McCown; carried.

Mountain Meadows at Prince Creek

Mark informed the Commissioners that there were new developments stemming from a breakdown in communication with two sides to the story; therefore, before the Commissioners take action, Mark suggested that both parties come in and present their sides. There is another proposed Resolution made to the Commissioners since there was a breakdown in the Resolution before to take this drainage over across part of the subdivision lot of Mr. Hicks property. There are multiple settling ponds and Steve Pollack has been hired to go through and do a very detailed core analysis and drilling of this to take a look. Mark stated no action was needed today.

Request - Extension T.A. Roe

Mark presented a request for T. A. Roe in Rifle for a one year extension. Mark stated this may have extended the one year time-frame and Eric pointed out there may be others in the same predicament. Chairman Smith stated the Commissioners have gone beyond the one year time-frame in other instances and she personally does not have a problem with this request as long as they are working on it. Discussion. Mark suggested that the Commissioner make specific findings to justify the extension of over one year such as is referred to in the letter of request alluding to the fact that substantial progress is being made but due to weather conditions and other unforeseen circumstances the requesting party is unable to complete this is the one year time-frame. Mark's concern was if someone just simply wasn't willing to complete the application for one reason or another. Commissioner McCown stated he had made a \$10,000 commitment to have power lines go in and it wasn't as if he wasn't trying.

Chairman Smith stated this was a legitimate request.

A motion was made by Commissioner Martin to approve an extension until July 7th. Commissioner McCown seconded; carried.

AMENDED PLAT - MEAD SUBDIVISON. APPLICANT: SUSAN HAIRE

Mark Bean presented and explained on the plat the lines being requested to change making this an amended plat request for the Mead Subdivision for Susan Haire. Mark stated he did not have a problem with the proposal. Mark stated the Commissioners did not need to take any action at this time unless they wanted something else added to the plat.

Western Aggregate

Commissioner Martin stated he had received a letter from Mr. Hubbell in reference to review of a Special Use Permit for Western Aggregate. He stated he gave the letter to Chuck who would be making a copy for Mark.

Mark stated what is occurring so that the Commissioners have an understanding; basically they are building the road they were obligated to build as a part of their conditions of approval for that Special Use Permit. Mark stated he had discussed the conversations he had held with Gary with Don Deford. Mark explained to Gary that the county is not in a position to revoke a permit unless the County can demonstrate that they are not in compliance with their conditions of approval. At this point they are complying with those conditions.

Commissioner Martin stated he listed his concerns on the eight page letter.

TREASURER'S SEMI-ANNUAL REPORT

Georgia submitted and explained the semi-annual Treasurer's report. She explained the difference between a "cure" and a "redemption." A cure is when property goes to foreclosure, a sale date is set. If the property owner cures or pays off the amount due before the sale date it is considered a cure. If the property goes to sale and then they have a certain time to redeem then it's a redemption. This is just referring to what they should pay either before the sale as a cure or after the sale as a redemption.

Chairman Smith stated this was a very good report.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the Treasurer's semi-annual report and for her to publish; carried.

Forest Service-Resolution

Georgia Chamberlain stated that at the end of December the County received \$489,874.24 from the State on the Forest Reserve monies. Chuck added that basically according to statute the County is mandated to give at least 5% to School Districts and the remaining 95% goes to County Road and Bridge Fund. Chuck stated this is for rents on ski areas and also off-sets some of the cost of road maintenance related to timber hauling.

Commissioner McCown made a motion that the Chair be authorized to sign a Resolution regarding distribution from the National Forest Service Reserve for 1996 and directing the Garfield County Treasurer to make disbursement. Commissioner Martin seconded the motion; carried.

Rifle Village South - Treasurer's Deed

Treasurer Georgia Chamberlain presented that in the September 16th Commissioner meeting, she was authorized to seek a Treasurer's Deed in Rifle Village South. She is scheduled to issue the deed on Thursday, however a total of \$5,106.14 is needed to pay off tax liens. Georgia requested direction from the Board to take these funds from contingency.

Chairman Smith explained for the benefit of the new Commissioners that these are not buildable lots and this action is being taken to remove the land out of circulation.

Georgia stated there was a difference of opinion as to whether these lots should have been sold during a tax sale several years ago. These were sold and consequently now there are tax liens that the County must pay in order to redeem these owners.

What spurred the action was having several individuals come forth and make a request to build. In seeking Treasurer's deed, this is what came forth. The new zoning will be the County's open space zoning. Mark will work on this request.

A motion was made by Commissioner McCown to authorize the payment of \$5,106.16 in county held tax liens from the contingency fund. Commissioner Martin seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report to the Board.

Accident Policy

Chairman Smith stated a policy on accidents should be developed and staff should get pictures of the equipment. Chairman Smith stated protocol was needed.

King stated there was nothing in writing. This would not be just limited to Road and Bridge, but to all County vehicles.

The outcome of the accidents on Dry Park and County Road 103 were addressed. King stated they were operating in their lane and the lady was going too fast. The same officer from State Patrol was investigating the two accidents. On County Road 103 both pieces of equipment was moving snow back and was having to move snow across the road. No tickets were issued but suggested signs should have been put out.

Rifle - Laying of Sewer Line

No signs were being put out when the roads are closed and Chairman Smith was upset. This is in the City Limits of Rifle but it is on County Roads. Chuck stated that common courtesy would be to notify the county and dispatch.

Oversize and Overweight Summarization of 1996 Business

King presented a report and explained the readings to the new Commissioners.

King stated there is a booklet put out by C-DOT that contains Counties that have overweight restrictions.

January Report Breakdown of Roads

King submitted his report.

Chairman Smith stated there needs to be a method of catching offenders of the overweight process. This was discussed and all of the Commissioners felt they needed to develop some way to monitor this.

Chairman Smith instructed Chuck to send out a Memo to the list of truckers that are not obtaining permits notifying that the county does requires overweight and oversize vehicle permits.

Four Mile Project

King stated he had a conversation with Don and we do not need to contract the proposers right now and notify them that the bid award would be delayed. Met with John Bershenyi on the acquisition of the right-of-way and he was pleased. All of John's concerns were addressed and written in.

Joe Kracum can do the project management.

Request a Workshop Meeting

King suggested he would like to have a workshop meeting with all his foreman, himself, and Commissioners to get-together to introduce the Commissioners. February 11th 9:00 A.M. Room 301.

Forest Service

Chairman Smith directed Chuck to write a letter to Sonny LaSalle who is retiring from the Forest Service thanking him for all his work and cooperation.

New Operator - Personnel Change

King stated he had made a personnel change in the Roan Creek Area. Bob Hammond will be the operator. King stated he wasn't sure of what was going on in Roan Creek. The Trouts, who have allowed the County to store their equipment have complained about the County not scraping the road.

Marblehead Quarry

Don stated he had received a letter from Bob Delaney regarding the Marblehead Quarry regarding the use of the materials that this site. Chairman Smith stated Marblehead Quarry would be discussed next Monday under Mike Mottice's time on the agenda with BLM.

Chairman Smith stated Don should contact Bob Delaney and inform him of the agenda item.

LIQUOR LICENSE RENEWALS: NEW CASTLE KOA, JAC'S 82 GRILLE, AND FAIRWAY CAFE

Mildred presented the liquor renewal applications for New Castle KOA, JAC'S 82 Grille, and Fairway Cafe. She stated she had contacted the Sheriff's department on all the places and the Sheriff has not been called out.

Commissioner Martin made a motion to authorize the issuance of the following liquor license: Jac's 82 Grille, New Castle KOA, and Fairway Cafe. Commissioner McCown seconded the motion; carried.

Right-A-Way on Blake

Don stated he had spoken with Teresa Williams, City Attorney for Glenwood Springs regarding the right-a-way on Blake. Don suggested Colette and Robin Milyard meet first and have some discussions regarding what Social Services needs are and see if the differences can be solved. If the differences can be solved, Robin will generate a description and plat of the affected properties which would be sufficient to generate a deed and it will be brought to you to hold a full discussion at that time.

Pitkin County - Veterans

A motion was made by Commissioner McCown to authorize the Chair to sign the Intergovernmental Agreement with Pitkin County to provide Veteran Services. Commissioner Martin seconded the motion; carried.

Protocol Regarding Accidents

Chairman Smith stated during discussion with King Lloyd at Road and Bridge this had been discussed but directed Don to put a memo out regarding protocol regarding accidents to go out to all departments. Chuck stated he was curious as to what could be obtained from CCI loss prevention now that the County is a member. Another point made by Chairman Smith was to possibly have the Safety Committee for an overview of this and be a part of risk management or personnel.

Commissioner McCown suggested an accident review board to work with the risk manager.

It was suggested to leave this until someone was hired to handle the personnel.

Priorities List

Chuck submitted the list of priorities and requested some clarification and corrections before finalizing the list. Discussion.

Commissioner Martin stated after the list was developed he wanted to make sure all department heads and elected officials had a copy so they will know where we are going and in what direction.

Chairman Smith suggested it might be best to put this in pay envelopes then everyone would have an idea of our direction.

Chuck stated before this was finalized, he would suggest to obtain input from the elected officials and department heads to see exactly what they felt and if they have other ideas that the Commissioners should look at. If they are involved they will buy into it better.

Commissioner McCown stated as a whole, this was the Commissioners goals and objectives. He said he was sure there would be other input but this is something they prioritized.

CONSIDERATION - IGA REGIONAL COMMUNICATIONS AUTHORITY

Don DeFord, Chuck Deschenes, Tom Beard, Terry Wilson, and Daryl Meisner were present. Draft No.7 and 8 were submitted. A memo from Sheriff Dalessandri was also submitted.

Don stated that draft Number Eight reflects the changes from the steering committee and draft 7 is the draft containing all the changes as indicated necessary by the joint meeting held in January.

Discussion. Due to time constraints, the discussion was continued until February 4, 1997 at 1:30 P.M. in Room 301.

PUBLIC HEARING - ZONE DISTRICT AMENDMENT FROM AGRICULTURAL/RESIDENTIAL/RURAL DENSITY TO PLANNED UNIT DEVELOPMENT

LOCATED APPROXIMATELY 2 MILES SOUTH OF GLENWOOD SPRINGS ON THE EAST SIDE OF COUNTY ROAD 117. APPLICANT: DR. WILLIAM ZILM

Eric McCafferty, Appointed Counsel Walt Brown, Dr. William Zilm, Larry Green, and John Taufer were present. Larry indicated that John Taufer's office was in charge of sending the notices and that he should ascertain as to their validity. John submitted a four page notice that he stated was sent to all of the adjacent land owners.

Walt Brown ascertained that the proof of publication and public notices were proper and in order and instructed the Commissioners they were entitled to proceed.

Chairman Smith had those in the audience who felt they wanted to speak during the hearing to be sworn in. *Eric* presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Copy of the Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - copy of the Comprehensive Plan for 1995; Exhibit F - Copy of the Zoning Regulations of 1978; Exhibit G - Memorandum from Road and Bridge dated 2/3/97; Exhibit H - Letter from David and Margaret Tarbell; Exhibit I - Letter from King Lloyd; and Exhibit J - Letter from Charles and Maureen Willman. Chairman Smith admitted Exhibits A - J into the record. Eric presented the additional letters that were submitted to the Planning Department today and stated the Board should review these letters.

Eric presented page 11 of the original staff report and requested it be entered into the record as part of Exhibit D. Chairman Smith admitted page 11 into the record.

Eric stated this is a Zone District Amendment request from A/R/RD zoning to a Planned Unit Development Zoning for Sunlight View II PUD consisting of 3 parcels which total 85.133 acres and these parcels are located approximately 2 miles south of Glenwood Springs on the east side of County Road 117. There is a southerly parcel that consists of a little over 33 acres; a northerly parcel of slightly over 42 acres; also with the northerly parcel is an additional parcel which is home to the waste water treatment facility and apparently a portion of this has been platted as greenbelt in the existing subdivision. This size of this parcel is 9.9 acres. The southerly parcel is a gently sloped tract which historically been used as a hayfield and largely void of improvements. The northerly parcel consists largely of hillside that rises from an ephemeral drainage and consists of the existing, central wastewater treatment facility, located at the base of the slope. The parcels slope in a general, south to north fashion; however, the parcels are truncated on the east by a relatively steep hillside. Adjacent land uses are mostly residential whereas Chelyn Acres subdivision is located to the west of subject tract Lazy Diamond A and SpringRidge are located to the south. The BLM owns a tract that abuts the eastern property line of the existing Sunlight View subdivision and there is agricultural land uses in the vicinity.

The applicant is proposing a Planned Unit Development to allow the subdivision of the properties into 32 single family parcels and six duplex parcels, resulting in 44 residential units. Located on the northeastern portion of the northerly parcel is a 22.75 acre which is known as Lot 39. This is proposed to be split into up to 2 parcels resulting in a grand total of 47 dwelling units within the PUD.

The applicant is proposing to phase the development which would commence within two months of final plat approval. The first phase would consist of the duplex lots and the related infrastructure. The second phase would see the development of lots 1 thru 12 with the installation of related infrastructure as well as the extension of Meadow Wood Road. The third phase would be the development of lots 13 thru 32 of the extension of the cul-de-sacs and paving of all roads within the development. The entire development was proposed to be completed by the Summer of 1998. Lot 39 is not discussed within this phasing scenario. Comments from the following agencies have been received or individuals: 1) Letter from Sean McKenna which generally states his disapproval of the plan; also a letter from 2) Colorado Department of Health stating that the development on the northerly parcel would be required to adhere to a 100 foot setback from the exfiltration ponds; 3) a letter dated 1/22/97 from Nancy Crenshaw which generally supports her disapproval of the proposal and specifically requests that if approved the developer be required to install an adequate privacy fence between her property and the proposed trail; 4) an additional letter with attachments from Nancy Crenshaw dated 1/23/97 stating her concerns of the water and wastewater and also the creation of a homeowner's association; 5) the City of Glenwood Springs has submitted a letter and minutes from the 12/17/96 Planning commission meeting where this PUD was endorsed by the Planning Commission; 6) the Division of Wildlife has submitted a letter commenting that elk and deer utilize the property; also the Division makes fencing suggestions that should be employed on the lots. And also states that Lot 39 is habitat for deer and elk; 7) a letter from Ken Call to Mark Bean that states a variety of concerns about staff's interpretation of the proposal; and 8) a response from Mark Bean to Ken Call's letter

clarifying the process of PUD re-zoning; 9) a general driving conditions and speeds of traffic along County Road 117 with the initial suggestions that 10% of the traffic is traveling at an excess of 45 mph in the area of the northerly parcel.

Eric went through the major issues and concerns as addressed in the staff report: physical water supply; legal water supply; water quality; and water treatment. Eric stated that staff notes the above calculations do not include any development for Lot 39. He added that staff believes it critical that a Preliminary Plan submittal include definite proof of the legal and physical water supply and amount of wastewater currently being treated. Staff suggests that the County will need to retain independent engineering assistance to evaluate the water and wastewater portions of a Preliminary Plan submittal. He reviewed staff's major issues and concerns regarding roads, soils, and fire protection which has not been addressed thus far. Eric stated, as far as integration of development is concerned, it is his opinion that the general exclusion of Lot 39 from the application defeats the purpose of Planned Unit Developments. PUD by definition are entire development concept and must be reviewed as a whole. To ensure the proper planning of infrastructure are achieved, and the applicant suggests that Lot 39 would be subdivided sometime in the future into perhaps three lots, by an exempt, domestic well and individual sewage disposal systems.

There may also be a conflict with previously platted greenbelt areas within the existing subdivision; however staff does not fully understand the extend of the potential conflict but suggests that it does receive additional public discussion.

Final plat of the subdivision requires the formation of a Homeowner's Association and a entity that would also be instructed with operating the water and wastewater systems. Participation in this entity would be mandatory for owners with Sunlight View II. Owners in Sunlight View I would be invited to join on an equal basis however, their membership would not be mandatory. Should current owners choose not to participate in the association of the water and wastewater company, they would still be provided services but potentially different rates. Staff would recommend that the water and wastewater company consists of homeowner's of the subdivision and not a private or other outside entity.

In terms of zoning, the applicant is requesting a zone district amendment from the underlying A/A/RD zoning to a PUD. Accordingly a PUD is required to comply with various sections of the zoning resolution which instructs that PUDs may be approved by the County Commissioners for the following purposes and objectives of development. Eric quoted from section 4.02.

No. 1 - To provide for necessary commercial, recreational, and educational facilities conveniently located to housing. Eric stated the project complies in that 25% open space dedication would be achieved allowing for passive and active recreation as well as open space parcels assisting in buffering existing and proposed homesites. The child care facility could assist in achieving educational goals as well.

No. 2 - To provide for well-located, clear, safe and pleasant industrial sites involving a minimum of strain on transportation facilities. Eric stated that this is not applicable.

No. 3 - To insure that the provisions of zoning laws which direct the uniform treatment of dwelling type, bulk, density, and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws. Eric stated his evaluation is that the project will comply. The provisions of the PUD plan generally sets forth certain performance standards that would govern the development of the proposed zone districts.

No. 4 - To encourage innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings. Eric stated the project complies. The proposed PUD zoning is preferable to the underlying A/R/RD zoning that mandates 2 acre minimum lot sizes. The proposal would cluster the majority of the development in an area most appropriate for development and the single-family and two-family residences provides variety in housing type and design.

No. 5 - To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economics may inure to the benefit of those who need homes. Eric stated the project complies. The provision of central water supply and wastewater facilities makes possible the reduction of minimum lot sizes, potentially decreasing the costs of infrastructure and maintenance. These tenants should be applied to any lot created, including Lot 39.

No. 6 - To lessen the burden of traffic on street and highways. This complies as the proximity of the development to Glenwood Springs encourages development to occur in an area that potentially can receive it. Eric stated however, that the physical state of Four Mile Road and the current lack of a system for

assessing and collecting fees for road upgrades creates concern that the impacts generated by this proposal may cause an increased burden on the existing users of the road and the County. Road impact fees have yet to be established although the developer has professed a willingness to contribute a proportionate share of funds to offset impacts to the county road. Staff recommends that the applicant be required to pay whatever impact fees are adopted by the County.

No. 7 - To conserve the value of the land. This complies with the requested PUD rezoning attempts in that it strikes a balance between conservation and development.

No 8. - To provide a procedure which can relate the type, design, and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics. Eric stated the project partially complies in the actual density of the proposed development is greater than the density that would be allowed under the A/R/RD zoning; however, the proposed density complies with the Comprehensive Plan density. Lot 39 is proposed on the steeper slopes of the property, which may not result in preservation of the natural characteristics of the site, in this area.

No. 9 - to encourage integrated planning in order to achieve the above purposes and objectives of development. Eric stated this in his opinion is in non-compliance with the regulations and encouraged discussion. The exclusion of the full intent of developing Lot 39 defeats the goal of integrated planning for this PUD.

Eric further stated that the analysis of integrated planning is required by Section 4.07.03. He read into the record the requirements and staff comments included in the report.

Eric stated that on December 11, 1996, the Garfield County Planning Commission recommended approval of the Zone District Amendment, pursuant to a list of 22 conditions.

However, Before concluding *Eric* stated that since the Planning Commission meeting of December 11, 1996 and subsequent recommendation of approval on this application, staff has had the opportunity to further research some of the issues of the proposal and most of these are discussed in a supplemental staff report included in the material the Board has received.

Item 1 - would be the map made by the applicant which suggests the existing greenbelt is included in the PUD application. In fact, this area is not in the PUD and has a copy of this to be entered into the record as Exhibit K. Chairman Smith admitted Exhibit K into the record.

Item 2 - *Eric* stated that at least 4 parcels have been created outside the existing subdivision yet they do show the common subdivision infrastructure. The applicant owns an additional 10 acres adjacent to the land that is subject to this application and which has been represented that this land would be later developed. *Eric* entered into the record Exhibit L which portrays this information.

Chairman Smith admitted Exhibit L into the record. *Eric* stated the properties colored in orange were developed outside the existing subdivision yet receive common services both water and wastewater, also three of those parcels access from the internal streets of the subdivision. The blue shade parcel is the 10 acre parcel which is not proposed as part of the development but it would likely be developed in some fashion. This type of development certainly defeats the intent of integrated development and the reason for comprehensive planning.

Item 3 - as we discussed, time shares would not be allowed within this PUD.

Item 4 - we still do not know the nature of the entity that would control the division of water and wastewater services within those phases of the development.

Item 5 - to the applicant's credit, he and his attorney Larry Green are proposing a method of assessment of road impact fees which would be attributed to this development. It must further be refined by the board as to whether it would be acceptable.

Item 6 - as noted throughout *Eric's* report, the development of Lot 39 raises more questions than there are answers.

Item 7 - Road and Bridge has attempted to calculate traffic and speed in the areas of the PUD and today have submitted additional information indicating there could be a safety factor in the area of the PUD. This was previously entered as Exhibit D.

Item 8 - Recently bids to improve approximately 3300 foot long section of County Road 117 were submitted to the County which would portray interest in the County in trying to improve County Road 117.

Item 9 - If this application is approved it is in the best interest of the County to obtain an independent engineer to evaluate specific portions of the preliminary plan and finally, last Friday *Eric* spent time calculating average slopes on the northerly parcel. An additional map Exhibit M which shows what *Eric* was referred to. Exhibit M was entered into the record by Chairman Smith. *Eric* noted that proposed Lot

33, the slope of the parcel would preclude its development under County regulations and no specific slope regulations are being proposed by the applicant at this time. Without that it would be inappropriate to approve that type of similar development on that type of parcel.

Larry Green with the firm of Delaney and Balcomb in Glenwood Springs representing the applicant in this case introduced a letter accompanying an deed and affidavit of partnership. Mr. & Mrs. Zilm up until last week were owners of this property in their individual names and they have been dealing with their estate planning attorney and for estate planning purposes, the property was transferred into a family partnership of which Mr. and Mrs. Zilm are the general partners of the family limited partnership. This proposed exhibit consists of three documents. One being a letter signed by Dr. and Mrs. Zilm explaining the reasoning for making the transfer; the second would be the warranty deed conveying the property from Dr. Zilm who owned it individually to his family partnership; and then an affidavit of partnership indicating that Dr. and Mrs. Zilm are the general partners and authorized to act on behalf of the partnership. By these documents it is clear that the partnership has ratified all the actions taken by Dr. and Mrs. Zilm up until this time and authorize the further pursuant of this application by the partnership.

Walt - stated he had just been handed this and has not seen the documents before and did not know. Has this deed been recorded?

Larry Green - Dan Kerst's office was supposed to do that last Friday.

Walt Brown - I guess the only question he'd have is whether we have a public notice. The public notice stated that William Zilm was the owner. We went through this with the Snowmass Coal Company and cost us a lawsuit so I'm not sure how you want to do this. You have to change the ownership from the public notice. In other words, the application before us today is under Dr. Zilm and I understand it is being put into another total entity.

Larry Green - That's correct but an entity controlled by Dr. Zilm who's ratified the action taken up to this point.

Walt Brown stated to Chairman Smith that he would prefer not to take a hip-shot at this as he wasn't familiar with what Don DeFord has done in the past as to a change of ownership on the day of the hearing. But I think it is a significant change. Maybe Mark Bean knows.

Mark Bean - I'm not prepared to respond.

Walt Brown - Ok

Chairman Smith - well, I certainly

Larry Green - I apologize for that, in my mind it creates no issue at all because the notice was properly submitted, the notice was submitted by the applicant at the time and it's not like we are talking about a stranger to this transaction. It was an entity the same people controlled just a family partnership.

Walt Brown - asked to see the family partnership document.

Larry Green - nothing except the affidavit.

Walt Brown stated this identifies a limited family partnership with the general partners only, is this correct.

Larry Green - that's correct

Walt Brown - are they limited partners

Larry Green - yes

Walt Brown - declared a recess.

Recess declared until 4:00 P.M.

Session was called back to order by Chairman Smith.

Walt Brown - stated that first he wanted to commend Mr. Green for coming forth and being candid about the ownership change in the property. He was looking at the Zoning Code 10-2-01 which says any owner of real property affected by the change is essential the first one to submit the application. Mr. Green has represented and properly so that the owner of the property is a limited liability partnership and I think that is a change and advised the Commissioners that they should not proceed. This should be continued to a new date and have that individual be and become the applicant because he is now represented on the record that he is the owner and we cannot turn around and say this is a fiction. That's his recommendation.

Larry Green - as an alternative

Walt Brown - yes, and you did offer to withdraw it

Larry Green - well, there will be a new deed here in two minutes and we'll put it back into the name of the applicant of William Zilm

Walt stated that was fine.

Chairman Smith stated these exhibits have not been entered into the record.

Walt - we do have the Clerk and Recorder here so I guess you have to give them to her to record in that order so that we have a record as to the owner of the property.

Walt stated Larry was going to submit a new deed is what he's going to do to convey the property back into the original ownership.

Larry - again apologized - he was asked whether or not he thought this was a problem or an issue and he thought it was not and told this to the Zilms. Had he begun to even think that this was going to create this kind of a problem it never would have happened. As I say, the deed has been executed I think it can be handled either the partnership acting through the general partners; can refuse acceptance of this deed, rip it up or we can simply execute a new deed back into William Zilm's name individually.

Walt - the original application was filed in William Zilm's name and this is the critical item.

Chairman Smith - stated the Commissioners could take a break for legal advice.

Walt - this is okay with him.

Chairman Smith stated this is an entirely different situation than we've ever dealt with that she can remember.

Commissioner Martin stated he felt the application was entered as Dr. Zilm owner and should remain the same.

Commissioner McCown stated he agreed.

Recess: waiting on deeds to arrive and be recorded.

Larry Green - for purposes of the record, he introduced and stated this is a copy of the special warranty deed from William L. Zilm conveying the subject property into the Zilm Family Limited Family Partnership; then there is an affidavit of partnership which indicates that William and Charlotte Zilm are the general partners of the Limited Liability Partnership and now we have a special warranty deed conveying the property back from the William Zilm Limited Partnership to William Zilm individually. The originals of those documents are being recorded right now. So by the time they come back up we can substitute the copies of these documents for the copy that has the recording information.

Chairman Smith asked *Walt* why, since the new deed was not recorded, are we having to record it now and then record the transfer back out?

Larry Green - stated that he believes in the discussion with Mr. Brown that it was his opinion, notwithstanding that the deed from Mr. Zilm individually to the partnership had not been recorded that the deed had in fact been signed and delivered so that constituted a conveyance to the partnership so in order to cure that we have to record that deed and record the conveyance back into Mr. Zilm's name.

Larry Green - so where we are right now is where we were before he started talking about any of this.

Commissioner McCown - so this is the first phase of this application that it will stay deeded as such through the application process.

Larry Green - it would be his intention, barring some discussion with your attorney that if this to the contrary that if this application moves forward after an approval today, to the preliminary plat and final plat process, that the transfer between Dr. Zilm individually and the Family Partnership would take place prior to the submittal of a preliminary plan application. I believe that this happens all the time.

Walt - I haven't seen it happen but for today's purposes this shouldn't make any difference. What he does later is another matter and the Commissioners can address it later.

Larry Green - stated he agreed it could be dealt with later. He had personal experience where it didn't matter. He stated the application before the Commissioners has been supported by the staff; the support of the Planning and Zoning Commission of Garfield County; it has been endorsed by the City of Glenwood Springs Planning Department; we believe it's an application that meets the goals of the Garfield Comprehensive Plan and requested the Board approve the zoning request. He stated that John Taufer, a land planner was present to give a brief overview about the land plan and address any questions on the land plan; Bill Lorah Engineer with Wright Engineering to address any issues of legal use of water and wastewater; Dean Gordon Professional Engineer with Schmueser, Gordon, Meyer to address any concerns about wastewater treatment and as the attorney for the applicant he can answer legal questions.

Letters were submitted in support of the zone change from Jeffrey H. Ehlers, Stella and Dennis Fox, Daniel F. Green; John Reed, Nancy Vandevander, Charles Montover, Roger and Barbara Leafgreen, Terry Kramer, and LeAnn Arbaney. These were admitted as Exhibit II into the record by Chairman Smith.

John Taufer - stated the project in front of you is presently A/R/RD. It is a plan of the neighborhood expressing their wants and desires over the past year. He said the Zilms have gone door to door, held picnics, group sessions, and brought neighbors together. The Zilms should be applauded for their efforts. *John Taufer* gave a brief history of the PUD.

Eric McCafferty - clarified that the Board and Eric did a thorough field trip through the land in question.

Dean Gordon - addressed the waste water system briefly and stated he has a report from Dwain Watson, Department of Health.

Bill Lorah - presented a scenario on the water supply.

Larry Green stated according to the staff report it is apparent some of the homeowners in Sunlight View I are not interested in a homeowner's association with all the rules and regulations that are imposed on them. In order to overcome the reluctance, but to assure the sewer and water service, the applicant has proposed a Sunlight Water and Sewer Company be formed and upon completion of the structure, together with water rights, be conveyed to that company. Then this company will require mandatory service and be obligated to supply to the owners in Sunlight View I the necessary utilities.

Larry stated Dr. Zilm will be responsible for any increase in the size of the wastewater treatment plant - it is his responsible. But feels this will not be necessary. At the same time a water and sewer company would be formed, a Homeowner's Association for Sunlight View II would be formed and this entity will be responsible for maintaining the roads, open space, and maintain the bike paths, etc. The question regarding Open Space was addressed.

Larry stated some open space is already listed in Sunlight View I. He explained the open space as shown on the PUD - Exhibit K. The Sunlight View was platted in 1974, amended plat in 1977 and things are different 20 years later. The use of land planning has been implemented to make plans more sophisticated. The open space in the current PUD is identified as green belt. It is owned by Dr. Zilm but he will convey it to the Homeowners Association.

Larry Green addressed the road impact fees and stated Dr. Zilm was committed to paying \$1,000 per unit at the time of final plat.

Commissioner Martin stated some people have not been pleased with the developments of the PUD.

Public Input was permitted but Chairman Smith stated she wanted comments limited to 5 minutes and did not want any personal attacks made for the Commissioner's benefit.

John Reed - 1102 Bennett Ave. letter was read into the record.

Joyce Gornick - 0138 Sunlight View I spoke in favor of the plan as presented. She stated she owns a home and has for 13 years but has lived in Glenwood Springs for 28 years. She lives on Lot 11 which is 9/10's of an acre, lives on the greenbelt section; no difficulty with water and sewer systems. Zilms have gone through extensive measures and been most considerate in the years they have lived there. No curb and gutter and there is on - street parking; neighbors respect parties and extra cars. She has no reasons to object to it. She also stated she was part of the water testing each year.

Joseph E. Edwards - 502 Main Street - Attorney - stated he had a letter to submit to the record.

Exhibit O. Joe stated he was representing a number of people and asked for more than 5 minutes. This will eliminate a lot of speakers. The letter he read into the record was 9 pages and some exhibits. Joe read and submitted the list of names and addresses against the approval of the zone request into the record:

Sean and Deborah McKenna; Jim Dukas; Robert and Cecilia Hadley; Max Stanton; Norma Hanson; John and Annette Boyd; Charles and Maureen Willman; Laurence and Linda Eggers; Marc and Kolakanta Darling; Margaret and David Tarbell; JoAnn King; Rick and Caroline Olofson; Al Omsberg; Lawrence Elliott; Jon and Terri Hegland; Randall and Nancy Crenshaw; Ken and Carol Call; Kevin and Marian Leonard; Frank and Jeannie Donofrio; Bruce and Jan Shugart; Robert and Barbara Ward; Janet Hess; Darlene Martino; Edmond Prehm; Tom and Toni Peabody; R.J. and Margi Hilleary; Allan and Jan Wolf; and Brenda Zegardski.

Sean McKenna, Robert and Cecilia Hadley, David Tarbell, Nancy Crenshaw and Ken Call also spoke before the Commissioners.

Eric McCafferty stated he has some errors and inconsistencies since the application was reviewed that the Planning Commission and stated some discussion is necessary for the Board. One issue is this - what "An Area" is - this has numerous interpretations.

Chairman Smith stated according to what was given orally, there is to be only one dwelling unit on Lot 39. She requested clarification to this.

David Rippy 0204 Sunlight View Subdivision spoke favorably for the PUD approval. He stated the lot sizes in the PUD were consistent with the lot sizes in the area. His lot is 7/10's acre and the Strautman's own 10 acres. He stated he likes the open space designed where his children can play because as it is at present, he takes his kids to Glenwood Park. This would eliminate a trip down to Glenwood. He favored Dr. Zilm developing the land as he is long-time resident of the area, not an out-of-town developer who doesn't care about the area.

Nancy Crenshaw -123 Meadowood Rd. - Sunlight View I. She has over 1100 reasons to be against the zone request. She stated she had a list of 134 signatures from the residents in the neighborhood. She also stated she was concerned with the road issues and asked for denial of the PUD.

Dave Tarbell stated the friendly meetings purported by Dr. Zilm were not friendly, instead very hostile and the Sheriff was called regarding a threat. Nothing was on record except the call.

Ken Call of 0288 Van Dorn Road spoke with specific concerns to road access, traffic, and set backs from the sewer treatment facility.

Jess Vaughan spoke against the zone request stated the quality of water and the age of the system were of great concern for him. The average life of a water system is 20 years.

If you don't grant this PUD - 30% reduction in chances of the water going bad or scarce. He also stated that Lot 39 will make a visual impact in the access road and asked why it was for only one building site. He added that Springridge is waiting for this to gain approval of zoning and they would be next. He encouraged the Commissioners to adhere to the zoning laws.

Nancy McClellan stated she had lived at her home 10 years directly across from the where the duplexes are planned. She is very pleased with what Bill Zilm has done with the work. She stated she has only one issue and Dr. Zilm is knowledgeable of it but she needs some comfort. The position her driveway sets is a scary place and hard to get out. She is most concerned with the engress.

Kevin Leonard - 3397 Road 117 - lives directly across and he is one of those people that state "not in my back yard." This is in his front yard and when he purchased his land 8 years ago from Jeff Gray he was told no one will ever build across the road from you. He stated that Dr. Zilm is a large property owner and if the Commissioners were going to allow him to put anything over there he would prefer single family residents versus duplexes. Kevin has 3 acres. He added that he is not an anti-growth person but the Garfield County Emergency staff and the Sheriff have been in his living room a number of times dealing with a lot of accidents. Therefore, he is overly concerned with the traffic issues on the road.

Tom Jankovsky - appeared before the board as a private citizen and stated he has been friends and neighbors with the Zilms and that they are long time residents in this area. 20 years ago they did current planning; and people were and are still proud to live there. A lot of controversy here today, but the PUD has clustered the houses more, provided trails, parks, and Sunlight II will also be a nice place to live and the owners and Zilms will take good care of this subdivision. He stated he was in favor of the subdivision. Will pay development fees and is trying to do everything they can to make it fly.

Vern Arbaney - a resident of Chelyn Acres and native of the area stated he has seen the valley change and suggested residents in this area cannot bury their head in the sand. He built his home in 1974 and knows how Dr. Zilm's operate. He said he has seen the plan for the subdivision and is very impressed with the development in the valley. He felt the Zilms were good land stewards and asked the Commissioners to consider the application to change the zone request. He suggested they sift through the chaff.

Eric Strautman - spoke in favor of the development. He said when he moved to Glenwood, Dr. Zilm was here. Eric and his wife are now owners of 10 acres in Dr. Zilm's subdivision. He added the Zilms are honorable people; they have given a lot of forethought to planning and looking at the roads, sewers, had an eventual plan to develop the land. He wanted to have the Commissioners approve.

Romer Kindall - 6315 State Highway 133 - worked 20 years for Dr. Zilm and states he does right by people.

Nancy Jacobson - 21 Alpine Court asked for more information on the sewer system before they closed. She stated it is a personal responsibility for individuals to ask and inquire as to the future of land prior to buying.

Gary Gagne - 0021 Alpine Court - spoke for her husband and herself regarding Sunlight View II, she requested before closing that he wanted more information on the sewer system; stated it was each

individual's responsibility to inquire because things will change. She added that growth is inevitable property needs have increased and he was in favor of allowing Dr. Zilm to finish building out the subdivision. She stated that Dr. Zilm is a good neighbor; and additional homes will not push 4-Mile Road into a gridlock. Regarding lot sizes, she added there is not a misconception. The mean lot size is between 8/10 and 9/10 of an acre. Nancy Crenshaw's lot is 6/10 of an acre.

Jim Wiggins - Deer Park Court, stated he lives next to Lot 39 and does not see a problem; however whoever buys it should know that it is only traveled by a 4 wheel drive vehicle. He added that he supports Dr. Zilm and his project. He owns 7/10 of an acre.

Sean McKenna - 0030 Sunlight Dr. stated he also represents Charlie Willman of 0039 Sunlight Dr. and has a letter from him for the record. He stated they both oppose the re-zoning. He added this is not the first request for a re-zoning and the main issues on this comes to zoning and density. Nothing against Dr. Zilm but if he is claiming that these two subdivisions are one PUD then Dr. Zilm should have paid property taxes since 1972; then all the neighbors could have been on notice regarding additional home owners instead of believing it was going to stay zoned with 2 acre minimum lots. The planned density is out of character with the neighborhood and the zoning requests places a burden on the neighbors with future water and all services. He did not have a problem with Dr. Zilm developing Sunlight View II with the current zoning he has.

Terry Fattor - 0045 Alpine Court, stated he like the adversarial process where one side creates all good and one side the bad. He personally wishes that no development would take place; but then I should tear down my house and let the deer have it. Unless I am willing to do that, I cannot say for him not to build. The reality is that he liked the concept and suggested the Commissioners approve the request.

Bob Hadley -0007 Meadowood Court stated Dr. Zilm should build it out but in 2 acre lots. He would like to see it sold in larger plots but as it is currently designed it looks like Parkwest.

In regard to the Certified Letter - he only received 3 pages - the front sheet was left off but he did not know it until he came today. He stated he did not receive a notice, only the legal. He added there was a bunch that didn't get it.

Walt inquired if Mr. Hadley was objecting that he did not get a notice.

Chairman Smith - are you objecting?

Mr. Hadley - no he was not.

Walt stated the decision you make will affect a lot of people.

Cecilia Hadley - stated she did not get public notice; she signed for it and when she opened the mail it did not tell them anything. She has decided that she and her husband Bob Hadley should object that they did not get the public notice.

Chairman Smith stated the objection should have come when they had started this hearing.

Attorney Joe Edwards apologized stating this was his first time to appear before a hearing like this.

However, others had stated to him they had not received a full packet in the notice and that he mentioned it paragraph 4 of his letter read into the record earlier in the hearing.

Nancy Crenshaw came to the microphone and stated that she also did not receive the cover sheet that explained what to do if she could not be present at the hearing.

Walt Brown stated the hearing should be continued for lack of proper notification to landowners that the re-zoning affected.

Larry argued that by the presence of the landowners justifies they were properly noticed.

Walt stated he was concerned regarding the potential for a lawsuit. In order to cure the defect he advised the Commissioners they should continue the hearing until the proper notices were adequate.

Larry stated that notices were sent certified with returned receipt according to the code of the statute 10.04.01.

Mark Bean stated this constitutes defective notice and it would require that the applicant start again and reserve everyone affected. He stated this could be up to 40 days or more if the applicant consents to a longer period of time.

John Boyd of 0074 Meadowood stated for the record that he did not get a full packet; he did not receive the cover sheet, only the legal description.

Walt Brown asked if he was objecting to the notice or are was he waiving the objection.

John Boyd stated, no he will waive the objection.

Eric Strautman - questioned if this was as a matter of - or was it possible - if someone wants to refute it as a stalling procedure.

Chairman Smith - answered that generally this is not used as a stalling tactic. There has been some genuine errors in proper notification in the past, only the Commissioners are usually notified at the very first of the meeting when the attorney asks if all parties were notified.

Walt stated this was a possible stuffing envelopes error.

John Taufer stated that he thought he had checked every notice; he added he understands the significance of the adequate notification of all affected parties and does not take this lightly.

Diane DeFord - stated she and Don had received the notice but Don did not pick it up so her letter was lost but that was not the fault of the applicant. She asked is the bike path behind.....

Walt Brown interrupted and stated they could not take any additional testimony as it was before the Commissioners to make a decision if they wished to continue the hearing due to defective notification.

Chairman Smith stated the testimony already given and on the record would not have to be repeated; only the people who did not get an opportunity to give input would need to return on the date certain for continuance.

Commissioner Martin made a motion to continue the Public Hearing until public notice has been satisfied, but no more than March 10th at 2:30 p.m. The motion died for lack of a second.

Cecelia Hadley returned to the microphone and stated she would like to remove the objection.

Nancy Crenshaw - 123 Meadowood - stated she was in error and retracted her statement that she was not properly noticed. She stated Joe Edwards informed her that she was noticed.

Joe Edwards - speaking on behalf of his clients stated the appropriate course of action is to renotice.

Mark - suggested to the Commissioners that this should be called a continued hearing in a motion.

Larry Green - stated they would hire an independent third party to verify the adequate and proper notification.

Jim Dukas of 0016 Deer Park Court, inquired why the continuance since the two individuals that came forth and objected had withdrawn and waived their objections.

Chairman Smith stated because Mr. Edwards has objected to illegal notice in Article No. 4 of his letter.

Commissioner Martin stated he would like to reinstate his previous motion to continue the hearing until March 10th at 2:30 P.M.

Commissioner McCown seconded the motion; carried.

Adjournment - 7:50 P.M.

Attest:

Board of County Commissioners
Garfield County, Colorado

FEBRUARY 4, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, February 4, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

Chairman Smith called the meeting to order at 8:03 A.M.

CAPITAL IMPROVEMENT PLAN

Consultants Dennis Stranger, Peter Nichols and Dean Gordon presented.

Dennis Stranger presented a summary of the need for the County to adopt a Capital Improvements Program. The approach was explained as:

- a budget tool that would allow the Commissioners, elected officials and department heads to anticipate the needs and methods of paying for capital improvements including facilities, infrastructure, and major pieces of capital equipment;
- standards established allowing the County to project excess and deficient capital capacities;
- a model developed permitting the County to adjust the program to accommodate changing and unanticipated growth patterns and service requirements throughout the County;
- developed with extensive public involvement and with input from local governments in the County. This involvement would help ensure the program's success and confirm the public confidence in the County reflected in the passage of the 3/4 cent sales tax; and
- working with the County department heads to implement the Capital Improvements Program by inclusion of the 1998 Budget.

Discussion items were identified by tasks:

Task 1 would be the organization of the project which would include meetings with the Board of Commissioners, key county staff including the County Administrator, County Attorney, Planning Director and Road and Bridge Supervisor to identify the focus of the project. Within this task, the objectives of finalizing project goals and work program; development of a schedule and milestones as well as defining deliverable products; and cost estimating and contracting would be included.

Task 2 would consist of extensive public involvement establishing the foundation for preparation. The project must reflect the priorities of the county leaders and citizens in order to gain support. Discussion yielded the need for a series of public meetings to be held within the Glenwood, Rifle, Battlement Mesa, Carbondale, New Castle, and Silt areas as well as the necessity to meet directly with the Mayor and Council Members of each of these governmental entities. The Board of County Commissioners agree to be represented at each of these public meetings to answer concerns and gain public comments.

Task 3 involves an inventory of existing county capital facilities to be developed directly from input of elected officials and staff. These existing capital facility plans would be reviewed and incorporated in the inventory.

Additionally develop an initial database of current capital items and identified or perceived capital needs. These would be organized by budget fund and department.

Task 4 incorporates the county's future capital requirements. In order to accomplish this, municipal staff will be consulted about the standards within each community that affect the interfaces with the County infrastructure.

Task 5 - prepare a fiscal profile of the County's capital expenditure capabilities through a fiscal analysis of all relevant potential sources of revenue.

Task 6 identifies the future capital improvement requirements and costs by comparing existing capital improvements to capital service standards and costs, projected growth and development. These would be prioritized and scheduled incorporating financing considerations.

Task 7 - the recommended 1998 Budget preparation as a result of the investigation, analysis and public input

A motion was made by Commissioner McCown to authorize the Chair to sign the Contract for the Capital Improvements Plan to be drawn up by County Attorney Don DeFord. Commissioner Martin seconded the motion; carried.

Other issues discussed included:

The Mountain View Building heating/cooling system with Don DeFord, Chuck Deschenes, Margaret Long, Chuck Brenner, Phil Vaughan and Randy Zwichel of Marsten/Kenney present.

Executive Session - RFRHA IGA Position at Meeting February 5 - Sheriff Liability

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session which included Walt Brown being present; carried.

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

Grant Application - Town of DeBeque

Chairman Smith presented a note from Dale Hancock regarding a grant application for the Town of DeBeque stating there were 66 ambulance calls in 1995 that involved Garfield County residents the majority of which was transported to St. Mary's Hospital. The vehicle has 144,000 miles and dependability of the transport vehicle was of question. She presented that Dale was requesting a sign off by the Commissioners on a letter of support.

A motion was made by Commissioner McCown to authorize the Chair to sign a letter of support for the Town of DeBeque regarding a new transport vehicle for emergencies. Commissioner Martin seconded the motion; carried.

Communications Authority

Don DeFord, Chuck Deschenes, Jim Stevens, Terry Wilson, Tom Beard, Dennis Mahan, Zell Zordel, Daryl Meisner, Darrell Back and Jim Mason were present.

Discussion was held regarding the time-frame of three years versus six years in setting up the Communication's authority.

Commissioner Martin expressed his concern about the duplication of another governmental entity in setting this up. He stated without setting up a separate government he therefore suggested having the County cover the employees, lease the Rifle facility making them County employees with insurance, wage structure, personnel policies already in place, take the Board that is here who have worked diligently and forthright stating they do not like the way the Communication System is being run. Therefore, put them in a place where they direct and hire and supervisor the Director of the Communication Center, assist with the budget and direction they want but leave it as a County Department. Commissioner Martin stated he felt this would look better to the public, work faster eliminating a three or six year review, and allows this committee to have a vote. He also indicated that he wants this system to work knowing there are a lot of problems ahead for all concerned.

Don provided you can give the Communication Board powers as you see fit but you can withdraw those at any time. So that you could say to a board you have hiring and firing authority but in reality you or any board could withdrawn that at any time. This was part of the problem ten years ago in that we had a board where some thought it was advisory and others thought they had more control. It was the confusion of those roles and especially for the legal department with personnel issues and liability risks for the County.

Therefore, shortly after the election of the new Commissioners when these discussions began, Don stated he advised the small committee that you should establish a separate authority that is completely independent of the County or establish a County department that is clearly that of which the County Commissioners oversee and have responsibility for because the worst liability situation is the type where you try to do both. This would be his advice to this discussion as well.

Chuck voiced his concern for a separate governmental entity in duplicating of effort. He foresees wasted dollars toward capital improvements, etc.

Chairman Smith voiced her concern was the one that Don DeFord raised and that is why these individuals are sitting here today discussing this. She feels the Committee needs the guarantee that the Authority Board will continue. If we cannot establish this where they are not under every whim of the County, then she agrees there could be problems. She added this was so important to the public safety of everybody that it shouldn't be on the whim of three people. This may not be ideal but you can come back and amend the parts that do not function properly. What the Committee has worked at has come out as good as can be except that she still wants to re-visit the fact that it should be totally separate.

Daryl Meisner stated the Committee worked with Don early on with the concept as a total county entity or a total authority board and the discussions suggested having an authority board with autonomy to be palatable to all the uses.

Commissioner McCown agreed with Chairman Smith stating he believed in the concept. He added he had been at the meetings and helped work on everything from draft one to draft eight. There have been problems and the Committee has gone back and forth between County Attorney, City Attorney, the Board of County Commissioners and the Steering Committee and the concept is not a perfect organization but it is a workable organization and no one can answer for the Authority Board fifteen years from now nor for the Commissioners fifteen years from now. What we do have to address are the problems facing us right now. He favored the Authority Board.

Commissioner Martin stated he wanted the concerns of duplicating governmental services noted, but that he was not against this Board. What he was doing was playing the "devils advocate" here and letting all know that we are going to use a lot of money that could be used otherwise, but if it's the only way we can effectively do this, then he suggested to have a review process in three to six years and if it's working, he'll be very happy. The Authority Board will now have to take care of former County and/or City employees with reference to insurance, retirement, and also protection of workman's compensation. If we are still willing to do this and if all agree that this is necessary, then it has to stand totally on its own. There is no contract with any agency involved in this. He added that he agreed with Chairman Smith in this regard.

Commissioner McCown stated there has to be a contract in its inception to get this off the ground. We must initially have a contract where it is Garfield County and with Rifle. This would keep the Authority Board afloat during the interim period.

Amendments to draft seven and eight of the IGA were discussed and Don reiterated those changes for the benefit of a motion.

A motion was made by Commissioner McCown to authorize the Chair to execute the Intergovernmental Agreement (IGA) for a Regional Communication Authority as reflected in draft seven and eight with the amendments set forth during the course of discussion of those drafts. Commissioner Martin seconded the motion; carried.

Tom Beard, on behalf of the Steering Committee, officially thanked the Board of Commissioners and Don DeFord for all their cooperation and effort to get this Authority Board established. A round of applause was given for Don DeFord.

Executive Session

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

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

FEBRUARY 10, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 10, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.
The press was present at the meeting - John Stroud from the Journal.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report.

Jim Sears presented the bid for a new all wheel drive compact size sport utility vehicle. Four bids were received:

Sunlight Motors for a 1997 Suzuki Sidekick.....	\$16,000.00
John Haines Chevrolet for a Geo Tracker	15,000.00
Ed Bozarth Chevrolet for a Geo Tracker.....	14,867.24
Bighorn Motors for a Toyota Rav 4L	19,709.00

Discussion:

Jim suggested to purchase a Geo Tracker. Chairman Smith felt this was a poor purchase. Jim explained that Judy would be using it for process serving and felt the need for a small 4 - Wheel drive, 4 door truck to do her job. He stated this is the most practical and best price. Jim added the pick-up she is using will be kept for search and rescue use.

Commissioner McCown would rather have the purchase made in Garfield County versus Mesa County. Jim added this truck will be used for 4 years.

A motion was made by Commissioner McCown for the John Haines bid for \$15,000.00 for the 1997 Geo Tracker and to pay the extra \$133 to keep the purchase in Garfield County. Commissioner Martin seconded the motion; carried. Vote: McCown aye, Martin aye, and Smith - nay. Chairman Smith stated that she could not support this "sporty" purchase.

Letter to Jean Cole

Chairman Smith suggested Chuck write a letter thanking Jean Cole for his time served on the Water Conservancy Board.

Weed Management

Chuck stated that he had heard from Dave Gallagher and he was re-negotiating his contract. The Commissioners suggested that Chuck follow up with Steve Anthony in Aspen to see if there is still an interest in working with this program.

Boundary Line Adjustment for Airport

Chuck presented the Boundary Line Adjustment warranty deed and a mutual revocation of license agreement regarding this adjustment and requested the Chair be authorized to sign the deed. He added that Don had looked them over. He explained what this entailed, it acquiring 13.42 acres from Rifle Land Associates who owns most of the land around the Airport. This land is located on the southwest corner of the Airport and is needed for fills, etc. as the Airport expands. The license relates to the fact that we had permission to use a portion of that parcel for a fill used at the Airport. Since we are merging the parcel there is no reason to have this license. The water lease relates to the Rifle Land Associations who have some fairly good water rights to Crane Springs. They have, as part of this transaction, given the County permission to use that for 10 years for irrigation purposes on the Airport. It serves two functions, it gives the County some fairly inexpensive irrigation water we can use and also shows beneficial use on the City of

Rifle's part. There is no dollar amount shown. The other part of the arrangement is that the County is basically quit claiming and giving up all rights to the water system improvements that are on Rifle Land Associates property.

The Crane Springs were developed with the Airport and Rifle Land Associates working together and jointly put in some settling bases and a small chlorinated plant. The Airport Board and everyone concerned agrees this is a good trade for 13.42 acres of land. Chuck summarized that the County is trading water system improvements for land.

A motion was made for the Chair to sign the mutual revocation of license and water lease with Rifle Land Associates; and a quit claim deed for Garfield County Airport and Rifle Land Associates. Chairman Martin seconded the motion; carried.

Chuck noted for the Chair that a change needs to be made on the signature line that would clarify the Garfield County Board of Commissioners is the owner of the property.

Journal Entries

Chuck stated that these do not need a motion. Chuck distributes these entries monthly for the Commissioners to review. All deposits are entered as journal entries.

Bid Openings - Airport

Chuck stated the bid awarding for the apron and connector rehabilitation project for the Airport was scheduled March 24th. This is an estimated \$800,000 - 900,000 job for the airport. Chuck stated that Mike McBreen and he would be present when the bids were open.

Library Board

Chuck stated the Library Board requested time on the Board's agenda to submit a request for a budget amendment for \$6,000 to keep the Children's Library in Glenwood Springs open full time. Chuck stated this was a minor adjustment for the size of their budget and therefore suggested they may need to wait until the end of the year to see if they need to make an amendment. Commissioner Martin stated he spoke to the new Children's Librarian. She was very excited and he felt that she would stay on.

Request of Cindy Crandell - Animal Shelter Land Request

Chuck stated that Cindy Crandell was on the agenda today and would be requesting the possibility of land donated by the County for an animal shelter. Parcels of land was reviewed. The parcel in West Glenwood was the only land Chuck could think of. It is about 5 acres.

Meeting with Fairgrounds Committee and Lee Moss

Chuck stated there was a need to schedule a meeting at the Fairgrounds with Lee to look over the grounds and made some decisions. Chuck stated there was some conservation trust money available and it did not look feasible to relocate the Fairgrounds considering the amount of improvements already on it.

Discussion:

The City of Rifle has made strong hints that they would like to use this land. However, finding another suitable location would be a problem. The Rifle mill tailings site were discussed as a potential relocation site. Mildred stated she thinks there is a reversion clause on the Fairgrounds.

Meeting with the Airport Board

Chuck stated this was scheduled for February 19th at 3 P.M.

Announcement of Boards and Commissions

Commissioner McCown stated he had spoken with KGLN and KMTS and they will announce the opening of the Boards and Commissions. Commissioner Martin stated they needed a copy of the letter. Chuck stated that he would include the fact that current members of the existing boards and commissions should re-apply.

Joint Meeting - Board of Commissioners and Fairboard Committee

Chuck stated there was a meeting of the Fairgrounds Board meeting for February 13th.

A discussion was held regarding combining the Fairgrounds Board and the Fair Planning Board.

The Fairboard Committee is responsible for the Fair but make recommendations as to certain improvements to the Fairgrounds and purchases. The Fairgrounds Committee has in the past simply been trying to make enough money to make the Fairgrounds self-sufficient. Now that they have been fairly successful in that endeavor, the sales tax money does help out a little bit, now they want to shift toward planning for the future of the Fairgrounds. Input from both committees should come to the County Commissioners and from there decisions should be made as to what they ultimately think is feasible and how much money to allocate.

Commissioner McCown stated he had heard that the Fairboard is basically a Board without no money and no authority and has become a virtually useless Board. Even though they have the responsibility of putting on the Fair, they are an unfunded entity with no value and the members of the Fairboard are asking why they should take all the heat for putting on the Fair when

Commissioner McCown was leaning to coordinate the two Boards. He voiced a concern that eventually the separation of these two Boards may create some damage to the Fair.

The possibility of meeting with the Fair Board, Fairgrounds Board and Extension Board was suggested. Chuck will talk to the Fairgrounds Committee.

CONSIDERATION OF RESOLUTION SUPPORTING A REGIONAL TRANSPORTATION DISTRICT

Chuck stated that Colin Laird, RFTA, had submitted a request for the Commissioners to consider a Resolution enabling legislation for a Regional Transportation District.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to table this request until clarification was obtained; carried.

Payment by warrant - Resolution

Commissioner Martin made a motion to authorize the Chair to sign a Resolution establishing procedure for payment by warrant or order for the claims or demands for payment and payroll against Garfield County. Commissioner McCown seconded the motion; carried.

Fixed Asset Deletion Sheets

Chuck submitted fixed asset deletion sheets for a TV and VCR.

Commissioner Martin made a motion to authorize the Chair to sign the fixed asset deletion sheets deleting the items off the list. Commissioner McCown seconded the motion; carried.

Discussion regarding the location of the Overhead Projector resulted in Chuck being directed to inquire with Carol of Extension and to clarify that this equipment was not given to Eagle.

JAIL DISCUSSION

Dale Hancock, Don DeFord and Chairman of the Jail Advisory Board Al Maggard were present.

Jail Court

Sheriff Dalessandi was not present. He was ill.

Chairman Smith read the jail count into the record:

Total in jail - 123. Main jail - 39; Work Release - 44; Females - 8; Other jails - 23; Home Detention - 0; Day Reporting - 1; State Hospital - 0; DOC - 11; and Weekenders - 8.

Joint Applicants - Colorado West and the County - Juvenile Holds

Chairman Smith stated a discussion had been held with Ken Stein and the entire concept of juvenile holds. Russell George strongly suggested that the Commissioners look at this and perhaps there are some funds available to obtain to implement this in Garfield County. Russ has related to Chairman Smith that Durango has done this successfully.

This would make the County and Colorado West joint applicants on grants.

Community Corrections

Al Maggard mentioned the State Board will be meeting in Greeley on Friday and Saturday.

Executive Session - Denver Rio Grande Railroad Right-of-Way

A motion was made by Commissioner McCown to go into an Executive Session to discuss and obtain direction on the Denver Rio Grande Railroad Right-of-Way purchase. There is a meeting of attorneys to go over the language of the IGA and grants on Tuesday, February 11, 1997 at 1:00 P.M. Commissioner Martin seconded the motion; carried. Don requested that Walt Brown stay for the Executive Session.

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

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

AMENDED FINAL PLAT - ASPEN GLEN, FILING NO. 1 - ASPEN GLEN GOLF COMPANY

Mark Bean, Don DeFord, Chuck Deschenes and Larry Green were present. Mark presented the amended plat is recommending some changes from Jack Nicholas after he became involved so basically some of the lines were moved around regarding the location of golf holes. Larry represented to Mark that all people involved that are affected by this have been notified and have no objections. Mark stated this did not affect lot sizes, drainage, and only involved the moving of golf holes around.

Chairman Smith called attention to Parcel No. 2. Mark clarified that basically the State Health Department required they have an overflow out of the clear well itself that apparently wasn't there when they did the original well. This was one of the State's requirements for their approval of Aspen Glen's water system.

Commissioner McCown did not like the encroachment of the 109 Road due to all the road work to be finished. Mark stated the other side of County Road 109 is Public Service. Basically they are providing the utility easement adjacent to County Road 109 but not within County Road 109.

Larry Green clarified

Mark added that no motion was necessary.

FINAL PLAT - ASPEN GLEN, FILING NO. 2 - APPLICANT: ASPEN GLEN GOLF COMPANY

Mark Bean, Larry Green, George Hanlon and Gary Lattie were present. Larry Green and Mark Bean presented that this is the next filing or phase of the single family lots at Aspen Glen, located generally to the North and West of the Bridge, called Glen View and Indian Summer.

Gary explained regarding the sewer and water trunk lines to the sites. He stated it was just an extension to the Mesa up the main road to the Indian Summer area. Public Service will tie into County Road 109. Larry Green stated this line is in place and would look into the fact if it is in the County right-of-way. Chairman Smith inquired about dust control stating they had some complaints last year and reminded Larry that dust suppression was a condition.

Larry stated the water system if up and working properly and the irrigation system will be in place by summer. Everything is moving according to plan.

Action:

Mark stated that at this point Aspen Glen will bring back a mylar with the subdivision agreement and letter of credit.

Larry stated he would also come back before the Commissioners regarding the easement of County Road 109.

DEPARTMENT HEADS

Mark Bean - Building and Planning

Mark submitted the monthly reports and commented that Ranch Creek will be on the Commissioner's Agenda for May 5; Levitt and River Ridge PUD were unscheduled; Aspen Glen Owner's Club was going

to the Planning Commission on February 12th and should be before the Commissioners the first or second meeting in March. This regards the issues of time-share and a zoning interpretation. He added that Larry Green has provided Don DeFord with some Court cases to review. Covenants have been cited and the individual homeowners can litigate the issues separately.

Mark stated the golf rights of Aspen Glen are separate. The first buyers into the subdivision received their golf rights with the land purchase, but now the golf rights are worth \$50,000.

Four Mile Ranch Preliminary Plan is scheduled for March to PC; Eubank Zone Text Amendment goes to the Planning Commission on February 12th regarding re-zoning to commercial; and Rapids on the Colorado Final Plat is unscheduled.

MIKE MOTTICE, BUREAU OF LAND MANAGEMENT - DISCUSSION ON LANDFILL, NAVAL OIL SHALE RESERVE, AND LAW ENFORCEMENT

Mike Mottice, Dale Hancock and King Lloyd were present.

Landfill

Anvil Points Landfill

Mike Mottice summarized the transactions. The 10 year term lease expired in 1992 and has been extended on an annual basis pending the sale of the lands to Garfield County along with additional lands for future site expansion. BLM's policy is that the US Government will terminate existing landfill leases upon expiration or selling to the landfill operator, provided lands are deemed suitable. The BLM's ultimate goal is to make public lands available to assist communities with landfill needs while minimizing the US Government's potential liability associated with running landfill operations. The BLM and Garfield County have been processing the landfill sale transaction since 1985. The current landfill operation meets or exceeds BLM and State Department of Health standards. There are no known hazardous material problems and the site is considered to be suitable for continued safe landfill operations. This is based on a recently completed Landfill Transfer Audit. BLM has completed an environmental analysis regarding the landfill sale and determined the sale to be in the public interest with no significant impacts. One landowner adjacent to the property has expressed concern over the impacts of the landfill on his property and one landowner has expressed causal support for the proposal. Garfield County has modified its Operation Plan to address the landowner's concerns as much as possible, but residual and long term impacts to the landowner will remain significant liability to BLM.

Mike stated the Board of County Commissioners needed to accept the liability and understand what this means to the County; and indemnify the government. On the liability question, the Commissioners need to understand that one of the citizens is very concerned about the impact to him. To close this out, Mike stated he doesn't have Allan Krause the lead staff person who has been running this transaction to answer the question. He does have Don's concerns that need to be addressed. However, he requested the County's go-ahead to get this prepared. The document does call for some amendments to the operating plan specifically.

Don stated this has been completed.

Chairman Smith stated she would like Mike to complete the modifications to the agreement and come back before the Commissioners for their modifications.

Mike stated he would bring those modifications back and was hopeful at the March meeting to have the Commissioner pass a resolution to basically indicate the go-ahead, get it signed and get it on the way to Washington.

Don asked for clarification on compensation for the purchase price and when the county would need to write a check.

Mike stated this would be done when BLM issues a patent sometime later after the contract was signed.

Chairman Smith reiterated the sale price as \$2.50 an acre and \$10 an acre for expansion.

Don stated it was also his understanding that all acreage had been changed to \$2.50 per acre.

Mike stated he only needed an official record of the Board of County Commissioners supporting the process.

Naval Oil Shale Reserve

Mike presented the Naval Oil Shale Reserves, containing about 55,000 acres northwest of Rifle was established by Executive Order in 1916 to ensure the military a secure supply of oil from oil shale in the event of a cutoff of oil supplies due to war or other hostilities. The Reserves are owned by the United States Government and operated by the Department of Energy. Commercial development of oil from oil

shale was attempted in the 1970's and halted in 1984. Production of oil from the oil shale reserves remains uneconomical at this time and it is unknown if commercial development for oil production will ever occur again.

Department of Energy has provided funding to the Department of Interior for the Bureau of Land Management to provide custodial management (surface resources only) of the Naval Oil Shale Reserves. This limitation on BLM management is compounded by the lack of a land use plan for the area.

In 1996, Congress required the Secretary of Energy to conduct a study to determine the future of the Naval Oil Shale Reserve. Locally this means, citing funding problems, decided to withdraw all funding of BLM surface management for FY 1997 except the Department of Energy requests that BLM continue management of the livestock grazing program.

The Department of Interior recommends that the reservation establishing the Naval Oil Shale Reserves be revoked and that lands be retained by the U.S. for management by the BLM. The BLM would complete a land use plan, oversee leasing of natural gas reserves and provide for the use and protection of all the resources of the Naval Oil Shale if such development were ever to become economical.

About 4 - 5 years ago, Senator Campbell introduced Legislation. On November 7, 1996, BLM published a proposed rule in the Federal Register. The purpose of this rule is to: (1) consolidate many of the BLM's existing regulations that instruct the public regarding lawful conduct on the public lands; (2) reflect case law decided or statutory law enacted after the regulations were promulgated; and (3) use a "plain English" format in their presentation.

The public comment period has been extended until March 7, 1997. A complete copy of the CRF is available in the BLM office and the Garfield County Commissioners Office.

BLM recommends they maintain the ownership of these lands.

Within a month Department of Energy will be reviewing BLM's comments and a decision will be forthcoming.

Mike added that the Department of Energy will very likely recommend a small portion be sold to the private sector. He estimated about 5 - 8,000 acres however, that BLM would remain responsible for management of the grazing lands. Another thing that BLM can do is limit the permittees for grazing.

Law Enforcement Regulations

On November 7, 1996, BLM published a proposed rule in the Federal Register. The purpose of this rule is to: (1) consolidate many of the BLM's existing regulations that instruct the public regarding lawful conduct on the public lands; (2) reflect case law decided or statutory law enacted after the regulations were promulgated; and (3) use a "plain English" format in their presentation.

Mike added that the public comment period has been extended until March 7, 1997.

ROAD AND BRIDGE DISCUSSION

Jim Stevens and King Lloyd were present. King stated that Jim presented him with a proposal and King felt the ideas of the Board should be considered regarding radio and transmission.

Jim stated the IGA had some discussions not to leave out Road and Bridge. Additionally, there has been a second factor that recently developed which is: Motorola furnished the Olympics and now the County a deal on radio equipment for 1/2 price. This would give Road and Bridge better coverage. Jim presented a calculation of the Motorola mobile units cost stating the high end is \$15,000 and Road and Bridge would be tying into the Holy Cross repeaters. Holy Cross is a temporary deal until the IGA is up and running.

Commissioner McCown stated he was under the understanding that when we own 800 Megahertz system there would be room for Road and Bridge. The change over of Road and Bridge was estimated at between \$27 and \$28,000 now.

Jim stated that VHS cannot be converted over to 800 Megahertz. He added that by the year 2001 the FCC has required all individuals using VHS to convert over to 800 Megahertz and further no units be sold that do not comply with this standard

Chairman Smith stated this has been voiced for over 10 years.

Jim stated that even today Motorola cannot sell radios of the old VHS type.

Commissioner Martin stated Motorola has equipment that is not compatible to other types of equipment. Commissioner McCown is inclined to spend the \$20,000 to go with Holy Cross. Jim assured the Commissioners there was a lot of equipment out there because they are phasing this equipment out. King stated he was in favor of going with the Holy Cross offer as well.

A motion was made by Commissioner McCown to utilize the existing frequency we have and King be authorized the expenditure of \$20,000 to change the mobile units to become compatible with that frequency and getting these off the emergency channel. Commissioner Martin seconded the motion; carried.

King stated he had received a memo from Sheriff Dalessandri regarding an incident last week over a mild confrontation between the Road and Bridge drivers and the Sheriff's Deputies. The problem that needed addressed was the discussions were held over the emergency communication system. King stated the problem was solved and the two departments were working on better communication.

Four-Mile - Posting Speed Limits

King summarized the current situation with traffic exceeding the speed limits on Four Mile Road. He stated in connection with the Sheriff's Department about four years ago, posting was completed on the Four Mile Road and everything was in place for the Sheriff to patrol and ticket excessive speed of vehicles. The Commissioners suggested that since the sales tax passed that the rural enforcement should be implemented as this was the purpose for a lot of people voting for passage and directed King to address this with the Sheriff.

Weight Restrictions

Chairman Smith suggested to King that if notices are ignored regarding weight restrictions, that King should send the next letter registered with certified return receipt requested so he will know the company received the warning.

King stated he had a packet of materials that he sends out to newcomers that gives all the rules, etc. King stated he would just send another packet with a returned receipt and have it on record.

Commissioner McCown stated this will give the company fair warning, then if they do not comply, proceed.

Sanding Material

King stated for the first time Road and Bridge ran out of sanding material, however Dotsero agreed to sell additional material for the same price as the start of the season and Bogue had agreed to haul it at the same rate of public bid.

Occidental Building

Commissioner McCown stated Occidental may have a building for sale.

Commissioner Martin suggested that King take a look at the building. Discussion took place regarding placing it on the land in Cattle Creek for a shop facility for Glenwood. Cattle Creek may be big enough for everything. This would be considered as a long range plan.

Fairground Tractor

The purchase of a tractor was deferred to the meeting with the Fairgrounds Committee scheduled for February 13th at 7 P.M.

CINDY CRANDELL - ANIMAL SHELTER - REQUEST FOR LAND

Cindy Crandell presented a request for land before the Commissioners.

Chairman Smith stated they were looking at possible sites earlier and reviewed available land owned by the County.

Zoning in West Glenwood by golf course - 1.5 acre lot 182.

Commissioner Martin suggested that he would get with Cindy, go tour the land below the golf course in West Glenwood and then see about zoning.

Chairman Smith suggested that Cindy also contact either the Forest Service or BLM to see if they have any land available that would be usable for this purpose.

Cindy responded that she had and toured with BLM some property however water would be a big problem and there were no utilities. The Forest Service does have something serving Pitkin County.

Regarding financial help, Chairman Smith they could not make a commitment at this time as they are already into this budget cycle for 1997; however they could look at it for next year's funds.

Cindy inquired as to discretionary funds.

Chairman Smith stated this was a possibility or contract funds for animal control through the Sheriff's budget.

Howard Tingley -1336 County Road 129 of No Name Creek Road asked if there was any part of a school that could be used for subleasing.

Chairman Smith stated they could ask Don DeFord.

Mr. Tingley stated he did not know of one, he was only inquiring of the possibility.

Commissioner Martin suggested the Glenwood Land Company. Mr. McGreggor from Aspen and his attorney Mr. Hartert of 818 Grand would be a good contract.

Cindy stated she appreciated the leads and would look at the property in West Glenwood.

DISCUSSION WITH COURTS

Judge Tom Ossola, District Attorney Mac Meyers, Sheriff Tom Dalessandri, Dan Hall, and Don DeFord were present.

Juvenile Holds

Don DeFord recounted the events that led to this meeting today. He stated he received a call from the Sheriff last week stating he had been utilizing the cells on the 4th and 1st floor to hold juveniles for up to 4 - 6 hours. Don stated the Sheriff commented to him that it was his understanding these cells were for his use before court appearances. Judge Ossola directly informed Tom that he was not pleased with that arrangement. Tom wasn't sure that the Judge actually ordered him not to use the cells but he was very insistent. Don visited with Judge Ossola and briefed him about this issue. Don summarized the discussion that Judge Ossola was not happy about the arrangement and at least at this point he was not directly ordering the Sheriff not to use the cells. Don spoke with the Sheriff further about it, informed the Board and explained the circumstances. Don stated the Sheriff had written to the District Court explaining his commission and Judge Ossola has written back explaining further his position. The Board has copies of this correspondence. At the direction of the Board, Don stated he contacted Judge Ossola and set up today's meeting to see if an accommodation can be reached on this issue.

Don stated he had met with the new juvenile Judge Carter and representatives of Garfield Youth Services last week for entirely different reasons, however they did discuss very briefly the availability of "staff secure facilities" to hold juveniles. Don stated these may be available but very limited in number - only 3 beds.

Judge Ossola stated there were 4 beds contracted for by the Division Of Youth Corrections (DOYC) with Colorado West. He explained Colorado West has been under contract for providing those services for several years.

Tom Smith, Lawyer in Aspen, stated he was representing Sheriff Dalessandri on jail issues with federal court litigation on-going for decades, and this issue is an offshoot of the federal court order just one more issue that means we need new jail facilities in Garfield County. Tom and he have talked and the Sheriff wants to work something out although the Sheriff is not sure what can be done. The Sheriff has been using these rooms because he felt he had no other alternative. Tom Smith stated the Sheriff is open to suggestions. The Sheriff has informed me that the federal officials inspected these cells in the Courthouse and made a determination that it was satisfactory for juvenile's temporary detention. Tom stated he wasn't sure how this goes to the issue as far as numbers confined in one cell and thinks this is part of the consideration.

Chairman Smith asked the Sheriff if he had made use of these rooms more than once?

Sheriff - yes

Chairman Smith - Are you using these just as holding cells on a fairly frequently basis?

Dan Hall stated as a matter of fact we just starting to use them; we have to do something over there at the jail. According to the Sheriff's meeting in the State of Colorado, if Garfield County doesn't do something

to cure the problem, there is a certain percentage of every Sheriff in this state that is going to lose money over this issue because of the juvenile problems. So basically, we lose every time we get juveniles in the system. Dan stated the juveniles do not have any contact with the mainstream prisoners; the juveniles tear up what little visitation equipment he does have because of a lack of staffing to supervise or control them; and staff need some place relatively close to the Court to utilize temporary holds to smoothly get these juveniles in and out of court.

Chairman Smith inquired of Dan Hall if he had talked to Colorado West at all about the possibility of using the existing beds allocated for juvenile holds.

Dan Hall stated that almost 100% Colorado West is full with respect to their beds. What Judge Ossola mentioned was that Garfield Youth has 4 beds allotted for overnight housing. Also a problem with Colorado West is the distance from the courts.

Jim Sears added that Colorado West is not a secured facility and this requires having a deputy stay there in the building watching these juveniles.

Judge Ossola stated it might be helpful to understand some of the relationships and we can start with the 4 beds at Colorado West. Those 4 beds are contracted for use by the DIVISION OF YOUTH CORRECTIONS as part of their effort to manage their detention facility in Grand Junction. It is a 10 bed facility and normally runs up to 300% or more over capacity. Several years ago DOYC/Grand Junction contracted with Colorado West to provide staff secure detention beds with them so they could have relief from the overcrowding at their facility in Grand Junction, also Durango and two or three other places. These are beds that DIVISION OF YOUTH CORRECTIONS pays for and he would suspect that those beds are intended for that particular use and not for the use pertaining to this discussion today.

Judge Ossola stated Colorado West was large enough however, but he would suspect that it would require another contract of some kind for the additional kinds of detention that we are discussing today. He felt it appropriate to discuss the two types of detention or two categories of detention. As he had indicated in his letter to the Sheriff, it is his understanding that those holding cells, the two that exist in the Courthouse, were designed to temporarily hold prisoners in association with a court appearance that is on-going. The prisoner is brought over a few minutes before the hearing, managed a few moments before the hearing starts, during recesses of the hearing or trial and the perhaps briefly after the hearing is concluded waiting for paperwork and that sort of thing; but not as cells for which to hold either adults or juveniles for purposes or reasons other than an immediate court appearances. Having them here..... when these cells were designed and put in..... it is probably like Chairman Smith was saying, the cells were looked at primarily for adult prisoners. He stated he recalled no discussions specifically for juveniles. Certainly in the period of 1981 - 1982, we may have had one juvenile in custody at one time. This was our population and not the focus of what these cells were put there for, nor was it anticipated that they would be used for anything else. They have been used for juveniles over the years when a juvenile had a court appearance. The juvenile was brought over shortly before the appearances; maybe even held during recesses; held a few minutes after the hearings; then they were moved on. No holding at night. The cell was associated with a specific court appearance.

From time to time, the Sheriff takes custody of juveniles who are not associated with an immediate court appearance. The classic case would be the an agency (city or town) makes contact with the juvenile and makes the determination that the juvenile needs to be detained. If the officer does not release the juvenile, the next step in the process is for that department to notify GARFIELD YOUTH SERVICES. GARFIELD YOUTH SERVICES has a contract with DIVISION OF YOUTH CORRECTIONS to do juvenile diversion and screening and make the determination if this child is appropriate for detention. Sometime that child is held at the agency itself; sometimes that child may be brought to the Sheriff's department. It takes some little bit of time for the on-call person at GARFIELD YOUTH SERVICES to do an interview, to call a judge and make a recommendation. The call may come at 2, 3, or 4 A.M. Usually sometime between midnight and 2:00 A.M. and if the recommendation is that the child be detained and that is what the judge determined is appropriate, then the child is ordered detained and placed in custody of the DIVISION OF YOUTH CORRECTIONS. That child, if he is at a police agency, such as Rifle, Carbondale, or Parachute, I assume is brought to the Sheriff's department. There is a standing order for the authorization for transport of that child to the custody of DIVISION OF YOUTH CORRECTIONS. I think it is that period of time that is in debate here. Not the holding in conjunction with a specific court appearance although there are ramifications to that to. Most of what I think we are here to talk about today is that period when the child has been determined to be appropriate for detention and has not yet been surrendered to the appropriate officers of the DIVISION OF YOUTH CORRECTIONS. There is a time frame and there is a question

about where that child or children should be placed. It was my determination, based on my experience, understanding, and responsibilities that I have as Chief Judge of the Judicial District, to send a letter to the Sheriff indicating that those cells should be used only for the purposes for which they were originally designed and put in the building. That is in association with on-going specific court appearance. Judge Ossola stated he first learned that the Sheriff may want to do something else with those cells last Fall sometime when Judge Craven became aware that the Sheriff was intending or in fact using those cells for some of these other purposes. Judge Craven came to me and was quite concerned as he did not feel this was the appropriate place to hold children for any length of time. Judge Ossola's understanding was the Sheriff then did not go on and use that facility at that time. Sheriff Dalessandri and Judge Ossola had a conversation in the summer in which he indicated he wished to use the cells for some of these other purposes. Judge Ossola told the Sheriff that he had reservations himself and some of other judges had reservations and there would be a need to talk about it and discuss it more fully. I think that we need to focus on these non-court appearance holdings. It has been my position, as stated in the letter, that those things are there for that very limited purpose. We never had an occasion to discuss it before but I think it is appropriate to discuss now, that even in connection with those purposes, there are some limits. If a hearing is at 1:30 P.M., as these juvenile hearings are most likely to be on Tuesday afternoons at 1:30, having children here by 9 or 10:00 A.M. for a 1:30 appearance is difficult but probably manageable if we are talking about one or two. If we are talking about 5 children in one of those 5x10 cells for that period of time, I have grave concerns even while they are there for a specific court date. There has to be some upper limit on the number of bodies that can be put in there. As you know there are no restroom facilities immediately associated with those cells; it is difficult to observe those children; and to place 4 - 5 in those cells unless someone is watching them all the time could lead to a averse situation because you really don't know what's going on in there. There are risks associated with that and anytime you get 4 - 5 kids you are going to get kids cross with each other at some time. So the amount of time can be a problem along with the physical number of children.

Dan Hall stated in association with the time frame, the way Judge Ossola is docketing now, this may eliminate some of the expanded amount of time. In other words working with Judge Carter for the Tuesday afternoons we may be able to limit the time necessary. Before, where we were docketing for a 10 A.M. and then maybe a 2:00 P.M. period for a different juvenile, we had to make a trip to Grand Junction to get two or three to meet those two time periods. That may help ease the problem.

Judge Ossola stated he agreed with that. That basically was a scheduling problem.

Commissioner McCown gave a situation: Under this scenario such as Glenwood PD arrests a juvenile, GARFIELD YOUTH SERVICES is contacted, does the evaluation, wakes the Judge up at 1:30 A.M. He determines that a hold was proper. The DIVISION OF YOUTH CORRECTIONS is contacted and they are full. They have no more capability to house anymore. What happens then?

Dan Hall stated they must always take them to Grand Junction, so a trip to Grand Junction is a necessity at that point.

Judge Ossola - they have an emergency release procedure that they've never exercised but it's on the books. If their numbers get high enough the procedure calls for them to make an evaluation based on the established criteria of all the children in their population. The particular child who triggers the emergency situation may not make criteria for release but somebody somewhere else may.

Commissioner McCown stated if there is a forced out emergency scenario who makes that determination.

Judge Ossola stated that would be made by the DIVISION OF YOUTH CORRECTIONS. They have not utilized this up to this point. They adopted the emergency release procedure about 4 - 5 months ago.

Commissioner McCown - is it a statutory responsibility that the Sheriff does the transporting?

Sheriff - It depends. If he's been arrested and has to be put in a secure facility, it is our responsibility.

Commissioner McCown - in other words Rifle would have to bring a juvenile to the Sheriff's department which is...

Sheriff - well, they can option to do it themselves, but it is the Sheriff's department responsibility.

Commissioner McCown - I was thinking about the time involved transporting a juvenile this way so you guys can transport him 32 miles back and on to Grand Junction.

Judge Ossola - an even worst scenario is Parachute.

Dan Hall - either way this works if a staff secure bed is available it is in their best interest to go ahead and transport the child on down to staff secure. Now if we have to go to Grand Junction usually what happens, and we have been able to accommodate all agencies fairly competently, is that they will hold them at their

agency in either Rifle or Parachute as our transportation has to come from the West end. It is a waste of their manpower and our manpower to bring them up to Glenwood at that point.

Commissioner McCown asked where the juvenile would be held.

Judge Ossola stated this is an issue for each city to answer. He was aware of some circumstances where the child may be physically at the agency offices from noon until 7 - 8 P.M. waiting to have the interviews and a determination made to detain. Then there is a lag time, so that child could be in this gray area for some period of hours.

Sheriff - under any circumstances, 6 hours is the maximum locked up. The law basically says you can make certain accommodations to hold these juveniles in an area around a building where a juvenile facility is not available but the jail, by provisions of the Department of Juvenile Justice, is not a designated holding facility under any shape or form. So the results of this are people bringing juveniles to our facilities, which is exclusively used for holding adult offenders. The jail becomes off-limits to juveniles anywhere beyond that administrative area of the building. So they really run into some administrative problems. Rifle could hold a juvenile in their interviewing room because they are not a holding facility as such. They may be considered such in the future with the two or three cells that they have. The Sheriff stated the Glenwood Springs Police Station is not accommodated to hold anyone so therefore they could put a juvenile in a room and hold them in that room. Where we really run into problems is where we start to bring juveniles into adult holding facilities. It makes us open to be slapped with a lawsuit. He stated that's really about all the concerns that he has and have had over the past couple of years. It's the one that's the most significant because of putting a kid in a visitation booth far and away exceeds the severity of putting them in a court holding cell. We don't have anywhere else to securely hold. Putting them in a poorly secured room may work in some situations but let's say we put them in an office that has a window and a door and all kinds of things in the room. Let's say further that this room is in the administrative area, the problem is most or a good number of the juveniles we deal with are not passive individuals, they're 16 - 17, 15 years old adults that are pretty violent offenders. To subject that individual, the juvenile and the deputy for a period of maybe an hour, two hours, and maybe even in a situation where someone may get hurt because of all these things around, it's really pretty unacceptable. Glass, unsecured doors - so it is not practical to hold them in a room used for other purposes. That's mainly why juvenile holding rooms are sterile. They have a chair, a desk and nothing else. They try to make them as reasonably pleasant as possible but at the same time they take away any potential for injuries. If the juvenile has to be closed in a room and bang themselves around in there out of protest, the officer can remove himself from further harm and possibly harm for the individual for having to be in that altercation. So an isolation area is real important. Again you are dealing with two different kinds of individuals. Juveniles who may be a shop-lifting offender or you may be dealing with a juvenile who is a non-violent offender. Then you have another by attitude and behavior is very violent and in some cases more violent and more dangerous than some of the adult offenders. So do we put them in a straight jacket. Absolutely not, the law says you can't confine them or restrain them with constraints. You can't chain them to a chair and none of those things you can do to adult offenders. So again you are subjected to this confrontation which ultimately leads an officer to using defensive techniques that ultimately may injure either himself or the child. So having a real secure place to put them is real important and it has to be someplace where they can be isolated.

Judge Ossola agrees with the Sheriff. Some of these children can, in the first hours of his detention, be management problems. Sometimes they are coming off of whatever chemicals they may have been using. Many many children are under prescribed medications that under certain circumstances make them difficult to deal with. They are in a crisis and one aspect of the scenario that I didn't develop, and is common in a certain percentile of cases, is that they will express suicidal ideations. Therefore they need to be observed appropriately until Colorado West Crisis Workers can intervene and screen them. DIVISION OF YOUTH CORRECTIONS will not take a child who is expressing suicidal ideations. That sometimes also cranks a delay but while that is occurring some trained person need to be appropriately observing that child because you don't know what you've got here. You've got a prescreening and you don't know what you are doing. So an ability to observe and protect both the officer and other people becomes....

Chairman Smith stated she felt that all three - Commissioners, Sheriff, and Judge need to sit down with Colorado West and talk about the beds and perhaps they have staff secure holding over and above what we have now. But....

Judge Ossola stated Craig also has some juvenile holding facilities.

It was basically agreed that a discussion with Colorado West would be the best thing to do for now.

Judge Ossola stated he thinks what Chairman Smith is talking about is some sort of relationship between Garfield County and Colorado West for them to help staff and supervise these juveniles in a locked room. *Chairman Smith* asked if there was any deviation in the Children's Code from these regulations.

Judge Ossola stated there is one complication in the new provisions and that is when a child is detained, the formal charging document in the petition must be filed within 72 hours. Depending upon the time sequence, that can require another trip from Grand Junction if the child is held in Grand Junction because when a child is detained he is entitled to a detention hearing within 48 hours. Then if he's detained at that detention hearing, he must be charged within 72 hours. So we could have a child moving back and forth several times. We try to avoid that when we can at the advisement procedure by conducting advisement by telephone. And very often when a child is detained here and taken to Grand Junction, rather than bringing him back within 48 hours, we do the advisement over the telephone that saves one trip back and forth. But we would have to have that child physically present for the filing of the petition and it is at this point when the child is connected up with their lawyer especially if it is going to be the public defender.

Commissioner Martin asked if there was a ruling on the video conference?

Judge Ossola stated no we haven't set that up yet. It could happen. The difficulty is this is a critical stage for the child to be hooked up with the attorney and for the child's parents and the child to all meet and discuss the situation. If you have the attorney here, the child in Grand Junction and the parents here you are not getting the link up that you need at this very critical stage. Those kinds of things can happen and we certainly use telephone conference wherever we can. Sometimes we even sentence by telephone. In rare cases where there is a stipulated sentence and everybody knows what's going to happen and everybody agrees, then we can even do sentencing over the phone and we do that where we can. But there are some appearances that probably need to be with people physically present. At that time you formally know what the child is charged with. The attorney can be more expressive with the parents and parents can participate more with the child. Then that child goes back to Grand Junction in many cases and it is difficult for the attorney to be in touch and talk with him.

Chairman Smith - well I guess what - one solution - in the interim - is to call Colorado West and see what they have in mind because they are going to talk to us again and see if they can help. Russell George encourages us not to drop this and has indicated it is a good time to pursue it. If Judge, say we have a real crisis situation of one or two and you were contacted and asked on a temporary basis, while we work at this, is there a possibility of working out an interim solution?

Judge Ossola - well in talking to the people whom I report to in Denver, I really don't have too much flexibility saying that those cells can be used for that purpose. On an interim basis and in an emergency situation, on a case by case basis, I guess I could take a look at it and try to be as flexible as I can be. I would need to know what the arrangements were, how many people we are talking about, that they probably won't be supervised, however, certainly not more than 6 hours.

Chairman Smith - Colorado West had commented that they would try to get back in touch with me tomorrow sometime and talk about what possibilities there might be, but as sure as you say this won't happen again, it will. So I guess the steps that need to be taken if it does come up is someone from the Sheriff's office call and talk to Judge Ossola before anyone is put in there.

Judge Ossola - right

Don DeFord - Chairman Smith, I think we'd have to ask the Sheriff if this would be an imposition to him if we did it this way.

Sheriff - well, I've had some conversation with Tom Smith regarding some of the statutes pertaining to the authority of the Sheriff and Tom you can comment on that....

Tom Smith, Attorney - well I can comment on it. Obviously, I don't want you to take it the wrong way, it certainly is our intention to work this out but my reading of the statutes of the cases is that if we're dealing with facilities that are in charge of the Sheriff, the Sheriff will have to make the ultimate decision on how they are going to be used. We want to work with the Commissioners, we want to work with Judge Ossola and the Court but if the Sheriff has a crisis situation and he feels he can't resolve it in any other way and feels he needs to make the decision to use the facilities in his custody and control as he deems appropriate.

Judge Ossola - Tom, I determined that those cells are used in my custody and control. Somebody can take them away from me, but right now they are in my custody and control.

Commissioner Martin - stated let's not get into a confrontation. What I would like to see is the Sheriff, Judge Ossola and I and Tom Smith making sure this agrees with Chairman Smith, get down to what we can do as a staff issue, review that, see if there is any modification and see if it meets with the Judges standards, the Sheriff's interest and our interest and work with Colorado West and make sure we can make those

modifications and even sign a contract that we can take those folks down there and hold them during this crisis time, and avoid the conflict that we are heading for.

Sheriff - well, I just want to say and put this right on the table. I don't see a need for a conflict here. There is one issue that's pressing beyond control of anyone in this room and that is the continuing and increasing problems created by this jail facility. You all know it and I'm preaching to the choir here. Everyone has to work together collectively, make some compromises and make some sacrifices other than the Sheriff to help resolve this problem. There is a significant problem and the next issue that is going to come up is there will be a mentally incapacitated people, the next issue will be physically incapacitated people. We are not capable of handling either of those as well as the juvenile issue. Those are special needs cases and the facilities do not provide for the accommodation for any of those. So, I think the reality is that everyone has to be willing to put the cards on the table here and everyone has to be willing to be inconvenienced a little bit because I certainly am on a daily basis and I didn't create the problem. The individuals brought to the court are as much a responsibility of the Sheriff as they are the Courts and vice versa and we have to work together to collectively. The further we move them away, the longer response time and the more difficult getting them to court appearances on time; then we run into conflict there. So this thing is fraught with conflicts and I really believe the solutions here are that we are all willing to make some sacrifices to solve them. Additionally, that we're all willing to look at this thing in the big picture and globally figure out a solution other than let's just keep moving them down the road. As we have experienced with the hundreds of thousands of dollars we have spent moving them down the road, it's not a good solution, neither will it be a good solution for dealing with juveniles. I'm not into getting into conflict with anybody here, but I really need publicly and in this setting for people to really understand that we are in a state of crisis - we are in dilemma as a County, as a Sheriff who's the first line shot and ultimately you as the Commissioners and everyone has to participate in this. And again, everyone will be inconvenienced. And if I have to exercise my authority in any of these areas I will - that's firm because I have to not because I want to. I would prefer as I have said early on, is to go out there and raise the flag in the morning have a cup of coffee and put my feet up and that would be just fine but it isn't going to happen. We have major issues here and they are increasing on a daily basis. The problems are getting more complex and the laws are getting clearer. So, that's my speech.

Don DeFord - one suggestion if we are looking at a facility for Glenwood and I'm talking about the holding cells on the 4th and 1st floor, I'm suggesting that Judge Ossola and the Court should not be involved as there is potential conflict with that process. This should be with the Commissioners and the Sheriff - the Commissioners as the landlord and the Sheriff as the operator.

Judge Ossola stated he would be glad to share his views and what have you, but I agree with you that these are issues within the Sheriff preview and within the Commission preview - those cells were originally part of the allocation to the courts and were put in there specifically to support the court activity. Now you may determine that necessity requires you to withdraw those from the allocation of space to the courts. And you may do that, but until you do, I have a responsibility to the judicial department which I have to exercise.

Don DeFord - if the Commissioners and the Sheriff decide to follow that course, I would anticipate that you would expect something in writing indicating to you and the Sheriff that they elected to withdraw that.

Judge Ossola - although it is going to have to be clear that you have assumed responsibility for that activity in those places and that they have nothing to do with the courts. I sit here today and say to you, I don't believe those cells are appropriate for holding of juveniles other than in association with immediate court appearances. That is my personal view and not a judgment of the court. I would not approve of you taking the space away but that is something that you have to decide on your own.

Don DeFord - I'm trying to make sure there is some white line here at this point and the Judge has made it clearly that it is under his control and part of his court space and unless we take some sort of affirmative action it will stay that way.

Judge Ossola - that's right.

Don DeFord - that's all I'm trying to say.

Judge Ossola - I'm basing that on tradition and history. Circumstances may require a different posture at this point. I appreciate that.

Sheriff - For the record, I agree that we should continue to pursue other avenues but as to the immediate solution I've got to do what I've got to do including and not limited to the possibility that I have to notify each police agency here in the area advising them they are not to bring juveniles into our facility in any way shape or form. He stated the letter hasn't been sent out yet but we have been talking about it for a long time. That includes all municipalities' prisoners and now juvenile prisoners. I understand their position as

well. We continue to have these problems and they are going to continue to increase. The use of the cells in the Courthouse is one possibility for purposes of court appearance holding and other related holdings, however, we do need another facility somewhere. Preferable close to the courthouse so it doesn't cause problems with traffic in and out. Dan has had to transport juveniles here hours before they needed to be here to assure that they have timely presence in court. Now that's added a lot of time and a lot of money to the Sheriff's expenses and inconvenienced the Sheriff's department, but we do that because we want to ensure that presence in the Courtroom. The further you move juveniles away from that facility the more difficult it is. All you need to do is to get burned a couple of times when we get held up in traffic and run 10 minutes late for the court appearance. Then where do we put them even if it's a 20 minute wait, or 30 minutes. This is a tough time line to try and balance in an increasingly dense valley with traffic and all the other problems we have to deal with. So what we need is a facility in close proximity to the Courts to hold juveniles. It is critical to this process. The other side of this is when we transport them around the valley and around the western slope, the further we have to go out and pick them up is time and time increases the expense. It is another inconvenience and more people on the road for longer periods of time. It is not unlike the argument of having the jail close to the court.

Commissioner Martin stated if we have a holding facility for overnight or for a 6 hour period where they are going to come back to court, I think we should utilize it. Dan, I think you are going to have to work with the courts. This will have to be under review of the court and your discretion. The Judges have come up with better scheduling and made changes and I think you need to work with that. The ultimate is we don't have a juvenile holding facility in Garfield County which presents some headaches.

Don DeFord - stated the issues of space would need to be handled in an Executive Session. But before we do, as representing the County liability issues, there is an immediate problem needing a solution. Are the Commissioners and the Sheriff willing to dedicate some staff to look into Colorado West starting this afternoon or tomorrow to see if we can get something in place for those who are coming into this system?

Chairman Smith - stated yes that she feels the Commissioners need to look into resolving this not only for juveniles but others as well.

Dan Hall stated there is a docket tomorrow at 1:30 P.M so it is happening again.

Judge Ossola asked how many children would he be transporting. He stated he is a lot more flexible for children being transported for court appearances than for the other category. The specifically category court appearances kids, lets refer to as category A and the other kids as category B kids. Category B kids are the ones that he stated he has very little flexibility on.

Dan Hall - in the middle of the night kids is what you are talking about.

Judge Ossola - yes

Don asked - to move this along, are the Commissioners comfortable with the Sheriff dealing with staff time.

Chairman Smith - stated yes.

Commissioner Martin volunteered his support for anything he could do.

Don stated we need to discuss what the Sheriff is going to do with the juveniles brought here by the municipalities in the next week.

Dan Hall - we might as well deal with it because as far as I'm concerned they are not going into the jail facility.

Commissioner Martin stated to the Sheriff that his letter needed to go out to the municipalities and they will have to deal with the juveniles unless they are sentenced or a request that they be transported to a holding facility.

Sheriff stated that standards dictate a certain size room, it has to have certain furnishings, and be outside the jail.

Chairman Smith suggested the Lift-Up Building.

Commissioner McCown stated we need to deal with this because the jail would not be ready for another two years if they even started tomorrow.

Discussion continued regarding possibilities other than or in addition to Colorado West. A decision was made to table the issue and look at the options over the next day or so.

PUBLIC HEARING - SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION - LOGGING - ON A TRACT OF LAND LOCATED APPROXIMATELY 8 MILES SOUTH OF RIFLE OFF OF COUNTY ROAD 317. APPLICANT: TUCKER - FRASE

Mark Bean, Don DeFord, Jim Beveridge with City of Rifle, Gary Osier with the Forest Service, Clay Tucker and David Frase were present.

Don determined that proper notification was made timely, proof of notification was adequate and instructed the Commissioners they were entitled to proceed.

Chairman Smith swore in the ones who wanted to speak during the public hearing.

Mark presented the following Exhibits for the record:

Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Reports; Exhibit E - Memo from King Lloyd of Road and Bridge dtd 12-31-96; Exhibit F - Memo from King Lloyd of Road and Bridge dtd 11-4-96; Exhibit G - Memo from King Lloyd dtd 8/14/96; Exhibit H - Letter from David Levy from Grand River Construction dtd 11/8/96; Exhibit I - Letter dtd 10/10/96 from Steve Pollack, Technical Engineer; Exhibit J - Letter dtd 4/17/96 from Roger Neil of High County Engineering; Exhibit K - Letter from the City of Rifle dtd 8/6/96; Exhibit L - Letter dtd 8/15/96 to Resource Engineering; Exhibit M - Letter dtd 8/13/96 from Jeff Caller; Exhibit N - Letter from Veto LaSalle of the Forest Service; Exhibit O - Letter dtd 10/15/96 from Chris Locher; Exhibit P - Letter/fax from Gary Osier; Exhibit Q - Letter from Kelly Rogers; Exhibit R - Letter from the City of Rifle dtd 2/7/97; and Exhibit S - Petition from Landowners in Taughenbaugh Mesa dtd 2/9/97. Chairman Smith admitted Exhibits A - S into the record.

Mark stated: This is a request for a Special Use Permit for natural resource extraction for a commercial logging operation made by Clay Tucker, Sharon Tucker, David Frase, Timothy and Stacey Frase on a 4,464 acre tract of land located approximately 8 miles south of Rifle off of Beaver Creek Road (CR 317).

The parcel is located in "Unclassified Lands" of the Garfield County Comprehensive Plan. This site is located primarily in the Beaver Creek drainage and is the headwaters for Porcupine Creek, Spruce Creek and West Mamm Creek. The property contains a number of Englemann Spruce - Alpine Fir, Aspen and Gambel Oak stands mixed in with riparian and high mountain meadows.

The applicant is requesting a special use permit for a commercial logging operation in Teepee Park area of Beaver Creek. The request to allow the logging of 1454 acres of non-contiguous aspen, Englemann Spruce and Alpine Fir stands on the 4464 acre tract of land. The applicants propose to cut between 8 to 11 million board feet of Englemann Spruce and Alpine Fir and 1090 cunits (cunit = 100 cubic feet) of Aspen over a three (3) year period after all permits are approved.

Public Speakers:

David Levy - David E. Levy Forestry Service - From Nevada City, California presented the applicants proposal summarizing the material contained within the written document he presented for the record and presenting justification for approval of this project. He stated he was a professional forester in California and would be answering concerns addressed to the proposal.

Chairman Smith asked for those to come forward who wished to speak and cautioned the speakers to address facts and not personalities.

Bob Hooker 8902 County Road 302 - Rifle submitted an article by Heather McGregor of the Daily Sentinel from 1994 and read from the article stating, "...But the idea of logging the land worries Osier because most of the spruce, fir and aspen grows on steep slopes in an area where soils are crumbly. You remove too much of the timber and you'd have the whole damn mountain in the creek, in a heartbeat. Legally, they could probably go in and cut every tree. Then when the dirt gets a foot deep in the creek, maybe the Health Department would step in." Bob stated this concerns are regarding the impact made onto the Beaver Creek Springs. The land is extremely porous due to shale. If you take the foliage off, the water and lots of it, over a period of time will become muddy. In addition he addressed the road traffic on County Road 320 stating the road could not handle the additional traffic. He stated Beaver Creek is used primarily for cattle driving and recreational uses. It is difficult to move cattle on the road due to traffic at the present time. He added that Mr. Frase and Company are out of state - California. He felt they had plans to rape the land and leave with their profits, therefore he strongly urged the Commissioners to stop this process and not approve the application.

He added a Recommendation in case the Commissioners did approve the application - an extreme dollar amount of bond to cover all damages to handle losses of crops and under the auspices of the Corp of Engineers to erect a dam to handle silt and drainage.

Chairman Smith admitted Exhibit T - Daily Sentinel Article into the record.

Tom Vondette - 0301 County Road 334A - stated his family has lived on the Beaver Creek since 1910 and he has seen no damage to date from 4 sawmills on this land logging trees. He added he is more concerned if we don't allow some timber cutting. To have this land divided into 40 acres plots and 68 plots with 68

homes would be a worse scenario than the logging operation. He stated there is a lot of beetle killed timber on this land; logging will help with the beetle kill; and he would rather see the land logged rather than lost due to a fire. Some type of management by Tucker/Fraze will help and the roads would also be improved. *Marty Speck* 0124 County Road 332 addressed Condition No. 8 in the Staff Packet regarding the road improvements on County road 320. He stated the road has blind turns, switchbacks, and virtually not a safe road for a lot of traffic. He felt that asphalt on the road will not solve the problem.

Chris Locher - 2309 County Road 317 - Rifle. Submitted a Letter dtd 1/15/97 - written to the Garfield County Commissioners stating his objections to the project. He read directly from the letter and requested it be entered into the record.

Chairman Smith admitted Exhibit U into the record.

Chris is the owner of Lucky 13 Ranch located at 2309 317 Road in Rifle. Water is the biggest issue and stated unless there were ways to mitigate the damage to the water such as constructing a water holding facility that would be consistently maintained and managed that he felt the project would have a disastrous effect on the immediate landowners. He added the landowners will not sell any land for turn-outs as proposed in the application; a pilot car would not work due to physical restraints on the road; and basically the people have a great deal of mistrust for the applicants. Chris introduced a letter dtd 12/12/96 from Tim Frase regarding Teepee Park Property stating notice to Mr. Locher that "nobody has access to cross our property.....due to liability reasons.....not even for you to herd your cattle across our land.....this will be treated as a trespass."

Chairman Smith admitted the letter into the record as Exhibit V.

Chris Leven 1055 Waters Ave Aspen - owners of 80 acres known as Dorrell Ranch across from Lochers. The water rights is the most critical consideration in the process of approving this application. He is also from California and is real sympathetic about people coming into this area from that state as he receives the same treatment. The other issue of concern is the road as the turns on County road 320 are awfully extreme. He also address the dust and mitigation on the road.

Don Dorrell 1312 - 317 Road - main concern is the water shed. Mr. Frases' intentions to harvest aspen is the biggest concern. He stated when they start moving heavy equipment it will damage the water shed. Also, he should be entitled to know what will happen to the property once the logging is over. He added regarding the roads, when there is cattle on the road it can take up to 3 - 4 hours.

David Ling - Mayor for the City of Rifle and *Tim Moore* Engineer, City of Rifle

The City has the legal right to review the watershed impacts. The City of Rifle held a public hearing on this matter and continued the decision until other various agencies such as the U. S. Forest Service, Bureau of Land Management and the Board of County Commissioners had an opportunity to make determinations. The City has not zealously pursued the evaluation of the project and will need to generate a proper decision on the watershed. They are ready to proceed wholeheartedly. Pending the decision of the Board of County Commissioners, Rifle will know what to do. As stated in the letter faxed to the Commissioners February 7, 1997, Rifle will be focusing on water quality and quantity issues. The other concern would be to make a change in Condition No 8 - add the inch and one half overlay to South 7th Street from the intersection of Taughenbaugh Blvd./Highway 13 to County Road 320. They stated the stakes are high and a mis-decision would result in long term and harmful issues. Some other suggestions they made were to have consultants such as hiring an erosion and water quality specialists. He further stated that the City of Rifle would be holding their own analysis and Public Hearing process in Rifle which will focus on the water quality and quantity issues.

Gary Osier of the Forest Service stated they will approve it subject to other entities and their condition of approval.

Cindy Halowerk 074 Road 224 of the Forest Service stated they are scoping the work and they will issue the reports to the Commissioners.

Chairman Smith inquired as to the time frames for having this completed.

Cindy stated late May.

Chairman Smith stated we need the permissions of the applicant to go over the 120 days, then to go beyond that time would be okay.

David Levy - stated he appreciated the way the process is working, however he needs to report not only to Tim Frase but the rest of the members of the ownership and everytime it continues on they do not always understand. Therefore, is it fair for me to report to them that when we get more information from the Forest Service and the City of Rifle stating what else they want us to do and we continue to make progress

and provide the changes, by continuing this it does mean we are not killing it and that we have at least an honest consideration contingent upon completion of the analysis? Is this a fair analysis?

Chairman Smith stated we needed the Forest Service report and the information from Rifle before having the applicant return.

Don DeFord stated this had been continued a number of times and therefore for the record he needed a statement from the applicant that they are in agreement of this continuance beyond the 120 days set forth in our regulations.

David Levy stated they have told him they need to continue on with the project as long as progress is being made, therefore, no objections.

Commissioner Martin made a motion to continue this public hearing until the outcome of the Rifle Public Hearing and also allow the U. S. Forest Service to do their proper process and would like to continue this until June 9, 1997 at 3:00 P.M. Commissioner Martin seconded the motion; carried.

Executive Session - Zoning Decision - Jail - Roaring Fork Holding Authority

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss the zoning decision in Larimer County, issues surrounding the jail as it pertains to juveniles, and direction for Don on the Roaring Fork Holding Authority.

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

Colodny - Surveyor's Plat

Don stated he had requested the surveyor to go ahead and give us the plats and bill us for the work. There is no other way to obtain the title insurance with this work.

Midland Avenue - The Rippy/Jolley Project

Don reported that Mike Copp and he have reached an agreement at least in principle regarding annexation and after looking at the plat, they both agreed an annexation plat was necessary that would be presented for signature of the Chair. Don explained the complete survey that Sam Phelps was doing.

The Commissioners approved Don to open negotiations with the one property owner that this affects to obtain a 60 - 70 foot easement that is needed.

Recess - 7:45 P.M.

FEBRUARY 18, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, February 18, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M. John Stroud and Jim Leuthauser were present for the press.

Helipad - Valley View Hospital

A letter from Arleen Way of the Colorado Department of Public Health and Environment, Divisions of Medical Services requested support from the Garfield County Commissioners regarding the concept of a Helipad at Valley View Hospital.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter of support for Valley View Hospital for a Helipad at the hospital; carried.

BID AWARD - PASSENGER VAN

Mike McBreen and Jim Sears presented the bids for a 15 passenger van for use in transporting prisoners to Canon City and other neighboring County Jails for the Sheriff's department.

The following bids were received:

Glenwood Springs Ford - 1997 Ford Super Club Wagon.....	\$ 21,211.70
Columbine Ford 1997 Ford Super Club Wagon.....	21,588.00
John Haines Chevrolet 1997 Chev. G-30 Express Wagon.....	23,500.00
Berthod Motors 1997 GMC TG 3170 Van	23,431.00
Rey Motors 1997 Dodge, 3500 Ram Wagon.....	22,990.00
Western Auto Co. 1997 Ford Club Wagon.....	22,693.00

Discussion:

Mike indicated that the bids for the Ford Wagon did not include a rear heater. The extra cost would be \$820.00. Chairman Smith stated she would be in favor of adding the extra \$820 for the installation of a rear heater for defrosting purposes and trade-in value.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to purchase a 15 passenger van with the addition of the \$820 for the rear heater at the Glenwood Springs Ford bid of \$21,211.70 plus \$820.00; carried.

Letter from Ossola

The Commissioners received a letter from Judge Ossola and briefly discussed the contents.

Airport Authority

Chuck stated the Airport Authority has a letter of intent to Corporate Aircraft Services for a 30 year parcel lease and an extending the FDO Agreement to be consistent with this as well as an existing lease on the present hanger. He has expressed a rush to get this agreement to the bank. Chuck stated he did not have the contract to put before the Commissioners, but would like the Board Chair authorized to sign this extension contingent upon attorney's review and acceptance.

Discussion: Commissioner Martin made a motion to authorize the Chair to sign an amendment to the FDO and lease agreements with Corporate Aircraft's Services that essentially.....the last ten years will have an option if the land use changes we would be able to buy them out if we have another entity wanting to come in here and do something. Chuck stated they are also going to build a hanger that will run between \$500,000 and \$600,000 as far an investment. At the end of 30 years the land and improvements revert back to the County. The motion died for lack of a second.

Commissioner McCown made a motion to authorize the Chair to sign an amendment to the FDO and lease agreements with Corporate Aircraft's Services for a period of 20 years. Commissioner Martin seconded the motion; carried.

House Gift-a-Way

Chuck stated that John Hazen has offered to re-locate the former Lift-Up House.

The Commissioners discussed the offer and advised Chuck to contact John Hazen and advise him that it had originally been offered to non-profit organizations first; however if no one from the public sector came forward by March 3, 1997, an award would be made at that time.

Bills

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Claims against Garfield County for the second run of January 1997; carried.

DISCUSSION - ANNEXATION OF ROAD 346

Dave Ling, Tim Moore, Attorney Lee Leavenworth, King Lloyd, Don DeFord and Chuck Deschenes were present.

Don stated it was his understanding that the City of Rifle had an alternative proposal to present to the Commissioners as they do not intend to annex portions of County Road 346 with each property and that is why we are here today.

Lee Leavenworth presented they were before the Commissioners to further explore a conversation that occurred last July about 346 Road. The map presented to the Commissioners indicated the portion of Road 346 that has been annexed into the City.

Lee continued stating there seems to be a better approach which is to enter into an intergovernmental agreement require each of these parcels as they come in to include the County Road as part of their annexation. He stated at the July 8, 1996 meeting several suggestions were submitted for discussion. These included: for the City of Rifle and Garfield County to work together on a joint energy impact grant; form an intergovernmental agreement regarding property taxes; the use of County personnel and equipment to help provide the upgrades that are necessary; or a maintenance agreement with a renewal date on the road agreement. It seems to Lee that it is in mutual interests to upgrade this road as it will also provide service to the airport and whatever commercial and industrial development seen at the airport will probably occur coming back this way. So the airport will significantly impact this road as will the development proposed by the various people proposing to annex. Lee suggested a working together between the City of Rifle and Garfield County to meet mutual goals. At the present there is an intergovernmental agreement between the City and County where the County maintains 346 road and the City pays the County for those portions located within the City.

The proposal today is: to work toward developing an intergovernmental agreement that would provide that the City of Rifle requires the annexation of the County Road as the parcels on the southside come in. Lee stated he could go back, but can as a condition of their annexation, require a survey and legal description of those portions. Lee stated his firm would be willing to prepare the annexation petition and have the County file. The County would need to agree to sign the plat and the petition so that the process was facilitated. We also think it would be appropriate at some point, whether it be when 50% of the road comes in the City would simply take it over all the way to the end of the business park for maintenance purposes. What we would like to ask the County in exchange is we do believe a mutual interest to see this road upgraded - City of Rifle for the business park and the areas adjacent to it and the County - the Airport that the County agree to joint applications either Energy Impact money or for Economic Development money to assist in fixing the road. The City has a condition of annexation required on all the properties on the southside and will as a condition of sale on the rest of the business park, require all these people to participate in a special improvement district for the purpose of financial assistance that affects the road. If there was an 80/20 match on the section in front of the business park the City could fund the local match through the SID. The SID would be a tough thing to sell financially if it is only the SID money because it is such a large undertaking. The City is thinking the best way is to divided this into two sections. One would be a \$285,000 project and go for an energy impact grant to fund this. The other section, once lots have begun to sell, we may qualify for an economic development grant. It is very much in our interest to do this jointly in terms of the likelihood of it being approved. It is unlikely that the entire project would be funded

through energy impact because they have a \$300,000 cap on their money. Lee stressed the importance of working with the County and recognizes that this road does need to come into the City of Rifle but on the other hand they recognize that it needs significant upgrading not only for what's being proposed along it but to also get to the Airport.

Therefore, Lee stated they are here today to discuss this and if the Board is agreeable to this concept, he and Don can work together to develop an Intergovernmental Agreement that would outline these basic concepts.

Chuck - stated he felt a need for a master plan for the whole area. He did not like addressing anything on a piece-meal basis. The Airport and County did do some extensive development for Mamm Creek exit and road to the Airport for instance. We can visualize that all this area will be in the City of Rifle. He encouraged the Board to look at the whole project. The other particular problem is the Energy Impact Grants. The County has specifically identified three energy corridors and the grants for the last 4 - 5 years have been consistent with those quarters. He added if the County ever wants to shift back to those it does dilute our ability to do that. So he suggested broadening the scope to look at cooperative efforts on other roads in lieu of this road with regards to Energy Impact Funds. Economic Development Assistance funds are good sources and they should be with a master plan that encompasses more than just the end of Rifle's Industrial Park they should probably go all the way to the Mesa and be looking at the whole scope of things and how this would be developed. In concept, Chuck stated he liked what he sees and would like to be able to participate with Rifle but again reiterated to expand the whole area to be considered while in the planning process and the source of funding to be looked at that is most consistent with the County's goals and hopefully the City of Rifle's goals because County Road 320 is one of those identified energy corridors. This particular road would be easier for the County to participate with Rifle in an Energy Impact Grant rather than the Airport Road. The Airport road is not impossible, that's a Board decision as to what they want to do.

Additional discussion was held on these issue.

Jim Beveridge addressed Rifle's comprehensive plan.

Don requested clarification in drafting an IGA with Rifle, would the Board want to address funds to annex these properties in discussion - Harold Shaeffer and Bob Colorosa.

A decision was made to have Lee representing the City of Rifle and Don representing the County work together on the development of an IMO or an IGA. Don suggested that Lee get started and then contact him when ready for a discussion.

JAIL DISCUSSION

Jail Advisory Board Chair Al Maggard, Doyle McGinley, Dave Sturges, Dale Hancock and Deputy Sheriff Jim Sears were present.

Jail Count

Total in Jail: 108; 39 - main jail; 39 Work Release; 7 - females; 22 other jails; 1 female in Crossroads Rehabilitation; 10 are DOC in other jails.

Jail Negotiations

Commissioner Martin reported the negotiations with the City Council Special Committee went well, the time frame is being met thus far, and overall he felt positive about the negotiations; however until this committee meets with the full City Council and a determination is made that re-zoning will be addressed, nothing will happen.

Commissioner McCown stated the City has to decide to go for the re-zoning and they know they will have to take some heat, nonetheless the ball is in their court.

A follow-up meeting was scheduled for 7 A.M. on Monday, February 24, 1997.

County Operations

Dale Hancock reported the Judge had requested some type of work crew program to be started through Garfield Youth Services for the juveniles in trouble. Dale is working on this issue.

Executive Session - Sheriff Department - Litigation Issues

A motion was made to go into an Executive Session by Commissioner McCown and seconded by Commissioner Martin to discuss litigation concerns at the Sheriff's Department; carried.

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

COUNTY BUSINESS

Bills

A motion was made by Commissioner McCown to approve the claims against Garfield County for the first run of February 1997 as submitted. Commissioner Martin seconded the motion; carried.

Public Information - Manual

Commissioner Martin stated Mesa County has a reference manual which includes the long range planning for this county. He was very interested and suggested the Board consider a similar project for Garfield County. The books cost \$18 and have everything that is offered in the County. The Library and Chamber of Commerce are the organizations that handle the distribution for Mesa County.

Loss Prevention Report for 1996

Chairman Smith introduced the report for review.

Management and Personnel Study

Chuck presented a management compensation survey completed by Susan Owens and requested direction.

Commissioner McCown suggested this to be placed on the Agenda for March 10.

Board Minutes

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the Board of County Commissioner's Minutes for January 6, 13, and 20, 1997; carried.

DEPARTMENT HEADS

SITE APPLICATION FOR A LIFT STATION - WEST GLENWOOD SANITATION DISTRICT

Mark Bean explained the engineering report for the West Glenwood Sanitation District. The service area definition includes existing population and population projections, flow/loading projections, and relationship to other water and wastewater treatment plants in the area. The service area for this lift station is the small portion located south of the Colorado River. It encompasses the newly annexed portion of the westerly section of Devereux Road and includes the businesses on Devereux Road beginning with the White Water Rafting company and ending with Lot 1 which is owned by the City of Glenwood Springs.

The proposed lift station will be a submersible grinder pump, pre-assembled to be placed in a wet well. It will have two pumps with a minimum of 120 gal per minute capacity each. All of Devereux Road, and any other area to be served south of the lift station, will have a gravity feed to the station. There are not additional staffing needs required.

The control of the site will be a joint effort between the City of Glenwood Springs and the West Glenwood Sanitation District. The lift station is to be constructed on the south side of the Colorado River by the West Glenwood Sanitation District on property owned by the City. This is all formalized and legalized within the Intergovernmental Agreement between the City of Glenwood Springs and the West Glenwood Sanitation District.

The construction and implementation are scheduled for Spring of 1997. The line along Devereux Road is being designed in February, bids to be taken in early March and construction to start in April. Start up date of the lift station is expected to be in June 1997.

Mark stated that two actions would be necessary one as the Board of County Commissioners and the other as the Board of Health.

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

Board of Health

A motion was made to approve a site application for a Lift Station for West Glenwood Sanitation District by Commissioner Martin and seconded by Commissioner McCown; carried.

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

Resume as Board of County Commissioners

A motion was made to approve a site application for a Lift Station for West Glenwood Sanitation District by Commissioner McCown and seconded by Commissioner Martin ; carried.

Building and Planning

Antlers Orchard - Amended Plat - Tract 46

Mark Bean presented amended plat for Tract 46 Antlers Orchards.

A motion was made to authorize the Chair to sign the amended plat for Antlers Orchards by Commissioner Martin and seconded by Commissioner McCown; carried.

Dakota Meadows - Amended Plat - #13

A motion was made for the Chair to sign an amended plat for Dakota Meadows #13 by Commissioner McCown and seconded by Commissioner Martin; carried.

FINAL PLAT - RIVERBEND FILING #5. APPLICANT: R. B. HOMES, INC.

Mark presented the final plat for Riverbend Filing #5 for R. B. Homes, Inc. Mark asked the Board to approve the Chair to sign the final plat and Subdivision Improvements Agreement.

A motion was made to authorize the Chair to sign the final plat and SIA for Riverbend Filing #5 for R. B. Homes, Inc. as presented by Commissioner McCown and seconded by Commissioner Martin; carried.

SOCIAL SERVICES DEPARTMENT

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

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

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report to the Board.

A map was handed out regarding the previous discussion presented by Lee Leavenworth on County Road 346. The map indicated the road use by the proposal for pipeline installation by Wild Horse Energy also taking in County Road 317 aka the Beaver Creek Road. It was suggested that the Commissioners take a field trip prior to the March 3 meeting. King added the company wishes to start this program by April 1 and finish by June 1.

King stated some of the problems. He also suggested they talk to Tim Moore at the City of Rifle. King stated there was already two pipelines there on the South end where Wildhorse proposes to start their project and it will be tough to get an additional pipeline installed without disrupting the others. Based on some reports King is hearing from BLM on Porcupine Creek, it might be a good idea to suggest to the companies that they have leases to form a consortium. King pinpointed the location as being about 1/2 mile below the green gate and right in the middle of the heavy drilling that has been going on before. Wildhorse wants to use the Beaver Creek Road and tie in down by Saliman Lane and across Road 320 and 321 onto the interstate.

Chairman Smith stated she felt Wildhorse should come in before the Board for a discussion. Wildhorse is a subsidiary of KN Energy.

King suggested some possibilities that the Board could offer as an alternative and also stated the Board can deny access to the County right-of-way.

John O'Bern is the agent for Wildhorse Energy.

King was requested to contact Wildhorse Energy and have them come in at 8:30 P.M. on March 10 or the 3rd of March at 1:00 P.M.

King was instructed to advise them of the discussion in order for them develop an alternative. Also inform them they would need a geological survey on the hillside if they are going to come down a different way.

Restriction on Weight

King handed out a sample of the warning he faxed to all oil and gas industries and other equipment haulers indicating the restriction on weight. Toby from Toby's Vacuum Service Trucks was caught twice and has to go before the District Attorney. King added the CDOT set up right after the Silt water plant and at the Mamm Creek which is a new location and caught several.

Slaughter Gulch Road

King inquired as to the situation regarding Slaughter Gulch Road. The Board indicated they will be looked at in the Spring. The Board stated they needed to set policies to be able to justify what we do or do not do. The demand for services grows due to the construction of homes.

Clean-Up

As conditions allow, King is getting the truck with blades out and starting the clean up.

Landfill - Solid Waste Trailer

King reported that during the course of the transfer audit field work, the county leased an Elder field trailer which was never previously used prior to our facility. This trailer is 8' x 20' with a desk and an air conditioner. During the time the trailer was leased, the State of Colorado Landfill Division started requiring that all landfills have monthly safety and educational sessions.

King added he had canceled the lease a few months ago but the facility has not been picked up. In the meantime, King determined that this facility would be an asset to the operation especially if management is going to change. He added it would also give them more room for storing documents as mandated by the State regulations.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the purchase of the trailer for the landfill for \$2500.00; carried.

Building and Planning

Resolution and Revised Plat - Dan and Eva Baharav

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution and revised Plat concerned with granting an exemption from the Garfield County Subdivision regulations for Dan and Eva Baharav; carried.

Resolution and Plat - James and Ilse Lyons

A motion was made by Commissioner Martin to authorize the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivisions regulations for James and Ilse Lyons. Commissioner McCown seconded the motion; carried.

Resolution and Plat - C. A. and Ida Betz

A motion was made by Commissioner Martin to authorize the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivisions regulations for C. A. and Ida Betz. Commissioner McCown seconded the motion; carried.

COMMUNITY SERVICES BLOCK GRANT

Chairman Smith announced that this was a Public Hearing and Mickey Rimmel was sworn in. Mickey Rimmel presented the Community Services Block Grant which is Federal money allocated to the State. The State in turns gives these funds to the County. This year \$28,565 was allocated for Garfield County. The Block Grant is allocated for services and activities with a measurable impact. Mickey added Healthy Beginnings received this years' Block Grant and it was designated for pre-natal health services targeting low birth weight of poverty pregnant moms. She stated the Community Services Block Grant application process was advertised in the Glenwood Post, Citizens Telegram and Valley Journal.

Additionally, Mickey stated this is a large part of the Healthy Beginnings funding. Last year they had a total of 225 women that were provided services through the clinic. The program goes up to 60 days post partem; then the clients are referred to the Family Services and to WIC program through the Public Health Nurse's office.

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

A motion was made to approve the designation of \$28,565.00 to Healthy Beginnings by Commissioner Martin and seconded by Commissioner McCown; carried.

Road and Bridge

Tractor

Discussion ensued regarding the tractor for the Fairgrounds. A decision was made to check th Western Implement Auction on Friday to determine if there were available tractors for bid. The Auction will be held March 1, 2, and 3.

PUBLIC HEARING - FLOODPLAIN SPECIAL USE PERMIT/AMENDED FINAL PLAT: LOTS 1 & 2, BLOCK 7, RIFLE VILLAGE SOUTH. APPLICANT: LAWRENCE BRADLEY

Eric McCafferty, Lawrence Bradley and Don DeFord were present.

Don DeFord reviewed the notifications and verified they were timely and complete. Don advised the Commissioners they were entitled to proceed.

Chairman Smith swore the speakers.

Jerry Bauer representing Mr. Bradley residing at 1854 293 Road in Rifle was present.

Eric presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B- Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff Comments with attachments; and Exhibit E - copy of the Garfield County Zoning Regulations of 1974.

Eric stated: This is a Floodplain Special Use Permit and Amended Final Plat, Lots 1 & 2, Block 7, Rifle Village South Subdivision for Laurence Bradley on approximately 13,000 square feet located approximately one (1) mile southwest of Rifle.

The property is currently undeveloped and in native vegetation. There are a number of existing, single family dwellings throughout the subdivision. The tract exists on the alluvial fan created at the mouth of Helmer Gulch, which as been identified by the Federal Emergency Management Agency as a special type of flood hazard.

The applicants are proposing the construction of a new, single family dwelling on land that has been identified as existing within floodplain Zone AO, a special flood hazard area that can be inundated by types of 100-year shallow flooding where depths are one (1) foot or less with associated velocities of four (4) feet per second, therefore, requiring the issuance of a Floodplain Special Use Permit pursuant to Section 6:00 of the Garfield County Zoning Resolution. Additionally, the applicant is requesting an amendment to the Rifle Village South Subdivision Final Plat to merge lots 1 & 2, Block 7.

Recommendations:

Staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to the following conditions:

That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval, unless otherwise stated.

That the minimum, finished floor elevation of the residence shall be no less than 5324.2 feet.

The foundation shall be cast-in-place reinforced concrete footers and stem walls and all foundation designs should be based on the site specific geotechnical soil and foundation investigations.

That site grading around the perimeter of the residence be such that there is a minimum grade of 10% for a minimum distance of 10 feet and all patios, driveways and sidewalks slope away from the house at a minimum grade of 2%. Beyond these features, the 10%/10 foot grade shall be continued.

All foundation construction shall comply with the 1994 Uniform Building code, as adopted by Garfield County.

Prior to the approval of a final/certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the single family dwelling unit.

Chairman Smith asked if there was any plans for a basement. Jerry responded no.

He stated a structural engineer was working on a design for the foundation at present.

Commissioner McCown stated he had spoken with Jerry Bauer and suggested there may be a need to create an administrative planning process to handle the amended plats. The City of Rifle has designed a procedure to do an administrative action to work with lot lines.

Eric - commented as long as all the information is complete, he suggested this type of amended final plat procedure could be handled though an administrative review. However, he added all the information would need to be very thorough.

Jerry stated the same procedure was used for lots 1 - 8 with the same process in Rifle.

Commissioner McCown made a motion to close the Public Hearing. Commissioner Martin seconded the motion; carried.

Commissioner Martin made a motion to approve a Floodplain Special Use Permit and Amended Final Plat for Lots 1 and 2, Block 7, Rifle Village South Subdivision for Laurence Bradley for approximately 13,000 square feet as described in the staff packet with all attachments, major issues and concerns, suggested findings, and recommendations noting there was to be no basement. Commissioner McCown seconded the motion; carried.

SB - 35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 3 MILES NORTHEAST OF RIFLE ON CR 233. APPLICANT: THEODORE CHRISTIE

Leo Swartzendruber, Theodore Christie, Don DeFord and Mark Bean were present.

Don determined that notification was timely and in order and advised the Commissioner they were entitled to proceed. Information was received from the title company.

Mark presented: This is an exemption from the definition of subdivision for Theodore W. and Katherine S. Christie on a 37 acre parcel of land located approximately 3.5 miles northeast of Rifle, off of County Road 233.

The parcel slopes gently to the south, with an existing single family house and various out buildings located on the property.

Recommendation:

APPROVAL, subject to the following conditions of approval:

All representations of the applicant shall be considered conditions of approval unless otherwise stated by the applicant.

The applicant shall have 120 days to complete the required conditions of approval. Extensions of 120 days may be granted by the Board for a period of up to one (1) year.

The applicant shall submit \$200 in School Impact Fees, prior to the signing of an exemption plat.

A final exemption plat will be submitted, indicating the legal description of the property, dimension and area of all proposed lots or separate interests to be created, access to a public right-of-way, and any proposed easements for drainage, irrigation, access and utilities and the following plat notes:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners" (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The soils on this site indicate that there are severe limitations to the use of individual sewage disposal systems due to slow percolation and it may be necessary for an engineer to design the individual sewage disposal system."

"On site investigations by a geotechnical engineer or geologist is recommended to establish the appropriate design and construction of residential structures."

"Control of noxious weeds is the responsibility of the property owner."

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"Each subdivision shall have covenants requiring that all exteriors lighting be the minimum amount necessary and that all exteriors lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

If the applicant proposes to share the existing well with the proposed new lot, an agreement for the shared use of the well be submitted to the Planning Department prior to approval of an exemption plat that clearly defines the rights of the properties sharing the well. Additionally, a twenty foot square well access, repair and maintenance easement be shown on the exemption plat. If the applicant chooses to acquire augmentation water for a new well, a well permit will be acquired and the well will be drilled to demonstrate the quality, quantity and dependability of the well proposed for the new lot prior to the approval of an exemption plat:

- v 1) A well be drilled and a 4 hour pump test shall be performed.
- v 2) The applicant supply, to the Planning Department, the well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- v 3) The results of the 4 hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge shall be submitted to the Planning Department;
- v 4) A written opinion of the person conducting the well test that this well would be adequate to supply water to the number of proposed lots and be submitted to the Planning Department.
- v 5) An assumption of an average of no less that 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- v 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

Mr. Christie stated he will share the well until he can drill another well.

Mark stated Mr. Christie would need to draw up an easement around the shared well.

Tim Hielman 3919 County Road 233 had concerns about road impact since this was a private road giving access to 6 homes.

Don suggested this looks like it was a common road. He asked if this property has access to a road. Does this road appear on an Antlers Easement Plat.

Answer yes.

Tim Hielman - asked additional questions regarding whether or not the 37 acres to be developed for housing.

Mr. Christie - no, he was only dividing it into two lots.

David Miller - 3935 County Road 233 - received a letter and wondered what effect it would have on him.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve an SB-35 exemption from the definition of subdivision for Theodore W. and Katherine S. Christie for a parcel of land located approximately 3.5 miles northeast of Rifle, off of County Road 233 as described in the project and staff comments with all major issues and concerns, suggested findings, and recommendations with the language change regarding the well; motion carried.

Mark indicated March 13th the date on the settlement with manufactured housing regarding the regulations 80 mph wind factors or 15# wind design. Mark stated if the Board is willing to change the wording from "and to" to "or" they will drop the charges.

Executive Session - Litigation on Manufactured Housing

A motion was made by Commissioner Martin to go into an Executive Session to discuss the forthcoming litigation with the manufacturing housing. Commissioner McCown seconded the motion; carried.

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

ROARING FORK RAILROAD HOLDING AUTHORITY - INTERGOVERNMENTAL AGREEMENT DISCUSSION

Walt Brown, Don DeFord, and Mark Bean presented the changes in the proposed IGA with the Roaring Fork Railroad Holding Authority.

Don brought everyone up to date and handed out a new letter. He stated he would begin with the latest action and work backwards. He stated he had received a memo from John Worcester to the member attorneys which was faxed to him today, Feb. 18.

In-depth discussion ensued as to the position of the Commissioners regarding future railroad obligations. Don introduced a draft letter to Mr. Worcester dated today trying to move the issue along somewhat by indicating "in its current form, that is the draft IGA with Mr. Worcester's latest amendment, would be acceptable to this Board under certain conditions. The conditions Don indicated are: 1) incorporate the recommendations of the Town of Carbondale addressing voting rights and indemnification. The latter two have been addressed. To some extent the first part of incorporation has been completed because they require a consensus on the Comprehensive plan, but Don stated the access question has not been resolved yet. Don submitted to Mr. Worcester a list of proposed crossings of the right-of-way and under the amended IGA there really now is a three tier system for crossings. The first tier includes those that exist now i.e. licensed crossings; the second level includes specifically the 27th crossing in Glenwood Springs and some golf cart crossings possibly (this would be exempt from further review by RFRHA Board); the third tier of crossings would be those contemplated to be completed in the next two years but have not been designed and approved (this tier could be approved before the Comprehensive Plan is adopted by the RFRHA Board but would have to go through specific review and approval by this Board); and the last tier which includes those not included in the other three tiers simply cannot be approved until the Comprehensive Plan has been adopted for the entire right-of-way. All of this is included in the IGA and we haven't seen anything from GOCO about their conditions on crossings. In response to this, what Don submitted to Mr. Worcester was recognizing that the first ones speak for themselves, but in the first category he included all county road crossings which for the most part are old crossings of Hwy. 82. County Road 100 is not included in that.

2) The impact of the IGA on the County regulatory authority over the railroad; 3) a need to complete the planning process - a statutory review; 4) the issue of the QUEST of easements, the overriding concerns of all of this. This QUEST easement covers the entire right-of-way but it does not protect any uses for trail

and further at one of the meetings, this easement would not protect anything except rail easements; 5) this concerns GOCO and some of the other documents the Board of County Commissioners do not receive until the last minutes; and 6) the Aspen Valley Land Trust has not been finalized and will not take any risk.

Don submitted a packet that will be reviewed on February 26, 1997 at the Planning Commission will set a meeting to discuss and review it. If they approve it that is the end of the discussion under the statute; and if they disapprove then it goes back to the RFRHA Board of Directors to determine if they will override the disapproval. If they do not discuss the issue, it is deemed to be approved.

Don submitted the draft and asked if Walt Brown had any other comments.

Walt Brown - added that he thinks that any participation the Board makes in RFRHA as he stated in his memo to them, can be construed to mean that the Board is participating in RFRHA and that the purpose of the IGA is to bring in your consent to their actions and this is his concern.

If you elected to get out of this group yet there is a lawsuit, the Board would still be included. He stated he agrees with Don's comment in paragraph No. 2 that the intent is not to waive any rights and stated he doesn't even feel the Board needs to state whether they intend to participate or not because they are already. He stated the emphasis should be on what you are not going to do and what things the Board does not want to give up. He agreed with Don on the administration of the regulation which he outlined in a different format and his main concern is in paragraph No. 2 that it might not be the Commissioners choice to reserve. This is subject to interpretation.

The second comment Walt made was in regard to paragraph No. 5 - the Board is being asked to sign the GOCO grant conditions and he believes they also have to sign the Aspen Valley Land Trust Conservation Grant and his suggestion would be that he likes this position of giving support for the rails and trails but to the backside and not the front side in that if you were to get out of GOCO and make a contribution of funds you could make the contribution with the conditions that the Board likes best - such as protection of the County accesses; and any new cuts for public purposes could be identified and make it a condition of the grant; and in addition a condition that review be consistent on any regulation with the Board's land use plan as it is not and as it may change from time to time. In other words build into the grant what these guys have done to us already. Other than these he stated Don's comments on documents on QUEST comes down to - do you want to see the QUEST easement or don't you. You can rely on counsel to RFRHA to the extent that it's his opinion as that counsel but he serves two masters and this concerns Walt because the Board is paying Don DeFord an annual stipend to review these kinds of documents and he has the ability to do it.

Don added the letter he drafted to Mr. Worcester does not necessarily have time constraints; he was merely trying to put the current negotiations in some framework. Right now this Board has not agreed to sign any amended IGA at this point and until the Board agrees to do otherwise, that is your status.

Commissioner Martin stated meeting was scheduled for the RFRHA on Friday, February 21, 1997 at 8:30 A.M. at the Town Hall in Basalt to discuss the issues further. Commissioner Martin as the voting member will not be in town; Walt Brown is not.

Walt indicated that if Commissioner Martin is not there, an effort may be made to pass an IGA amended with a quorum.

The fall-back date for the meeting was set for Wednesday, February 19th at 6:30 P.M. Commissioner Martin and Walt Brown stated they could make this meeting.

Don stated another issue that the RFRHA Board was to be in compliance with the Open Meetings Law yet there was no minutes, no agenda and a requirement of at least 24 hours notice.

Chairman Smith stated this Board needs to write a letter of protest to RFRHA, stating our voting member is not available on Friday the 21st; to call them and advise they needed to go to the fall-back date and/or ask for another date.

Walt also suggested to state in writing to the RFRHA Board that the Commissioners were not consenting to anything.

Commissioner Martin stated that he made the call and left a message that he would not be available on Friday, February 21st.

Executive Session - Discussion Legal Questions - RFRHA

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

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

Contract - Capital Improvements Plan Project

Mark Bean presented the plan and stated that Don had reviewed.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a contract with Schmueser Gordon Meyer, Dennis Stranger and Peter Nichols for the County Improvements Plan Project; carried.

Communication IGA - Appointment of Representative to the Authority

Don stated there is an established Authority and the Board needs to appoint their representative by election.

A motion was made by Commissioner Martin to appoint Commissioner McCown to the Communications Authority Board. Chairman Smith stepped down as Chair to second the motion; carried.

Rocky Mountain Land Use Conference - March 13 - 14 - Denver

A request was made by Don DeFord to attend the Rocky Mountain Land Conference in Denver on March 13 and 14 in Denver. The cost was stated to be \$400 - tuition \$150.

A motion was made by Commissioner McCown to authorize Don to attend this conference and to spend the \$400. Commissioner Martin seconded the motion; carried.

Proxy - Chairman Marian Smith to Margaret Long - Human Services - Denver

A motion was made by Commissioner McCown to give Margaret Long Chairman Smith's proxy for the meeting in Denver on Friday, February 21. Commissioner Martin seconded the motion; carried.

Adjourn - 6:00 P.M.

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

MARCH 3, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 3, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

John Stroud representing the Valley Journal was present.

Employee of the Month - Award Increase

Mildred Alsdorf presented a request on behalf of the Personnel Committee to increase the Employee of the Month Award from \$25.00 to \$50.00. She stated this was approved by the Personnel Committee however, it needed a motion and approval of this Board. In addition, she stated the Committee recommended making this retro-active to January 1, 1997.

A motion was made to increase the Employee of the Month award monetary amount to \$50.00 making it retroactive to January 1, 1997 by Commissioner McCown and seconded by Commissioner Martin; carried.

Executive Session - Personnel Issue/Building & Planning

A motion was made by Commissioner McCown to go into an Executive Session to handle a personnel issue in Building and Planning. Commissioner Martin seconded the motion; carried.

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

Fire Bulletins - Inter-Agency Meeting/Mesa County

Chairman Smith stated this Inter-Agency Fire Board comprised of BLM, Forest Service, Mesa County to effect the wildland/urban interface was going to change the By-Laws in order for Garfield County to participate due to the fact that this County surrounds Mesa County in many sites. She proceeded to explain this Agency had secured a grant for the fire bulletins that we give out in planning. She suggested that we purchase some also. The cost is \$2,000 for 10,000 bulletins.

A motion was Commissioner McCown and seconded by Commissioner Martin to order 2,000 fire bulletins for the cost of \$2,000; carried.

Visa Cards

Chuck presented the VISA Card promotion regarding obtaining bonus points. Discussion was held and a decision was made not to participate in this promotion.

UPL Property - Renter - Notice Given

Chuck was directed to provide the renter, Jerry Ardueser of the small house on the UPL property written notice to vacate by April 30, 1997.

Meetings - Discussion

Town Meeting - Battlement Mesa Homeowners Association

Commissioners McCown and Martin stated they would both be attending this meeting to be held on March 20, 1997.

Snyder Oil

March 8, 1997 from 6 - 8 P.M. - Courthouse - Room 301.

CTSI

Notice was given to each Department Head regarding a meeting on insurance April 1 & 2 to be held at First Choice Inn - West Glenwood - 9:00 A.M.

PAYMENT OF BILLS

Chuck submitted the claims and payroll submitted against Garfield County for the month of February 1st run.

An in-depth discussions was held regarding the claims.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills as submitted; carried.

Personnel Director Applications

Chuck stated there was a range of applications from high end secretarial to para-professional to personnel directors. To date he has received approximately 20 applications. Chuck stated he would xerox the applications he has received to date and have the Commissioners prioritize; then set a time for discussion.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Communications Jim Stevens, Operations Dale Hancock, Chuck Deschenes, and Jail Advisory /Community Corrections Board Jan Kaufman were present.

Jail Count

Total in Jail - 108; 42 in main jail; 39 Work Release; 7 females; 17 in other jails; 1 Home Detention; 0 Day Reporting; 2 State Hospital; and 12 DOC.

Tom reported on the mishap in jail as being an altercation between two inmates. One was sent to the hospital with facial fractures, however returned to the jail. The other is in isolation. Tom presented this as a very tense situation with several that are exhibiting violent behavior both to staff and other inmates.

Snowcat Accident

Tom submitted a memorandum and various paperwork to the Commissioners regarding the snowcat accident. Tom indicated the people to be rescued were employees of Colorado Interstate Gas and no one was properly dressed for the weather; they were wearing jeans and light jackets.

Juvenile Holding/Court Security

Tom submitted memoranda dated February 28, 1997 providing updates to the Commissioners and Judge Ossola on the juvenile holding within the courthouse facilities; and court security in regards to the cost of staffing and making suggestions to address safety concerns. Tom stated some of the safety concerns had already been addressed and implemented. He advocated training of court officers and staff to mediate the situation; an ability to effectively monitor and alert authorities to problems by installing camera, armor, re-configuration of courtroom furniture and metal detectors; and develop an escape plan to effect a better and safer resolution. To support his position, he referenced the State Courthouse in Denver where anyone can walk in. He added the presence of security can create alarm and even provide a challenge to individuals toward violence.

Tom stated he will be meeting with the Judges on March 4, 1997 and will provide information on the outcome at the March 10th meeting.

Commissioner Martin reported on the meeting held with Colorado West. He added the possibility of using the same facility as a mental hold was discussed and Colorado West gave indications of a willingness to work with the Board.

Communications Authority

Tom and Don reported on the progress of the IGA between the Communications Authority Board and the various parties associated. Don added the Communications Centers in Rifle and Glenwood would stay as is until it can be moved which might be the end of 1998.

Commissioner McCown - added that the IGA will not make any commitments to present employees although Jim Stevens would be retained throughout the process as the Interim Director.

Chuck - asked for a plan on how the transition is going to work.

Don explained that before any contracts can be executed, the authority must adopt the budget. There is a meeting with the Authority scheduled for Tuesday, March 4, at 10:00 A.M.

Commissioner McCown - stated the budget subcommittee is hopeful of having the draft finalized for presentation on March 20th.

Meeting with the District Attorney

Jail - Proposed Construction

A time was set on the Agenda for today at 4:00 P.M. to discuss and update the issue of jail construction.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Kevin Wright - Colorado Division of Wildlife - 5033 Highway 6 came before the Board to present a proposal involving a real estate process. He stated the Division was in negotiations with Dan Coeval of Sopris RV Park specifically for fishing access - 950 feet of river space for fishing access, and boat ramp - about 14 miles for public access. Kevin added they had agreed upon a price and were in the process of drawing up a 20 year lease on the property and a 10 year review.

Chairman Smith asked if Kevin had been in contact with the Town of Carbondale.

Kevin stated that he had not.

Chairman Smith stated she felt this was very important even though it is in the County.

Don suggested Kevin discuss this with his staff regarding statutory provisions that appears to require the Planning Commission review under Section 30-28-110.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Pat Cerise from the Clerk and Recorder's Office was awarded the employee of the month for March 1997.

Vi Rowe, Robin Dalessandri, and Mary Watkins were present for the presentation. Mildred Alsdorf presented Pat with flowers.

Resolution - HB97-1250 - Local Government Assistance Program

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution for HB97-1250; carried.

Extension

Carol McNeel presented.

Fairboard

March 13 versus 20 - 7:30 P.M.

Commissioner McCown stated he will attend.

Carol added that the March 20 meeting is required as they need to set up the State 4 H forms. If the kids don't sign the forms then they can show but not sell.

Newly Hired - Debbie Quaintance

Carol reported Debbie Quaintance was hired for part-time working on Thursdays.

Leathercraft Program

Carol stated they were advertising in New Castle to offer this program being taught by Bob Klenda. It is scheduled on Tuesday and Thursday - April 8 and April 15.

Assistant Director of Extension

Carol stated the job announcement was advertised and it will be about 6 weeks before this second position will be determined.

Fairgrounds Committee

Carol stated she wanted to be on the committee if the Commissioners approved.

The Commissioners agreed.

DEPARTMENT HEADS - RIVER RIDGE PLANNED UNIT DEVELOPMENT FINAL PLAT

Mark Bean, Attorney John Schenk 4421 County Road 243, New Castle and Walt Stowe of 3689 Valley View Drive, Glenwood were present.

Mark stated Don has reviewed the final plat and he had also discussed the size of the culverts with King. King has indicated that he wanted 15" culverts for the road. John Schenk agreed. Mark requested that the Chair be authorized to sign the River Ridge Planned Unit Development final plat; as well as the Subdivision Improvements Agreement; the quit claim deed for the portion of County Road that's being quit claimed to the County to clean up the issues related back to the bridge; a copy of declaration of covenants with conditions, restrictions, and easements for the River Ridge community; a relocation of declaration of covenants for the previous River Ridge PUD; and a quit claim deed for the homeowners association for the domestic water, public delivery and storage systems.

A motion was made by Commissioner McCown for the Chair to be authorized to sign the River Ridge Planned Unit Development SUP and Final Plat and accept the attached documents as read into the record by Mark Bean. Commissioner Martin seconded the motion; carried.

Special Use Permit Request - Franchisca Property

Mark presented the request for a resort - commercial recreational and floodplain all in the same piece of property. He identified it as the Franchisca property. A group of people, the Ellom Nicholsons and Campbell, LLC have purchased the property and would like to expand both the size of the lake and also make it into a water ski resort (private club).

Mark stated this may be referred to the Planning Commission if the Commissioner chose to do so, however it would not be before them until the April 9 meeting.

Chairman Smith stated she felt this should go through public hearing process for the use of special use permit.

Mark stated that Ron Liston - 918 Cooper is representing the applicant.

Mark requested a motion to approve the split of the two permits having the floodplain permit reviewed separately.

Commissioner McCown - so moved; Commissioner Martin seconded; carried.

Final Plat - Request Amended Final Plat Block 7 Rifle Village South First Filing

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the final plat for a requested amendment to Final Plat Block 7 Rifle Village South, First Filing; carried.

Use of County Vehicles - Planning Department

Mark presented a request to have the Planning Department employees who lived in Parachute to be able to drive County vehicles starting in Battlement Mesa versus having to come to Glenwood Springs to pick up vehicles and then return to Parachute to start business activities. Mark stated he has discussed an arrangement with Chief Rousseau at Parachute City Hall where the County vehicles can be parked in a well lighted area. He stated this would be much more efficient for Arno Ehlers and Ken Longsine. The Commissioners approved of this procedure.

County Operations

Dale Hancock presented updates on Channel 20 TV. He requested the Chair be authorized to sign off on the re-issuance to Channel 20 Re-Transmission Agreement to legitimize the work on Sunlight. Discussion ensued regarding the value of these licenses.

Commissioner Martin suggested the Board should set up a five-member Telecommunications Advisory Board comprised of two staff, a professional in telecommunications, a Commissioner and one appointed citizen in the county with an interest in this field.

Chuck also suggested to start a new budget unit titled Telecommunications.

A motion was made by Commissioner Martin to authorize the Chair to sign the Re-Transmission Agreement of one license. Discussion: Commissioner McCown stated after reading the agreement that he couldn't second it due to it hasn't mentioned the fact of why we are giving Channel 20 a license and it doesn't specify which one they can have.

Discussion.

The changes were stated - "in lieu of their cost being \$1200 and with the specificity of what license to give them" was included. Dale was instructed to amend to sign with the changes requested. Commissioner

Martin agreed to amend the motion to include the conditions as discussed. Commissioner McCown seconded with those conditions; carried.

Channel 6

Dale presented that Channel 6 will give the County \$10,000 for the hardware that is associated with Channel 49 on Sunlight, Channel 6 on Lookout, Channel 6 at Coal Ridge; Channel 61 at Anvil Points; and Channel 4 at Doghead. This is 5 licenses and 5 translators. He stated we can lease with maintenance agreement for \$1 and Channel 6 maintain the system.

Channel 6 gives the County a permit to broadcast.

APPOINT MEMBERS - BOARDS AND COMMISSIONS

Community Corrections Board

Dale discussed the requirements necessary to be in compliance with the Community Corrections Board. He stated there were no vacancies on the Board at this time and that he was aware that Milt Blakey had requested an appointment. He added that the current status of Milt being on the Governor's Commission would be another feather in our hat to have them represented. Discussion was held regarding the size of the Board, the required make-up, etc.

Dale stated it has: public defender; chief probation officer; sheriff; district attorney; county manager; ex-offenders; mental health representatives and the rest is citizens. It is an authority board and the Commission can re-open it, re-configure it, and do with it at their pleasure. Dale stated there were 18 members on the board at the present. Dale serves in the county manager role.

Chairman Smith requested Dale to provide them with a list of everyone on the board, who's on it now and their names.

Dale stated they serve until the Commissioners take them off the board - there is no term of service or a renewal date.

A suggestion was made to have the Community Corrections/Jail Advisory Board members to re-submit a letter indicating their willingness to serve ensuring their continued interest.

Commissioner McCown requested the function of this board.

Dale stated every other Tuesday, the Board meets to review the referrals from the Probation Department for those individuals convicted on felonies that are eligible for Community Corrections. Dale stated they control the flow of funds to make payments for those sentences. At the present time, the County has a contract that will allow for the housing of 19 residential diversion in this from this district. Last year the County was over contract due to appropriations. The Board members are the ones that decide whether the applicant goes to Community Corrections or to the prison.

Planning & Zoning Commission - Applicants

Davis Farrar - Carbondale

David Stover - Carbondale

Dennis Pretti - Glenwood Springs

Dominic Doderio - Silt

Richard Montrose - Carbondale

Clarence Mullen - Parachute

Cheryl Chandler (re-apply) alternate - Silt

Calvin Lee - (reapply) - Glenwood Springs - regular member

Michael Sylvia - Glenwood Springs

Gary Hubbell - Carbondale

Phil Vaughan - (reapply) - Parachute - regular member

Stacy Ehlers - (reapply) - alternate - Glenwood Springs

Jay Anderson - Glenwood Springs

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint David Stover, Calvin Lee and Phil Vaughan for the permanent position members on the Planning and Zoning Commission; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint Cheryl Chandler and Stacy Ehlers as alternates to Planning and Zoning; carried.

Housing Authority Board

Larry Borgard

Jennifer Quaco
Richard Montrose
one vacancy

A motion was made by Commissioner Martin and seconded by Commissioner McCown to appoint Larry Borgard to the Housing Authority Board; carried.

Cemetery Board - Grand Valley

Alberta Payton
Nola Miller (alt)

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint these individuals as named to the Cemetery Board for a term or six years; carried.

Library

Fahey Law

A motion was made by Commissioner Martin and seconded by Commissioner McCown to re-appoint Faye Law to a 5 year term on the Library Board; carried.

Weed Management Board

Discussion yielded a need to have a referral.

Board of Adjustment and Review - Reappoint

A motion was made by Commissioner Martin and seconded by Commissioner McCown to re-appoint the current members; carried.

Fairboard

Chuck stated this board was just beginning to get organized and no one applied. There is a meeting on March 13.

Executive Session-District Attorney - Personnel/Budget

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

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

ROAD AND BRIDGE DISCUSSION

Highway Users Report

King Lloyd completed the highway users report and this year shows an increase of 2.83 miles of county maintained road. This brings the total to 753.03 miles.

Commissioner Martin made a motion for the approval of the Highway Users Report as submitted by King. Commissioner McCown seconded the motion; carried.

Grand Valley Fire Protection

King submitted a request from the Grand Valley Fire Protection District to be granted a special rate of \$2.00 per tire for 116 tires disposed of at the landfill. King added the commercial rate is \$3.00 per tire and the private rate is \$2.50.

A motion was made by Commissioner McCown to charge \$2.00 a tire; Commissioner Martin seconded the motion; carried.

Wood Chipper

King reported he had spoken to Robert Flohr and he has the bugs worked out and is interested in doing something for them. He suggested an agreement to exchange work for the chips.

Oil and Gas Discussion

Representatives from Synder Oil came before the Board to discuss the current location of the rigs and the proposed locations to move some of the rigs. This is in connection with the restrictive use of the roads and weight restrictions implemented by the County Commissioners.

Mark Choury - Snyder Oil 1625 Boardway, Denver; Mark Wilson and Terry Dick of 400 7th Street South, Rifle; Jim Meyer; and Mark Balderson.

During the discussion Synder Oil representatives stated that all the trucks are overweight; reminded the Commissioners as to the money they spend on the roads they travel; and basically committed to cooperating in any efforts they could to continue assisting the County in efforts to lessen the impacts to County roads. They indicated it was not a workable solution to have a total shut-down. They also indicated a shut-down would not only affect Snyder Oil but also have an impact of the Garfield County residents who were royalty owners.

Chairman Smith asked for an estimate of royalty paid to the residents.

Mark Wilson stated that it varies from between \$1,000 - \$1,500 to a low as \$36.02 for three pages worth.

For long-term solutions Rich Griebing, Oil and Gas Commission, Director of 1120 Lincoln addressed ideas that centered around improvements on the Mamm Creek County Roads 319 - 315 particularly in supporting applications for Energy Improvement grants.

Chuck added that oil and gas have significant impacts to Garfield County's future with tax and mineral leasing although the school districts received a greater portion than does the county per se.

Mark Choury stated Snyder Oil is very willing to pay their way when they mess up a road.

King provided a background on Mamm Creek stating the original plan was for it to be an oil and gas corridor. The original proposal through the Energy Impact Grant for Mamm Creek was to construct the road to an asphalt standard, however, when negotiating they would not pay for the asphalt. Consequently, the county did a portion of the road in gravel; the maintenance cost elevated very high; evidenced problems with looseness of the gravel; applied road base; the chip and seal lifted; and now the long-term result of the mistake of not spending the money for asphalt is evident.

Chuck indicated the County's plan is to talk to the Department of Local Affairs regarding some emergency funds. However, until a remedy is established, the County Roads must be protected.

Chairman Smith stated the County has to shut the road down when thawing is occurring.

For short-term solutions, it was agreed that Snyder Oil representatives would work with King and Ron in moving their rigs and trucks prior to the freeze thawing in the early morning. This would be outlined in a memorandum of understanding to rectify the road bond resolution limit of \$100,000. It would also include a provision specifying support rigs could only be moved before daylight and/or before the roads thaw establishing the hours as between 5:00 A.M. - 9:00 A.M.

All this was to be handled by King.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 7 MILES SOUTHEAST OF NEW CASTLE ON COUNTY ROAD 312. APPLICANTS: THOMAS & BETH COOK

Eric McCafferty, Don DeFord, Tom and Beth Cook were present.

Don determined that proper and adequate notification was made to all property owners at least 200 feet from property line. Don stated the notifications were timely and advised the Commissioner they could proceed.

Eric presented: This is an exemption from the definition of subdivision for Thomas and Beth Cook on a 165 acre tract of land located approximately seven (7) miles southeast of New Castle, east of County Road 312. The majority of the tract consists of gentle to moderate slopes and Belodi Creek transects the tract, entering from the southeastern corner.

The applicant proposes to divide, by exemption, the 165 acre tract into two (2) parcels of 5.0 and 160.0 acres each. The 5.0 acre tract would be located northeast of CR 312 and would be bisected by Belodi Creek. The homesite would be located east of the Creek.

Recommendation:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.
5. That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The individual lot owners shall be responsible for the control of noxious weeds."
6. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
7. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
8. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.
9. Prior to final approval, the well shall be drilled and pump-tested for four (4) hours duration, an opinion of the person conducting the pump test stating the flow will be sufficient for the intended use(s) and a well-sharing declaration shall be created. Additionally, the water shall be tested for nitrate/nitrite and fecal coliform bacteria content. All information shall be submitted to the Planning Department for review.
10. The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permit, prior to final approval.

11. The applicant shall explore the feasibility of installing a dry hydrant in Belodi Creek, for fire fighting purposes.
12. That the following provisions be included in the protective covenants governing the exemption parcels:

One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.

No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a SB-35 Exemption located approximately seven miles southeast of New Castle on behalf of Thomas and Beth Cook as described in the staff packet with all major issues, suggested findings, and recommendations; carried.

LIBRARY - STEVE THOMAS - REQUEST FOR BUDGET AMENDMENT

Steve Thomas and Don DeFord were present.

Chairman Smith informed Steve that Dr. Law was re-appointed to the Library Board.

Steve presented that on February 13 he had requested an amendment in the library budget in order to accomplish a couple of things. The amount necessary would take them over what was appropriated at the first of the year. After further discussion Steve stated he could use the fees collected through the Marmot system for the changes needed in the Children's Library and some savings from other line items came be applied as well. Steve requested the ability to receive the \$5000 from the Esther Nutting estate and spend it.

Steve mentioned they will not remove the mural in the Glenwood Springs Library.

Commissioner Martin made a motion to approve acceptance of the \$5000 and do a budget amendment.

Commissioner McCown seconded the motion; carried.

Board of County Commissioner Minutes - 1996

A motion was made by Commissioner Martin to approve the balance of the 1996 Board of County Commissioners minutes. Chairman Smith stepped down as Chair to second the motion; carried.

COUNTY ROAD 138 - DISCUSSION OF MAINTENANCE - LEE FINNELL

Lee Finnel was present and requested maintenance on County road 138.

A petition was submitted with homeowners signing except Katherine Williams who owns 28 acres. She was not available to sign the petition.

King provided a history of County Road 138. He stated for several years, since 1967, it was listed as a County Road. This was due to unfortunate circumstances in which business was done and no one checked the records against the Highway User's Report. King added this road has, on various occasions, been graveled, winter plowing and summer maintenance. A few years ago it was discovered that it was not listed on the Highway Users List and therefore it was treated as a County owned but not maintained road. Discussion

The Commissioners stated they will put this road on their list to check into when doing their Spring Road Tour.

Lee Finnell stated he appeared before the Commissioners in January 1996 and felt the issue had been resolved. He indicated his displeasure at having 1/2 mile of road taking such a long time to be resolved. Chairman Smith explained the sales tax increase was not in place until just recently; however, now that sales tax has passed, Road and Bridge has some additional funds, and they will take a look at it. Lee asked if he would be notified when it was decided. Chairman Smith stated that he would.

County Administration - Continued

Handout on Personnel

Chuck handed out copies of the resumes he had received for the Personnel Director position and indicated the Commissioner should go ahead and sort out the top 10. After that he suggested a time be set aside for discussions; compare notes; and proceed from that point. Chairman Smith suggested that Chuck put the ad as it appeared in the newspaper in the packet. Chuck stated that it kept the announcement very broad.

Fairgrounds - Hog Pens

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize Chuck to purchase the hog pens from the sole source for 24% discount off list price for an approximate total of \$7400 plus transportation from Brighton, Colorado; carried.

Airport - Lease on Existing Hanger

Chuck presented that he needs the Chair authorized to sign an extension of the fixed base operators agreement and the new lease for the hanger that's being constructed by Corporate Aircraft Services at the Airport and also an extension of the lease on the existing hanger which is a 20 year agreement with a 10 year extension. Also there is an assignment agreement to the bank that has to be signed and Don has reviewed these particular documents, recommended some changes and those changes are in the process of being made.

Commissioner McCown so moved; Commissioner Martin seconded. Discussion. Don stated these are long-term lease hold interest and not subject to subdivision regulations. This has not been accomplished by the Airport in the past and it needs to be. We require private industry throughout the County to subdivide based on long-term lease hold interest. There are potential solutions to this but it seems at least the Airport Authority needs to do some long range planning at the Airport and come in with something in the nature of a preliminary plan or PUD application so we don't have to continually face this issue.

Chuck stated the Airport Authority does have a long range master plan but it may not be detailed enough for this particular purpose although it does make recommendations to zoning and land use in the vicinity of the Airport. Chuck stated the Authority would be more than happy to do what was necessary. He suggested he could get with Mark and determine if the master plan meets the requirements and if not, engage a consultant to do whatever was necessary.

Chairman Smith suggested that Chuck may want to pursue this.

Don added this is his reasons for pursuing the matter and provided an in-depth review of the state law.

County Attorney

Eagle View Subdivision - Silt

Don presented the annexation impact report for property outside of Silt. He requested this be referred to Mark for reporting back to the Board.

Commissioner Martin so moved. Commissioner McCown seconded; carried.

Barrett Wells

Don presented he needed a motion to authorize the Chair to sign two division order relative to wells operated by Barrett in which the County has a minuscule interest \$54.28 and \$35.28 and the County interest is 7/10,000 of a split.

Commissioner Martin so moved; Commissioner McCown seconded; carried.

Payment of services for Walt Brown

Don stated Walt Brown remunerate \$4,000 in regard to services rendered in reference to Four-Mile Planning Project. Don stated he has reviewed it and it is appropriate through February 10. A motion was made by Commissioner Martin that the fund be authorized to pay the \$4,000 bill as submitted by Walt Brown. Commissioner McCown seconded; carried.

Plat - Midland Hager Lane

Don presented a plat and stated the surveyor at the Board's request has completed a survey of Midland in the vicinity between Hager Lane and Midland Jolley/Rippy Subdivision. This was previously discussed with the Board.

Don explained the boundaries and Don stated the City of Glenwood Springs has said that if the property/ownership interest was in proper form, they would annex. Don requested direction in proceeding further. He also stated the County spent over \$25,000 on title search and additionally paying for all the surveyor cost on the County right-a-ways.

Chairman Smith suggested drafting a letter indicating the County was talking about road right-a-way there and see if the property owner is willing to donate the land.

Don indicted that the County has a prescriptive use anyway.

Chairman Smith suggested calling Roberta Botkin, identified as a niece to Louise, who lives in Parachute to obtain a telephone number to contact Louise Heuskel, the property owner. Also, another source to obtain a phone number would be Scotty Werking.

RFRHA - Update

Don stated the RFRHA meeting was scheduled for Thursday March 6. Don stated that Walt and he talked about the proposal and Walt had some good suggestions. Don submitted a draft with the latest updates, but added on Page 2 - Paragraph 3A should also include the addition of a paragraph B that would essentially require the corridor be maintained for railroad purposes and leave it open to rail. Further stress for RFRHA not to abandon the line and focus crossing of this corridor on land uses.; and 5B = 5 years.

A motion was made by Commissioner McCown to authorize Commissioner Martin as the representative to the Holding Authority and to agree that the County will comply with the amended IGA upon acceptance of the proposed agreement; Chairman Smith stepped down as Chair to second the motion; carried.

County Road 117 - Update

Don presented the ownership encumbrances for some of the parcels for improvement of the road. The Colodney parcel show two ownerships as joint ventures and there is a substantial mortgage interest of both of those. Lee Leavenworth is working with both of these companies out of Chicago to determine if this can be resolved. It has been preliminarily decided that they could transfer these properties without affecting their proposal. The Bershenyi parcel Don stated he is proceeding on deeds and would have those out this week, as well as a construction easement. He reported there was a substantial mortgage on that property. Alpine Bank holds this mortgage and asked for permission of the Board to deal directly with Alpine Bank to obtain a subordination of agreement with them on Bershenyi property County Road 117.

Commissioner McCown moved that Don would have the authority to deal right with Alpine Bank on the right-of-way agreement with the Bershenyi property on County Road 117. Commissioner Martin seconded the motion; carried.

MOUNTAIN MEADOWS AT PRINCE CREEK SUBDIVISION - DRAINAGE PROBLEM - DAVID HICKS

David Hicks 1051 County Road 111 - Carbondale, Attorney John Schenk for Dr. Allen, Dr. and Mrs. Allen, Mark Bean and Don DeFord were present.

David Hicks presented that he was still very concerned that the drainage problems at Mountain Meadows are not being addressed in a timely fashion to mitigate the problems. He wanted to have something specific before the spring heavy rains occurred and this prompted the letter to the Board. He added there has been activity in the field drilling more test holes. As he pointed out in the letter any solution that entails a dry or well hole to drain wells will not provide an adequate solution for the reasons that if the pipe ever plugs you

will drag sludge and trash onto his property. David stated the disaster in the event of a 25 year storm has not been dealt with.

Commissioner McCown stated the Board has addressed this since June of 1996. The Commissioners prohibited the other party to sell lots.

Chairman Smith stated that according from excerpts from previous Board of County Commissioners Minutes the last thing being looked into was a proposed berm swale along lot 5 on lot 8 boundary.

Commissioner Martin stated in the previous Board minutes there were three solutions and David had indicated the berm swale was the most suitable to him.

David stated this is what he would like to have done as it is in his opinion the best solution.

Chairman Smith requested an update on what is happening.

David stated he sent a letter stating his position and included his cost to date. He still does not know where he is at this point. Ultimately what David proposed was for Dr. Allen to obtain a \$2 million certificate of insurance jointly to him and this Board.

John Schenk 44124 County Road 123 - attorney for Dr. Allan and chief engineer- Dean Gordon were present also. He provided a brief summary of events as: meeting in September with the Commissioners and on a map indicated where David Hicks wanted the drainage to occur which was on the Northwest corner of lot 8; (discussion centered around a map of the property) Mr. Gordon went forward with that and communication was made in accordance with the design as proposed. Mr. Gordon through Schmueser Gordon Meyer addressed a number of issues. John submitted the design as proposed and added these documents were given to Mr. Hicks in January. John stated that Mr. Gordon can show that the design being submitted today addresses a valid solution. A core drilling was done to determine the soils about 10 days ago. These reports are not back however, he feels strongly this is going to indicate the system is adequate as it is designed. He stated the two parties had met with an impasse on the berm structure. Mr. Gaddis and Mr. Hicks met to discuss the idea and concept to do the way the adjacent land owners wanted. Memo Of Understandings were drafted by John between the Allens and Hicks and have the latest versus in draft form. Unfortunate discussion between Hicks and Gaddis in regard to the property and increased the tension between the two property owners. Reserved a declaration of easements and covenants that require a reasonable consent. Mr. Noone who represents Mr. Gaddis and he negotiated an easement and a letter of understanding that they will need to move a shed and several other things that need to be done. In the process of doing this, it is very clear that Mr. Hicks' proposal of his company doing the work was not acceptable to the Gaddises at all. Mr. Schenk stated Mr. Hicks wanted access to the Gaddises' property afterwards and the Gaddises were not willing to grant this. This is the impasse. Mr. Schenk thought this was solved on 1/14/97 when the Memorandum of Understanding was reviewed by the parties and thought we were in that place and represented to the Board that they were at this place of resolving the issue. On January 15, 1997 two issues were raised: 1) Mr. Hicks stated from his letter that his company must be the company that does the work, and 2) that he be compensated somewhere in the neighborhood of \$40,000 for this and gave his recommendations.

Neither one of these points had been previously addressed. The cost was far above the projections to cure this problem. The easements were supposed to be exchanged. Since this point Mr. Schenk noted this was a change of events and now they have had to look at different alternatives based on the different soils found here. Work is still on-going with a geological hydrologist regarding the different soils and the original solution as proposed by Schmueser Gordon and Meyer. It is very hard to change directions in the middle of the stream.

Mr. Schenk continued assuring the Board of the good faith of the parties and clarify what they are doing with the subdivision: 1) the developers have agreed not to sell anymore lots and have a contract pending that can not be closed because of this problem; 2) Mr. Hicks wants it resolved by May 1st; Mr. Schenk thinks it is working fine; 3) John confirmed today and got it issued today from the Glenwood Insurance for a policy on Mountain Meadows Subdivision for general aggregate limit of \$2 million per occurrence. He provided a copy of insurance to the Board and a copy of certificate as a certificate holder so they are to be specifically to be notified if this policy were to ever be canceled. A million damage policy in place to the slope - John stated they were not attempting to avoid it. Trying to solve the problem and not to impact any other property; they will continue to look at other solutions. If the County says you shall do those things then Mr. Schenk stated they will do those things; but if the county on those terms does not, then the Gaddis have consented to the easement, consented to the design shown; but not to who does what.

Chairman Smith requested clarification from Don on the negotiations between the property owners and how the Board is involved.

Don - we have a final plat in place. The plat is not consistent with whatever drainage solution is arrived at because the solution that was proposed at preliminary plan and final plat is different. The developer recognizes that at some point they have to amend the preliminary plan and final plat that exists and that is the solution that everyone's been working towards at this point. His understanding is that at the point where the applicant believes there is such a solution, they will come back to the board and it will necessitate re-opening both procedures to consider whether or not formally that proposal should be adopted. Pending resolution between the two parties, the County has an agreement in place that no lots will be conveyed in this subdivision and it is the security for this Board to see that something gets done.

Chairman Smith inquired if David was at the January 14th meeting.

David - no he stated he was not at the meeting on the 14th. We discussed whether or not he would be responsible for the construction. David wanted commitment. The first time he had any indication that the proposed method was going to be accepted by Mr. Gaddis was on January 14th. At that point, David stated he priced it out and provided the documentation to Mr. Schenk on January 15th. It was at this point that negotiations failed. Even if there is insurance, David Hicks has to live with the situation.

Chairman Smith - stated some of the issues being discussed are between the property owners and - some of this was not before the Commissioners.

Additional discussion ensued and Don stated at this point this issue will need a new Public Hearing with adjacent property owners properly noticed and it may even need to go back to the Planning Commission. Mark Bean stated they needed to set a date to look at the information and a date of April 7 was set. This is a technical issue and would require a minimum of 15 days and not more than 30 days notice.

Mr. Schenk provided that before 1975 this property was irrigated by flood irrigation. There has been no damage since this point. This is when the Allen's acquired to the property. Since purchasing the Allens have been using irrigation with a pivot. He added when the soils report is ready they will submit everything to them.

County Administrator

Chuck presented the application for the Impact Assistance Grant for the Division of Wildlife Lands within the County. Steve Rippey completes the information in regard to the classification of the land and the valuation. Chuck stated he needed all three Commissioner's signatures on the document.

A motion was made by Commissioner Martin to go ahead and sign the application. Chairman Smith stepped down as Chair to second the motion; carried.

Club 20 Meeting

Chuck provided this as an informational notice.

Weed Management

Chuck stated that on March 17, Dave Gallagher would be in town and wants on the Commissioner meeting agenda.

Jail - Update Structure

Tom and Don reported on the jail giving updates. He reported on the contracts, city negotiations, pending agreements to be discussed with Reilly/Johnson; Survco - Sam Phelps; CTL Thompson - soils/engineering; discuss the status of URS Construction managers; coordination of the temporary facility on the UPL site - Sprung Structure and what is necessary to put it in place; work release; and city negotiations.

Don stated that all these are affected by what is happening with the city and what they are doing. Don stated by the City Code it requires submittal of a schematic to the City Council; then a schematic to Planning and Zoning.

In-depth discussion ensued. A decision was made to address the smaller and larger footprints with the Special Joint City Council/Board of County Commissioners Committee on Monday, March 17.

Commissioner McCown stated the City Planning and Zoning will deal with zoning issues on March 25.

Communication

The IGA with the Communications Authority was briefly discussed. The Sheriff stated the sales tax will be billed for administration, personnel administration, etc. by the Communication center. He stated he will continue to manage communications but will also work up cost factors for administrative factors and cost quantify those to the Authority Board. He added there have been points of view that he has viewed from the Authority Board as well as from his department. Some of these may place him in odds with the Authority.

Jim Stevens presented that as part of the grant Communications received is to purchase a login recorder. The cost is over \$10,000 however, the funds will be coming from the grant. Lanier and Racol were discussed.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go with Racol and grant Jim permission to award the bid; carried.

A tentative meeting was set for 9:00 A.M. to meet at Mike Copp's office at the City on Tuesday, March 4, 1997.

Jail Coordinator

Don stated the Board needs to designate a responsible person to coordinate the entire project. Dale Hancock was suggested and he agreed.

A motion was made by Commissioner McCown to appoint Dale Hancock to oversee the coordination of this jail project. Commissioner Martin seconded the motion. Discussion - Chairman Smith asked if Dale had the time it will take. Dale stated he would make the time. Motion carried.

Bids - Temporary Structure

Discussion was held regarding how to best release RFP's for the temporary structures. It was suggested to release the RFP's as a "turn-key" agreement.

Tom offered a comparison to farm the inmates out would cost \$900,000.

Spacemaster units were stated to cost \$2584 per month.

The current Spacemaster was discussed as being used for the kitchen area.

Financing

Chuck stated he needs the cost - both construction and operation of new facility. After this has been determined he will contact Matlosz.

Planning

Eric McCafferty presented a packet of information that Nancy Crenshaw had presented to the Planning Department. Eric stated she represented this to be an entire history of the entire Sunlight Subdivision.

Liquor License - Renewal

Mildred submitted a renewal liquor license for Sunlight Inn/Sunlight Bavarian.

A motion was made by Commissioner McCown to authorize the Chair to sign a liquor license renewal for Sunlight Inn/Sunlight Bavarian. Commissioner Martin seconded the motion; carried.

Next meeting

Tuesday 1:00 P.M. - March 4, 1997

Recess until 1:00 P.M

MARCH 10, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 10, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

The press present at the meeting included John Stroud from the Journal and Jim Leuthauser from the Glenwood Post.

Girl Scouts Proclamation

Commissioner Martin made a motion declaring March 11, 1997 as Girl Scouts' Be Your Best Day. A second to the motion was made by Commissioner McCown; carried.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report to the Board.

Energy Impact Grant

A discussion was held regarding whether or not to pursue the Energy Impact Grant. Commissioner McCown stated he was in favor and Chairman Smith and Commissioner Martin agreed that Chuck should follow through.

Purchasing Department - Communications

Chuck presented to the Board that they had previously approved the Racal system and Jim Stevens wants to change it to Lanier.

The issue of not using the Purchasing Department was discussed and some suggestions made to remedy the situation. Chuck suggested it warranted looking into from all perspectives.

Bill - Nichols and Stranger-Capital Improvements

Chuck presented the bill as received from Peter Nichols and Dennis Stranger and suggested it should be paid out of the administration budget referenced to planning and long term budgeting. This bill is for \$5,297.72.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the payment to Peter Nichols and Dennis Stranger for the initial Capital Improvements Plan; carried.

WIC Contracts

A motion was made by Commissioner McCown to authorize the Chair to sign the WIC Contracts. Commissioner Martin seconded the motion; carried.

Letter To Sonny LaSalle

A motion was made by Commissioner McCown to approve the Chair to sign the letter of thanks to Sonny LaSalle who was retiring from the White River Forest Service. Commissioner Martin seconded the motion; carried.

Library Director - Resignation

Chuck announced that he had received Steve Thomas's letter of resignation.

Request - Fairgrounds - Gene P. Sullivan

Chuck presented a request for use of the Fairgrounds to have a fund-raiser starring Gene P. Sullivan who jumps cars for Jesus. The Commissioners discussed this and decided they will not waive any insurance and referred the decision as to the event to the Fairgrounds Committee for a decision.

DISCUSSION - WILDHORSE - PROPOSED PIPELINE, PORCUPINE LOOP

Tim Moore - City of Rifle; Mark Bean, King Lloyd, Ron West - Road Supervisor for the area in questions; Dick McKinley - KN Energy of 401 27th Street - Glenwood Springs; and John Oborn - Wildhorse of 9680 E. Powers Drive, Englewood, CO 80110 were present.

Pipeline on County Road - 317

John Oborn presented: This is a gathering facility not a transmission facility.

This pipeline is commencing at the South end within 60 feet from County Road 317 to head North on County Road 317 and following North to the intersection Road 334 and 317. The Eastern boundary would be venturing off of 334 easements. They are proposing to amend the easements. This would be where they venture off the County Road. Contact has been made with the owners north of the Porcupine Loop. This is an area that is sensitive and the feedback is that the County Road looks like a good option.

King has indicated the width of the County Road is a question to be addressed. They have determined it is 60ft. John is confident it is 60 feet.

Commissioner McCown - in reality there are two other pipelines in that roadway. The County does not know the exact location of the center line. Some right-of-way infringements are possible. Also, depending on the vote on a Special Use Permit, a full-blown timber logging program may be going on at the same time.

Dick McKinley - this will be issues to be mitigated.

John Oborn- U.S. West did a survey in 1995 for telephone lines. So they have the old and the new to compare.

Dick McKinley informed the Board of their progress and proposal to inform the public.

Chairman Smith - suggested all the landowners in that area be contacted before hand and do a formal information session.

Dick McKinley - they had an environmental specialist check into the location and a volcanic base has been found and will need to be hauled away. The visual impact is the issue they are focusing on. They will come up with a simple basic plan to allow for construction and not impede the traffic in that area.

John Oborn - Joan Savage and Chris Locher have been contacted and informed of their plans.

Commissioner McCown - stated he had a problem with just keeping one lane of traffic open at all times.

Dick McKinley- stated in response they may come in and ask for a permit to work between 10 P.M. and midnight.

King - the narrowness of the road and restoration of the roadway after the work has been completed is of concern. In years past when pipelines were permitted it was different from today. He expressed that this is a tough issue to discuss. King suggested the survey of historical right-of-way is different and he suggested we find out where we are historically.

Dick McKinley- inquired as to whether or not the County was agreeable to assist in the fact-finding process.

Commissioner McCown stated our County Road is fine.

King stated he was not.

Chairman Smith stated they should pursue the private landowners.

Dick McKinley stated the environmental impacts are of concern for the company and himself.

Tim Moore - City of Rifle - stated he has not had an opportunity to review the plans. He was copied on a letter addressed to King. It would be Rifle's intent to go through the watershed and their entire process as they proceed through the process.

Frank Messinger of KN Energy - has contacted Barrett Energy.

Chairman Smith - voiced a concern for the road. She stated the public is becoming very vocal regarding the traffic from drilling rigs. She would like to walk the area. KN Energy stated they were able to get in now.

Dick McKinley - requested planning time-frame with the County.

The Commissioners stated they had arranged to take a tour on Wednesday, March 12, 1997 to determine the road conditions and provide feedback to Wildhorse Energy. It would include the Commissioners, Don DeFord, King Lloyd, and Ron West.

The discussion with Wildhorse on the proposed pipeline for Porcupine Loop was continued and scheduled for 5:00 P.M on March 17th.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, Chuck Deschenes, Advisory Board Chairman Al Maggard and Dave Sturges were present for the discussion.

Jail Count

Total in Jail: 115. 43 in main jail; 39 Work Release; 8 females; 14 other jails 1 Home Detention; no Day Reporting; 1 State Hospital; 16 DOC - Tom added the jail population has not been under a hundred since first of the year.

Jail

Proposed new jail and temporary buildings

Don DeFord presented that relative to Reilly/Johnson Lot Line Construction Project, discussions would be held on March 20 with City Council to present a schematic review of the smaller and larger footprint; and March 25 with Planning and Zoning for the City on zoning changes. He added that there was no application to file with the City before setting the public hearing.

Sketch Drawing

Dale Hancock presented that he had talked with Bob Johnson and discussed a zero lot line to make full use of the footprint for the larger square footage jail. the square footage in the larger facility would be 80,000 square feet and an estimated 12 million dollars. Dale mentioned to even initiate a drawing, the cost would be \$12,500 for the architects. Dale stated he told Bob he would have a discussion with the Board and give Bob some directions. Dale added that we don't know the hard numbers. Can we finance it; this is where Chuck comes in.

Tom - stated we would open the doors with an approximate number of 140 prisoners.

Don - stated if the Commissioners want to have a discussion with Reilly/Johnson on the conceptual drawing and having it prepared by Thursday, March 20, then we need to have it today.

Conference call was made to Bob Johnson of Reilly/Johnson.

Discussion followed.

Commissioner McCown - said that he preferred proceeding on the full footprint. He stated that if and when these negotiations are in place, the County needs to get every inch of utilization.

Bob was asked how difficult it would be to fall back to the smaller footprint.

Bob responded that is was mostly time lost and, however some money as well. Bob stated yes that he could have the conceptual plan for the larger ready by the March 20.

Chuck - dig into perimeters to see the maximum to finance. This will dictate the size of the facility. Chuck added that this requires preliminary work by him to see what the county can finance.

Chairman Smith - added that housing of inmates on a County level and a State level is a nationwide problem. She added the way of the future is for correctional specialists looking at alternative sentencing including work camps, etc.

Don stated the direction of the Commissioners was to obtain a contract with construction management, proceed with the concept of the larger facility, and gave him authority to make application with the City and participate in March 20 and March 25 negotiations.

Staff Security - Colorado West Remodeling for Juveniles and Mental Holds

Commissioner Martin described the construction needed at Colorado West.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean submitted the report for the month of February.

Acknowledgment of Partial Satisfaction - Aspen Glen Roaring Fork Mesa

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an acknowledgment of partial satisfaction for Aspen Glen Golf Company and for Roaring Fork Mesa for a reduction in the Letter of Credit in the amount of \$37,167.00; carried.

David and Connie Hicks of Silt - Proposed Subdivision

Mark Bean and King Lloyd reported on a request-call from the Town of Silt requesting the County's policy on development regarding annexation and county roads. Mark stated the road in question was off of 7th Street.

Discussion regarding exact location; the length of road for annexation; and recommendations.

A motion was made by Commissioner McCown to authorize a letter be drafted for the Chair's signature to the effect that access would be denied unless the City annex the length of road required by the County that is the full extent of the subdivision. Commissioner Martin seconded the motion; carried.

Richard and Karen Haff - Extension

A motion was made by Commissioner Martin and seconded by Commissioner McCown to grant a 120 day extension to Richard and Karen Haff; carried.

Personnel Action

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a personnel action sheet as presented by Mark Bean related to an Executive Session; carried.

Extension

By-Laws

Carol McNeel reported the By-Laws were completed and sent out; hopefully to be approved.

Job Announcement

Deadline of April 9 on additional job - interview the next week and have someone hired by the first part of May .

County Attorney

Engineering Management Contract - Airport Project

Don DeFord presented a contract for an engineering management on the airport project. Don stated he has reviewed the contract and there is no problem and requested the Chair be authorized to sign the contract. A motion was made to authorize the Chair to sign the contract by Commissioner Martin and seconded by Commissioner McCown; carried.

Contract - Mamm Creek

Don presented the legal ramifications regarding the separate bond issue for the contractor in excess of \$50,000 for Mamm Creek funding. He added the County requires a bond and we are the contractor with the State of Colorado. Other than this, the contract is ready to sign.

Chuck added the grant is \$300,000 with a 20% county match. \$150,000 will be needed to finish up Mamm Creek to Jenkins cut-off and the remaining toward County Road 320.

Chuck indicated that this grant does have both listed in the scope of work - Mamm Creek and County Road 320 - and it is not specific on how the funds are broken up.

A motion was made by Commissioner McCown to authorize the Chair to sign the contract for \$300,000 with provision #3 be stricken - striking the bond requirement. Commissioner Martin seconded the motion; carried.

King was directed to work up some costs.

Wildhorse Energy

King reported BLM is in the process of establishing a monitorial on development in Beaver Creek until a joint meeting can occur with all the players. It seems as the main impetus behind this is the town of Rifle is voicing some concerns through BLM regarding impacts to the watershed.

Suggestion: Joint meeting with all drilling and pipeline companies and King to see if Lee Leavenworth, Attorney for the City of Rifle, could attend.

DEPARTMENT HEADS - MANAGEMENT COMPENSATION DISCUSSION

Chuck Deschenes, Margaret Long, Don DeFord, Dale Hancock and King Lloyd were present. Chuck provided a handout to the Commissioners regarding a management survey performed by Susan Owens.

Chuck stated the goal of doing this study and the initial goal was to work toward the average. This depends upon the Commissioners goals and objectives. Focus has been made on the employees and not on the management positions. He encouraged the Commissioners to establish some goals and objectives however, in the meantime stated it was important for them to look at least the same criteria they looked at for the "rank and file" employees. Chuck said he knew three years at least where management was pretty much set to the side and told they will get minimal and address the lower levels. In tight times management is supposed to set an example and a lot didn't like it but swallowed hard and accepted it. Times are a lot better than they have been in Chuck's ten year tenure and think unless we can make progress now you are running the risk of losing some fairly good people, or worse that you are going to start getting morale problems and loss of productivity. Then can end up having a parting of the ways whether the Board initiates it or individuals initiate it. Part of Chuck's job is to bring this to the Board's attention. Chuck's recommendation is that the Board should do this year for your management people what you did for your regular employees. That would be the minimum.

Commissioner McCown stated he did not see how the Board could correct a disparity that already exists to the contract people.

Chuck stated the goal was to make progress.

Chairman Smith stated this was 2.5%, 5%, 7.5, and 10% this year for the regular employees.

A decision was made to hold a special meeting incorporating a work session/executive session for Monday, March 31 allocating 30 minutes with the Board to individually discuss compensation.

QUARRY DISCUSSION - BUREAU OF LAND MANAGEMENT, MIKE MOTTICE

Robert Delaney, Mid-Continent and Pitkin Iron; Mike Mottice, BLM; and Jim Okanson, Geologist with BLM went over the handout of an overview of the History of Limestone Quarry Sites. The purpose of the meeting today is two-fold: one is to bring the Commissioners up to speed with the issues and proposed solution to those issues and two, to ultimately get the Commissioners to agree to a Resolution that has been in the works for some time.

Mike Mottice and Robert Delaney presented the intent of the respective parties.

Mike Mottice submitted a Cooperative Agreement for the management of the Marblehead and Mid-Continent Mines that will serve to delineate each entity's responsibility.

Jim stated the things he needed from Garfield County - some accounting that Garfield County is prepared to accept the package to the landfill as proposed with the package provisions as noted in the environmental assessment and Garfield County is prepared to adopt the requirements for the operating plan as discussed in this environmental assessment.

Some of the changes made includes: 1) a statement to Don DeFord's concerns regarding two issues with the landfill; 2) took the concerns seriously and make some accommodations to address them as well as possible; 3) the indemnification statement - there is no more room for negotiation on this issue; 4) two of the most critical things were: first - included a statement that would be attached to the patent that acknowledges the land has been utilized for natural gas productions. Originally, the patent provision acknowledged that there was a landfill operation out there but it didn't acknowledge that natural gas production - so it acknowledges that other things are going on. The other thing acknowledged was that they were going to stay here, the owners of the mineral estates and administering the oil and gas leases and that unless BLM and the county agree otherwise BLM will force Barrett to live with the agreements made one or two years ago relative of density, etc.

Don stated he had reviewed the contract and indicated it was appropriate for the signature of the Chair to proceed with the requirements making the changes as discussed and included in the contract.

Commissioner McCown made a motion to authorize the Chair to sign and execute necessary documents accepting patent provisions as proposed as well as the operating plan provisions set forth in the record. Commissioner Martin seconded the motion; carried.

BOB MCGILL - EXTENSION OF CURRENT JOB SERVICE CENTER BUSINESS PLAN

Chuck presented a memorandum he had received from Bob McGill of the Glenwood Springs Job Service Center requesting an extension of the current Job Service Center Business Plan.

Commissioner McCown made a motion to authorize the Chair to sign a letter granting an extension of the current Job Service Center Business Plan. The motion was seconded by Commissioner Martin; carried.

Juvenile Holding

Commissioner Martin reported on the meeting he had with Colorado West in regard to juvenile holds. He stated they will allow the county to use the space as long as we do the remodeling and allow them to utilize it. They will also assist us when we are short in the designated space. They also agreed to assist our staff. Commissioner Martin stated the space in discussion included on one floor, a stairwell and a block wall with 2 safe rooms and a common area. This is estimated to hold up to 8 - 10. Additionally what is needed is an agreement in writing between the two parties.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize Chuck Brenner as an architect on the Colorado West Project; carried.

Size of the Footprint - Jail

Chuck Deschenes, Tom Dalessandri, Al Maggard and Dave Sturges were present. Discussion ensued regarding outside prisoner housing; placement of the building within the footprint; options regarding work release; time frames; financing options; conceptual review and narrative; temporary facilities; encroachments on Pitkin during construction and URS cost estimating.

The following meetings were set in place:

Reilly/Johnson - March 20 - 8:00 A.M.

URS - March 20 - 10:00 A.M.

City Council - March 20 - 6:45 P.M.

Don stated he and Dale were hoping to start the application process this Wednesday, March 12 so they could be in front of the City staff and City Council before any formal consideration were undertaken the first of which would be the March 20 so we could say, yes, we have applied. In order to do this the County needs three things: submit an application for which the form is very short; a sketch plan - a very informal drawing of the type of facility the county is considering and submit it to the City Development Director who makes a decisions as to whether this is a minor or major development; and then on the 20th submit a conceptual review that is more formalized drawing with a narrative concerning the operations. Johnson committed to having the conceptual ready by the 20th.

A few other timing policies were stated by Don as follows:

If we proceed, it will put us into April for a formalized process - start with the conceptual, public hearing process in front of the Planning Commission at the April meeting late in the month, then back to City Council for their final approval of the formalized plan and this put us into May. In order to start construction, we need to move the prisoners out of the current facility. (Dale has RFP's out due back by April 7 on the temporary facility). Anticipate starting construction in June which would put us in review process.

Dale interjected his RFP stated he would like occupancy on July 7.

Don - assuming we can get this going and move the prisoners into the temporary facility in July, then construction can start in August. Therefore, Don and Dale are looking for direction on the building size. Commissioner McCown he would consent to the smaller footprint originally shown to the City but he wanted it shoved back to the East boundary. This would be the only concession he would make with this design.

Don stated the schedule given the County by Mark Donaldson was for April and therefore, we could go with the larger footprint and move it back 30 days on scheduling.

Chairman Smith stated she thought it should be explored as we have been 15 years into this and what is one more month. This gives the County time to explore this option with the City.

Al Maggard asked what the cost would be to authorize Reilly/Johnson to prepare the larger conceptual plan and after the meeting with the City if it necessitated to fall back, we could.

Commissioner McCown stated it was \$12,500.

Al stated if it was just one full week it might not cost that much.

Dale stated Bob Johnson was not able to give him a price and would not until Friday, March 14.

Commissioner McCown stressed the importance of going with the larger footprint.

Chairman Smith - stated some of the very problems encountered are based upon the argument being made by Commissioner McCown. When we built the library and didn't want to put a second story over there, Chairman Smith indicated if not space for the library, then utilize it for the courts. But no, they would not do it. Therefore, she agreed with Commissioner McCown and stated it would be very short-sighted to build the smaller facility.

Commissioner McCown stated if Reilly/Johnson's figures were correct that construction cost had escalated 3% in the last 6 months, and if that trend continues to even 5% a year, then 15 years down the road needing a larger facility would be a 75% increase in building costs.

A motion was made by Commissioner Martin to authorize Reilly/Johnson to design at least in the conceptual stage, an 80,000 square foot building design from lot line to lot line East and West. Discussion: No encroachment on the alley. Commissioner McCown seconded the motion; carried.

Discussion: Commissioner McCown stated he was under the impression that the smaller conceptual design was completed.

Answer - yes it was.

Don reiterated: he will submit an application for the larger facility (a site sketch); a meeting set with the City for a conceptual review of the larger facility on March 20; and apply for the temporary facilities.

March 25 - Mark Donaldson stated this would be the conceptual review in front of the Planning Commission; and later in April start the public hearing process.

Temporary Facilities - Jail

The site plan has been committed for the temporary facility.

Commissioner McCown stated for a visual and turn-key operation he would suggest the Spacemaster.

There was a consensual agreement to a "modular" facility.

Commissioner McCown suggested for Reilly/Johnson plan of the space of the UPL building to be as sparing as possible with the land.

Dale stated there will be staging and a consideration of parking.

Encroachment on Pitkin

Al said the subject was mentioned to him and therefore he suggested addressing this issue.

Chairman Smith stated there was also a safety issue involved.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to expend \$1000 for the sketch plan for the temporary facility on the UPL property; carried.

Construction Management

Don submitted a request to authorize construction management - URS to come on board. Commissioner McCown stated the possibility of a team being put together with Geo-Tech individuals. He stated there may be other sources for construction management locally. Chairman Smith - stated for the protection of the County we need a construction manager. Chuck stated he wanted a flat fee arrangement and not like the architect tied to a certain percentage of building costs.

Architect and Construction Management Contracts

Discussion was held regarding the contracts for Reilly/Johnson and URS. Dale stated the design phases - for the design phase he estimated \$100,000 to be the next bite. The first phase included the pre-design phase that included the budget review and programming. This was \$28,000. Commissioner McCown stated through the design and the bid phase we are at \$128,000. He estimated 1/2 million to \$600,000. He added that he would like to see the overall numbers from URS on this project. Chairman Smith stated it was cost per hour plus travel. Commissioner McCown stated the person he talked to in Grand Junction also had said he could get the County a contract manager, a controller, and an on-site engineer. Dale - the original bill of Crestone Merrick was looking \$325,000 on their six phase contract, so this will give you some idea. However, URS in Phase I was about \$7,000 more than Crestone Merrick. Commissioner McCown - did Crestone Merrick give their Phase II projections? Dale - yes, \$45,000. Commissioner McCown - as compared to \$100,000 for URS. Dale - if we go for the 80,000 sq.ft. plan there will be an increase in costs. Don suggested to start and then see where we are with URS on March 20 in costs and plans and then make a decision. Commissioner McCown - this is a good idea.

Temporary Housing - Jail

A motion was made by Commissioner Martin to authorize Dale Hancock to proceed with the Request for Proposals on Modular Units to house prisoners temporarily. Commissioner McCown seconded the motion; carried.

Work Release

Dale gave a review of the possibilities of RFP's for Work Release combined with Community Corrections. The number of beds includes 30 Work Release and 19 Community Correction beds in addition the per diem equals approximately 3/4 million per year in cash flow available to a contractor. Dale added this should offer enough of an incentive to attract a contractor to do these services.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to put out Request for Proposals for Work Release Services and Community Corrections; carried.

Communications

Don submitted Lee Leavenworth and he have an agreed contract for the work for Rifle and the County. There is a meeting on Thursday, March 13 and Don projected Leavenworth would bring in a copy to get approval and signature by the Authority Board, then bring it back to us. Don stated he didn't have the cost estimate for Communications and until this has been done.... Commissioner McCown stated the cost estimate hasn't been done yet. The budget was started on last Thursday and a rough draft for the 13th.

RFRHA

Commissioner Martin reported on the RFRHA negotiations.

The contract was rejected for a couple of words and Mr. Worcester issued a complaint that the grant stated "mass transportation corridor." Commissioner Martin stated this was the County's contract and Mr.

Worcester could suggest things but does not re-write the contract for the County. He and Walt Brown showed Mr. Worcester where, in our contract with the Department of Local Affairs that it has been in there and must remain. Also, they were unaware of the PUC regulations and didn't realize as an Authority they would have to follow these. This was a shock. Commissioner Martin stated the County would stick with that, however. It is a utility even though it may be owned by the government still it is a utility and must be reviewed by the PUC.

Chairman Smith - we did receive a letter from Jerry Smith from the Department of Local Affairs clarifying

.....

Don - yes, and this is consistent with what Tim Sarno say.

Chairman Smith - Scott McInnis stated he was in favor of allocating \$850,000 on a one-time basis but no more from Congress.

County Road 117

Don reported on the updates on the Bershenyi property stating the negotiations are just about ready and should be completed this week.

On the Colodney property Mark and Don had a meeting last week with the Four-Mile Ranch Developers and spoke with Leavenworth. At this point they are dealing with actual owners and financiers out of Chicago. Don projected this to be another 3 - 4 weeks.

Chairman Smith questioned the construction before irrigation or would this constitute a delay?

King stated no that if it is stipulated to the contractor that the first order of business was to deal with the construction of Bershenyi first, there should not be a problem.

ROAD AND BRIDGE DISCUSSION

King Lloyd was present.

King stated he and Ron worked with the gas drilling companies and allowed some early morning moves but those are off again now and all the restrictions are on. King reported on some severe run-off in the ditches creating a lot of water problems.

Radios

Replacement of radios in the office and shops in Communications. This replacement took place but the situation is not tolerable. The problems are a lot of feedback and had to take them off. King reported he had contacted Jim in Communications to put the Legacy radios back. King added he never really understood why the radios they previously had were no longer compatible with the system, nonetheless the Commissioners approved changes in December of 1996 to replace the radios.

Chairman Smith - she heard others having similar problems on the scanner.

Commissioner McCown - Road and Bridge was to have their own frequency as far back as 1991.

King - the funds were just recently appropriated for this to occur. The bottom line is that King does not have any communication in the office or in the shop.

King suggested some hand-held radios while this problem is being resolved.

Developing Specifications of Truck Purchases

King described the truck specifications for the trucks. He added they have been notified by the dealers of a critical time frame due to business/factory schedules putting this into mid-October before delivery. Some of the trucks need to be replaced and have them tested before the snow hits.

During the budget process some preliminary discussion was held regarding the replacement of vehicles and agreed we would get rid of the Oskoshes and try to get trucks more functional for the County. The Internationals have consistently created maintenance costs and it is appropriate to phase these trucks out as well. King stated a sum of money was put into his budget specifically for trucks. However, a discussion was to be held at a later date.

Chairman Smith suggested that King submit bids for both the all wheel and the four-wheel drive.

CITIZENS NOT ON THE AGENDA

Bike A Thon

Bill Inverso of 3768 Highway 82, Glenwood Springs presented the updates on the Bike-a-Thon for United Way scheduled for Saturday, July 19. He stated they had received an approval from Eagle County and the Eagle County Sheriff's Office and the Town of Gypsum. They are still waiting on the City of Glenwood Springs, Mike Copp but should know this by the end of the week; and Garfield County. C-Dot stated there would also not be a problem. He explaining the route as beginning at the Mountain View Church who would be providing parking. The race would start at the bottom of Red Canyon Road, go County Road 115, over Cottonwood Pass into Eagle County (Gypsum) and returning via County Road 115 back into Glenwood Spgs. on Blake. Chairman Smith inquired as to insurance coverage to protect Garfield County and suggested checking with Don DeFord, County Attorney.

Bill stated they have individuals in charge of traffic control.

Chairman Smith requested that Bill check into the insurance, permission of C-Dot to close one lane of traffic, and then come back before the Commissioners or to King for him to bring it back for a final review.

Lot on 2nd Street - New Castle

Georgia Chamberlain and Mark Bean presented the County owned a piece of property on 2nd Street in New Castle. On further research Georgia is not sure the land in question is owned by the County. Five years ago or so, the County identified several lots where the ownership was gained through treasurer's deeds. The property had been offered to New Castle and New Castle said they would like the lots. Georgia was asking for direction.

Chairman Smith stated the reason it was offered to the Town of New Castle was to allow them to make the decision as to whether it should be offered to the public. Her preference would be to offer it to the Town of New Castle; Commissioner McCown agreed.

Chairman Smith stated to deal with the municipalities versus individual parties would be a good policy to establish in the future if similar issues surfaced.

Commissioner McCown stated he would still want these issues brought before the Commissioners.

This was referred to Don.

Fairgrounds - Quarterhorse Agreements

Chuck presented agreements for the Fairgrounds by the Colorado Quarterhorse Association for the event scheduled for April 4 - 6 for Stalls, North and South Halls, Kitchen and Arena.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair sign the agreements as presented; carried.

BOARD OF HEALTH

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

Mickey Rimmel, Margaret Long and Mary Meisner were present.

Battlement Mesa Space-Carbondale

Tom Beard has provided donated space for the Nursing Program at the Battlement Mesa Fire Station. Dr. Garcia has offered space in her Carbondale clinic area and they are participating in the clinic one day per week.

New Staff

Receptionist/Secretary in the Glenwood Springs office - Jill Rose.

Kathy Lancaster to Administrative Assistant/Projects Coordinator was approved by the Commissioners.

WIC Coordinator - Rosa Vigil

Mobile Dental Unit

Mary submitted a packet of information regarding a grant for a mobile dental unit. In order to secure this through the grant, they have been asked to participate in grant writing and to contribute \$1000. She

requested permission of the Commissioners to move funding from the rental line item in her budget for this. The grant is for three years.

Certificates of Appreciation

Chairman Smith suggested it would be very nice if a Certificate of Appreciation for participating in Garfield County Public Health for the Commissioners signature and Mary's was sent to both Dr. Garcia and Battlement Mesa Fire Department for the donation of space.

Letter to Editor for Public Health

Chairman Smith suggested that Mary Meisner write a letter to the editor regarding public health.

Healthy Beginnings

Mickey Remmel reported Dr. O'Donnell, who has been working in the program since the very beginning, has given his part in the Clinic to Dr. Binkley. The enrollment in the program was up to 9 per month. Colorado Department of Health will be raising their enrollment level to 67 and funding will increase to compensate the additional clients.

Moonlight Bowling

Mickey stated the 2nd Annual Moonlight Bowling Event would be forthcoming and inquired as to the Commissioners forming a team or sponsoring one.

Visual Presentation

Lori Little - Nursing Manager from Rifle, and Kate Lujan - Nurse in Glenwood/Rifle provided an overhead projector presentation - "What is Public Health?" The presentation included the essence of public health. Public Health is protecting the health of the community based upon three core functions - Public Health Assessment; Policy Development; and Assurance. Assessment is basically the process of looking at the County's resources; Policy Development is use of all the information determined in the assessment process to implement policy; and Assurance is addressing the changing needs of the community. Presently the case load is over 800 in Garfield.

CONTINUED PUBLIC HEARING - ZONE DISTRICT AMENDMENT FROM AGRICULTURAL/RESIDENTIAL/RURAL DENSITY TO PLANNED UNIT DEVELOPMENT LOCATED APPROXIMATELY 2 MILES SOUTH OF GLENWOOD SPRINGS ON THE EAST SIDE OF COUNTY ROAD 117. APPLICANT: DR. WILLIAM ZILM

Eric McCafferty, Appointed Council Walt Brown, Dr. William Zilm, Attorney for the applicant Larry Green and John Taufer were present.

Chairman Smith stated this was a Re-Noticed Public Hearing. John Taufer submitted to Walt Brown the Proof of Notification - dated Feb. 7 with the returned receipts and two letters addressed to William Stack and Dr. William Zilm. Dr. Zilm's letter was dated as mailed on Feb. 16 and William Stack's letter was dated January 16th - the first meeting.

Chairman Smith stated the Board initially considered this application on February 3, 1997, at which time the acting County Attorney determined sufficient public notice was made and advised the Commissioners the Public Hearing could proceed. Later, after five hours of testimony, it was determined that adequate notice was not complete and the Public Hearing was continued until today.

Speakers were then sworn in by Chairman Smith. Staff entered Exhibits A through J as Exhibits. Chairman Smith admitted Exhibits A - J into the record.

Eric McCafferty submitted the following in a staff report from the February 3, 1997 session:

Upon completion of the staff report summary, the applicant's attorney presented a change in ownership of the subject lands, which created controversy and a recess was taken to determine the legality of such change and its effect on public notice and ownership requirements within the land use application.

This situation was rectified by recording a change in ownership back to the applicant in this matter, Dr. William Zilm. The applicant's agents then made their respective presentations to the Board, after which, the Board received comments.

Public comment indicated there may be a deficiency in notification, as at least two (2) of the public notices, required to be mailed to adjacent landowners, were incomplete - only containing the legal description of the lands in question, not the Public notice form supplied by the Planning Department, indicating the date, time and location of the public hearing. The attorney for the applicant then requested a continuance. Motion to that effect was made, seconded and passed to continue the hearing to March 10, 1997, at 2:30 p.m., with adequate public notice, consistent with regulations, a continued requirement of the applicant.

Larry Green provided a step by step analysis of the process involved in notifying the affected property owners by saying: John Taufer verified the property owners in the Assessor's records and comprised a list of adjacent property owners on Friday, February 14th. On Tuesday, February 18th Mr. Taufer took the list of 50 names secured from the Assessor's records and tendered it to David Harris of Land Title who made copies of the 4 page notice, numbered the pages, and supervised staff who stuffed and sealed the envelopes addressed to the list of 50 property owners. On Wednesday, February 19th the Assessor's records were again checked and on Thursday, February 20th a follow-up was made in the Clerk and Recorder's Office. The notices were mailed on Friday, February 21st. One letter was returned as undeliverable on Wednesday, February 26th - letter addressed to a Mr. John Boyd. The Assessor's Office was again contacted, the error corrected and the following was determined: Mr. Boyd's correct address stated he was previously shown as 74 Meadow and as of February 27th, Mr. Boyd's address then reflected 74 Meadowood. Therefore, only 11 days notice had been given. Mr. Taufer expressed everything had been done that was legally available to determine correct property owners and addresses.

Mr. Boyd was in the audience and expressed there was no problem with the 11 days notice.

Joey Edwards - attorney for several property owners, stated he objected to the notice as being incomplete and misleading; however he was impressed with the efforts about getting notices out.

Walt Brown - unless there is someone else with an objection to the notices, he advised the Commissioners they can find that either notice has been substantially complied with in this case. He also advised the Commissioner they could find otherwise.

Commissioner McCown - asked if everyone received 4 pages of notice?

Response: No one in the audience stated otherwise.

Chairman Smith - stated she had no problem in declaring the notice was adequate. She proceeded to swear in those individuals for truthful testimony during the public hearing. She added those that testified last time in writing or in front of the Board of County Commissioners did not need to be sworn again. She stated the Board preferred to take testimony from those not having spoken at the last hearing and there would be a 5 minute break every hour.

It was determined that Exhibit O was the last Exhibit entered into the record at the February 3rd.

List of Exhibits Entered for the Continued Public Hearing, Sunlight View II PUD Zone District Amendment, 10 March, 1997. Chairman Smith admitted these Exhibits into the record as they were presented.

<u>Exhibit</u>	<u>Explanation</u>
P	Proof of publication; certificates; return receipts; attachments
Q	Letter of continuance
R	Three Volumes of Historical Documents
S	Transcript of the Planning Commission minutes of 15 February, 1996
T	Comprehensive Plan Conformity Checklist
U	Staff Analysis of Exhibit O, with attachments
V	Supplemental Staff Report II, with attachments
W	Revised PUD plan maps
X	Memorandum from John Taufer, listing individuals who testified on 3 February, 1997
Y	Letter from Colleen Groth, dated 7 March, 1997
Z	Letter from Don and Nan Seaton, dated 4 March, 1997
AA	Letter from David Geddes, dated 25 February, 1997
BB	Letter from Bill and Sheila Kimminau, dated 4 March, 1997

CC	Letter from Donna Fell, dated 10 March, 1997
DD	Letter from Larry and Linda Eggers, dated 5 March, 1997
EE	Individual letters from Bob Hadley and Cecilia Hadley, dated 3 March, 1997
FF	Maps and letter from Nancy Crenshaw, dated 5 March, 1997
GG	Phone Call to Commissioner Chair Smith from Shirley Schiesser, date unknown
HH	Phone Call to Commissioner Chair Smith from Roz Turnbull, date unknown
II	Letter from Gary Dickson, dated 10 March, 1997
JJ	Letter from John Mechling, P.E., dated 10 march, 1997
KK	Letter from Joseph and Joyce Gornick, dated 9 March, 1997
LL	Letter from Melody Wade, dated 9 March, 1997
MM	Joint letter from various residents of the Lazy Diamond A subdivsion, no date
NN	Various individual letters and index, various dates
OO	Letter from JoAnn King, dated 10 March, 1997
PP	Letter from Jody Edwards of Hill, Edwards, Edwards & Adkison, LLC, dated 10 March, 1997
QQ	Letter from Frank Donofrio, dated 10 March, 1997
RR	Letter from Jan Shugart, with attachment, dated 10 March, 1997
SS	Memorandum of Bruce Shugart's slideshow, with attachments, dated 10 March, 1997
TT	Letter from Charles and Maureen Willman, dated 10 March, 1997
UU	Applicant's PUD/subdivision map
VV	Original final plat; first amended plat; second amended plat, Sunlight View Subdivision
WW	Area context map submitted by the Planning Department
XX	Memorandum from Louis Meyer regrading Sunlight View [proposed] duplex access

The following individuals gave public testimony:

Diane DeFord - 0136 Alpine Court stated the bike path proposed in the greenbelt is in her backyard. In 1989 when she and her husband purchased the lot in Sunlight View I she was informed and assured the property behind her house was commonly owned property. She asked this question as they had moved from Glenwood Park and the open space was very dear to her. Commonly owned property, she stated, that someone would have to ask permission to put something behind her house. She further added that she is not so much against a bicycle path and in fact might support it. There would be some things that she would like to see happen. The trees at the end are used as a buffer and hope they would stay. However, her main concern is the property behind her house. She added she has always believed this to be commonly owned property. This led to her second question, liability. Would she be libel as an owner in Sunlight View I Subdivision for the insurance for the bike path, the community center, the church, and the day care center proposed in the PUD for Sunlight View II? She requested no co-mingling of funds or liability. She requested water and sewer only. She stated the current proposal indicated that Sunlight View II property owners would be in charge of the water and sewer systems and would like this to be two separate authorities to make sure that she doesn't feel any coherence at all to be joining all the other issues - the liability question. Ida Burnaman who lives in Blue Lake, mentioned the liability is \$45 per month for their bike path insurance. Therefore, she doesn't want to be liable for any of the proposed improvements. Her other question was regarding the sewer plant and she knows that it is getting old - 20 years old. The house she lives in is 7 years old and they have had replaced some things including a hot water heater. With respect to this she would like to know a breakdown of the cost to the current owners as opposed to building a new line - maintenance fees collected for improvements and maintenance. She requested that these funds be held separate and stated they should remain for sewer and water and not paying for an expansion program.

JoAnn King - 0109 Meadowood - Exhibit OO. Read from her letter she handed out.

Joe D. Edwards - Exhibit PP. Mr. Edwards read directly from his letter handed out.

Mary Rippy - stated she was in support of the approval of the Zilm's proposal. Her property abuts the bike path; she stated this would enhance the area; the density was appropriate for this subdivision; it would provide more affordable housing which is needed in the area; she travels back and forth on Four Mile Road

approximately 4 times per day; does not necessarily consider the road to be safe but if the Commissioners are going to disapprove this then what you are telling people is that Four Mile is not to be developed at all; and finally she stated she is opposed to the applicants having to go through so many hoops to gain approval.

Gary Gagne 21 Alpine Court - stated he would like to second all that Mary Rippy stated and he addressed the issue of the government getting into protecting views. The expense of owning and maintaining their own water and sewer system would benefit by the additional lots. He addressed the cost of owning ones own utilities. Regarding lot sizes - he personally doesn't like large lots as they tend to turn to junk lots - therefore he favors 1 acre or less.

Max Stanton 0046 Meadowood Road - stated he was in favor of leaving the present zoning as A/AR/RD. County Road 76 will not support traffic and it will tear up the road bringing expense to the County to repair. County Road 76 is less than one block; children are constantly playing in or around the road; he views this proposal as two separate PUD's - North and South; and a question regarding the sewer plant - is it large enough for all houses?

Dave Duset - 10392 Springridge Drive - stated he was in opposition to the new development. His reasons were density and additional traffic; dangerous intersection; concerned about property values and if the Commissioners approve the subdivision it will open Pandora's box which in his opinion is very dangerous.

Frank Donofrio - 0303 Piedmont Road - read into the record from Exhibit QQ that was admitted into the record. He was opposed and stated public safety is his number one issue of concern. Suggested the Commissioners establish a monitor until a new road is built. He quoted a saying from Calvin Lee "developing property is a privilege not a right." He referenced a Hopi Indian word - Koyaanisqatsi - which means "crazy life; life in turmoil; life disintegrating; life out of balance and state of life that calls for another way of living," adding, "if we don't come to grips with changing our ways, we are going to become buried, absolutely buried." Additional he added a suggestion to get abreast of what is going on around us at all times, that a map of the County be made available to the public that keeps track of the information and location of the development within this County. This should be a public notice in the newspaper that will enable the citizens to keep track of changing conditions as they exist.

John Boyd - 0074 Meadowood Road - voiced opposition adding that any changes to the greenbelt of which he thinks he is a partial owner.

Recess/Resume

Barbara Warn - 0161 Van Dorn Drive in Cheyln Acres - The Four Mile Road is very dangerous especially at the intersection to Cheyln Acres. She referenced the bad accidents and the need for four-wheel drive vehicles to maneuver safely on the road.

Randy Crewshaw - 0123 Meadowood - expressed his approval of the currently existing zoning for large lots; owner's certificates as recorded in the Clerk and Recorder's Office in Book 561 Page 71 indicating that he, among many others, have an interest in the common areas. Therefore, he registered an objection to those being included. He stated a quotation from Abraham Lincoln - "how many legs does a dog have by counting his tail as a leg?" Just by calling the tail a leg does not make it a leg and likewise just calling this subdivision a good idea does not make it one. He stated he is one of 75 neighbors who are opposed to this rezoning.

Donna Wiggins - 0048 Deerpark - spoke in favor of the rezoning. She stated she was happy with the subdivision and enjoys the greenbelt. She endorsed the Zilms and called it a wonderful plan that provides affordable housing.

Jim Dukas 0116 Deer Park Court - stated he had three points: 1) it is quite clear from the PUD sketch plan that this is not one PUD but two distinct drawings/plans and that it should be addressed as two; 2) fire safety - proper fire access is of great concern. He has personally witnessed the entire pump system and subdivision out of water; and 3) encouraged the Commissioners to please consider the current residents that live in Sunlight View. By the purchase of the homes and land they have been paying into the current sewer system for months and years and are vested into the system. However, if each of you is to believe that the developers that hired Mr. Green, you also agree that he would like present homeowners to be treated like unwanted step children - step children of an aging water and waste water system that we have financially supported for years. He stated the present homeowners do not want to be treated like this, they would rather be treated as the origin of the system. To be treated outside the system is a complete misrepresentation of reality. The developer's attorney, Mr. Green presents terms as equitable. However, this proposal is troubling to him as it doesn't provide dollar amounts. He added that it is proposed for the existing homeowners to be labeled as outside the area is preposterous. The existing areas are not outside

the area. We are the area. To ever consider the existing homeowners are charged any greater amount than any new proposed homeowner for water and wastewater service is totally unacceptable and this Commission should reject this proposal. He suggested setting aside funds for future capital expenditures and asked the Commissioners to require the homeowners not only to bond water and wastewater systems but also include an entire water delivery system including storage tanks for a period of at least 15 years. This will allow all the homeowners a period of time in which to build up a capital funds reserve for capital repairs that most likely will occur. Why should existing homeowners be held liable for any capital repairs for an aging system that never had any funds set aside for obvious capital repairs. In summary, what he has witnessed on the proposal the Commissioners are now considering, he urged denial until proper consideration and complete answers were given to all of those concerned in the County of Garfield, State of Colorado in reference to these matters.

Bruce Shugart - 0170 Piedmont submits a letter asking for denial written by his wife, Jan Shugart with an attached opinion written by Paul Andersen. This was admitted as Exhibit RR.

Bruce read into the record from Exhibit SS and provided four graphic displays illustrating the close proximity of the sewage treatment plant and sewage exfiltration pond; the proposed access road to lot 39 with 60 foot right-of-way showing road grade of 12.5% and 50% sideslopes showing the road in excess of the County semi-private road slope limit of 10%; and a cross section of the proposed road where a 2:1 cut slope is not possible.

Bruce summarized that you can't get to lot 39 the way this is set up. It is obvious that the north parcel is unsuitable for a zone change. In his opinion, why overcome all the odds, the North parcel should remain zoned as it is presently. He asked why cram your foot in the shoe. Things do change. However, he requested the Commissioners maintain the present zoning. We, along with a lot of families, have put millions of dollars in a home. He added he was present today to protect his interest and requested a denial of the re-zoning.

Carolyn Strautman - 0175 Deerpark - commented that Sunlight View I was a very desirable place to live and raise a family. She credits this to Dr. Zilm. She added that she feels the plan before you today is merely an extension of the plan he proposed originally and instituted. Adjacent property owners have smaller lots and yet they are the ones who are basing denial of this subdivision on the proposed lot sizes and density when they have the same amount of property. Public walkway and open space will enhance their property. She indicated the ones opposing the issues related to notices were red-herrings, and called attempting to credit ownership in the greenbelt as being an isolationist. She called attention to the proposal adding that the Zilms meet the requirements. The issues being raised are petty. There is a need for affordable and attainable housing. When you buy a lot in a Subdivision Filing I, you buy with notice that other homes could be built. Asked the Commissioners to evaluate the request and approve. She stated the waste water and sewer system in discussion is one of the best in the valley.

Chairman Smith - stated she would have to make the comment in response to Carolyn calling those without proper notice "red-herrings." She added no matter what issue comes before the Commissioners that they try to be fair but they do require that public notice to the land owners in surrounding areas is very important. She does not feel that this is "red-herring."

Carolyn Strautman stated she agrees but when you have people going in and changing their addresses it is obvious of their ploy. She particularly referenced individuals using this as a weapon.

Charlie Willman - 39 Sunlight Drive offered a letter that was labeled as Exhibit TT and admitted into the record. He added he was also speaking for his wife, Maureen Fox Willman. Charlie addressed the fact that some legal issues were discovered pertaining to: two separate areas and the discrepancy between "an area of land" and "one;" the question of ownership of greenbelt and water and wastewater parcels; referenced Resolution No. 95-058 where a previous rezoning application by Dr. and Mrs. Zilm was denied; access across the wastewater treatment plant area; capability of water and wastewater systems; and PUD conforming with the Comprehensive Plan. He summarized that Dr. and Mrs. Zilm's Project does not meet any of the requirements for a PUD. It is rezoning for more density plain and simple. This is not the density my wife and I anticipated when we bought our property. He added that zoning has a purpose; it tells everyone purchasing property what they should expect their neighboring property will resemble in the future. Charlie stated he was presenting the same arguments used for denial as stated in Resolution 95-058. The whole purpose of zoning is to know what to expect. He added if Dr. Zilm's application is approved, Springridge will come forth and ask for even lower density. A change in the Comprehensive Plan is not an appealable decision. He added the application is illegal. It is two areas and not one area; it has tried to

create an area that he doesn't even own; other owners and I feel we own this property in the subdivision; and it does not meet the criteria for PUD's. He urged the Commissioners to deny the application.

Scott Fifer - 0351 Van Dorn Road requested denial of the proposal for rezoning. His wife and he have lived across from the proposed area in Cheryln Acres for 22 years and when he moved there he requested the zoning for the area and was informed it was A/AR/AD and knew there was some probability that the property could be developed but it was for 16 homes. He added that he did not feel this was appropriate land use and does not meet the zoning criteria. He encouraged the Commissioners to send a message that is someone is going to try and change the rules of the game for which you have been relying on for years and years, they should have good reasons for it and good reasons for adversely impacting the environment.

Skip Likely - 0108 Piedmont in Cheryln Acres - Lot 2. The ranchers that sold him the property - Mr. Axthelm told them in 1967 that the whole valley would be developed. He thinks we all planned for that. Terry Fattor and he share the same feelings - there is a number of one acre in Cheryln Acres. The average is 3.5 acres but this is due to there being lots of 4 acres, 10 acres and go over to Sunlight View, it's the same way. He expressed that he was in favor of the project; that he has known Dr. Zilm for 35 years and he's honest and would recommend the project.

David Rippy - 0204 Alpine Court - supported the application. He stated if the Commissioners deny this application, they will get 16 houses and no amenities for the residents. The whole purpose is to add the amenities; to share cost. You will get a better project including a place for kids to play, a shared cost of infrastructure and a number of other advantages. He summarized that he was for the project because it was well thought out and has amenities.

Mark Darling - 0062 Sunlight Drive - wife and he is opposed to the new proposal. He stated there are a lot against the rezoning and requested the Commissioners deny the application.

Walt Brown - called to Chairman Smith's attention that one of the witnesses was not sworn in - Carolyn Strautman. He asked Carolyn to come forward and swear her testimony in under oath.

Chairman Smith - swore in Carolyn Strautman and Carolyn re-affirmed her testimony.

Larry Green - some suggestions that the sewer and water approaching end of useful life. All statements are in supposition. Therefore, Larry requested Louis Meyer of Schmueser Gordon Meyer come forward and present a verbal report regarding the water and wastewater treatment plant.

Louis Meyer - gave a verbal report and clarified the concerns expressed in opposition of the application. He verified the wastewater plant pumps 25,000 gals per day; the plant is a 40 x 12 plant; well maintained and in very good condition. He stated this plant is better maintained than a lot of municipalities' plants. He described in detail the function and process used in the plant and verified there was no pitting in the concrete.

Commissioner McCown asked the total replacement cost of the moving parts.

Louis Meyer added there are very few moving parts and those can be replaced in the future for a cost estimated at no more than \$15,000. These parts include a 5 hp blower; a small motor and a switching gear. Dr. Zilm has drained and recoated with a protection coating although there is some rust, but no pitting.

Chairman Smith asked why the inclusion of the "20 year life" for a wastewater treatment plant would be included in the terminology.

Louis Meyer replied the "20 year life" is used for Federally funded planning purposes. He added that as long as it was well-maintained it could have an indefinite life-time. He urged anyone interested to come and take a look at the plant.

Chairman Smith inquired as to the adequacy for fire storage.

Louis Meyer replied that the size of the tank is 120,000 gallons. Of these approximately 60,000 are for fire storage. The other gallons are operational storage and emergency storage and are well in excess of 70,000 - 80,000 gallons.

Joe Edwards questioned Louis Meyer about the wastewater tank capacity of 120,000. He asked if there is 120,000 gallon for the homeowners currently using it, then including the 60,000 gallons in this fire storage, is there enough capacity to add an additional 44 residential units?

Louis Meyer affirmed there was an adequate amount for the fire storage and the current and the additional 44 residential units proposed.

Chairman Smith - Admitted Exhibit UU into the record that is the Applicant's PUD/subdivision map.

Larry Green - stated there was a number of comments in the nature of arguments. He stated he would only be 10 minutes at most. Larry said he did agree with one thing Scott Fifer said that this should be an easy decision and the easy decision is an affirmation of the application before the Commissioners. This proposal I would submit in every respect meets the requirement of the Garfield County Zoning Ordinance for PUD

application. I think it is important that you as Commissioners consider and be every mindful of what this application is - it is an application for a PUD and with all due respect to Mr. Shugart, his testimony and the material he presented in all its detail is more appropriate for a preliminary plan submittal for this Board when we start talking about road grades and street cuts and available access. If the Board will compare the level of information required under Section 4 for a PUD versus the information that is required in the preliminary plan in Section 4:50 of your subdivision regulations, you'll see I believe that the information Mr. Shugart is discussing is most certainly to be considered by this Board at the preliminary plan and not the zoning stage. The objectors here today in my mind have raised a couple of issues that require and deserve a response. The one thing that they have raised is the question whether or not this PUD qualifies as "an area" of land proposed for unified and joint or comprehensive plan of development. In order to convince you that it is not an area they have focused on the word "an" and not provided you with a dictionary definition of what the word area is. If you would look at a Webster's dictionary, you will find that area is not at all constrained to one particular parcel of land or one definite tract rather the word connotes a broad area with kind of moving and vague boundaries. I would also submit that the crux of this is not how you define "an area" but how you look at the modifier proposed for a unified plan of development. That's what this is all about - the issue of "area." This proposal using that proposed for a unified plan of development both the North and South aspects of this PUD are going to use the same water system, the same sewer system, their property owners are going to be members of the same Homeowners Association with the same obligations to support that Homeowners Association and the amenities that are related to the Homeowners Association. We looked everywhere to try find a case that helped answer the question about whether a non-contiguous parcels of real property would qualify as "an area" proposed for a PUD and the closest case we could find is a case is entitled "Wiggers versus the County of Sachet which is a Washington State case a 1977 Washington Court of Appeals decision and in that case the Washington Court was presented the question whether or not three non-contiguous parcels of property qualified as a tract of land under the Sachet County PUD Ordinance. And in that case the Court of Appeals did conclude that the word "a tract" similar to our words "an area" should be considered as qualifying for joint development under one PUD when there was a similarity of development - they were sharing the same roadways, sharing the same sewer, the utility lines, etc. I - that is Washington, not Colorado. But nonetheless, I still think that case is of some precedent for value that non-contiguous parcels can be considered "an area" for PUD purposes. I also would suggest that the specter of opening a Pandora's box is not properly raised by this application. The same cited by one of the speakers that you could - if you approve you could take a parcel of land in upper Four Mile and another parcel of land down at the intersection of Four Mile and the road down below just doesn't follow this proposal has unique circumstances. The two parcels of property are within 1/2 mile of each other - within sight of each other. As I said, they are going to be sharing services - it does not suggest opening Pandora's box that the opponents nor is it an issue that raises an issue in my mind of even the concept of possibly transferable development rights that Eric raised in the supplemental staff report. We are dealing here with one unified development and that is the thrust of your PUD Ordinance and I would submit that this proposal meets those requirements. Another area that has been given considerable discussion is the claim that some of the property owners are perhaps all of the property owners in Sunlight View I have some kind of an ownership claim to the greenbelt area. I would suggest to you that this is not the case. Mr. Willman and his original argument based his claim on a equitable ownership - the doctrine of equitable ownership in Colorado really comes from a situation where one is a contract purchaser for a piece of property and just hasn't closed yet but I have a contract to buy this specific lot. The Court says I have an equitable interest in that land even though I don't own it by virtue of my contract to buy. I could find no law supporting the claim that because somebody buys a parcel of property in a subdivision that person acquires an equitable claim to a greenbelt that is also contained in the plat of that subdivision where there has been no dedication of that greenbelt to the property owners within the subdivision. Recently, the opponents have uncovered a document that was recorded in 1980 and I kidded Dr. Zilm that I was going to withdraw as his attorney because I wanted to hire Nancy Crenshaw as my legal assistant. I really compliment her on the work that she did in coming up with all these historical documents on this property, but notwithstanding her excellent work, I would submit to you that deed does not convey the ownership and title that the objectors would now claim to derive from that document. It is clear if you look at the document, as a whole together with the second amended plat that were filed subsequently in the Records of Garfield County in 1980, that what the applicant was trying to do was create clear title to individual lots within Sunlight View I as a result of questions that arose because of a survey error; and the potential that somebody in the future could say that my corner in the first

amended plat, and in the second amended plat it is over there and we're just trying to straighten out everyone's claim to their lots forever so there's no question about these kinds of overlapping interests of the lots. It's my opinion that the deed does not convey any kind of a claim to the greenbelt to the individual homeowners. All it was doing is trying to straighten out the boundaries as to where the greenbelt was. The second half of that argument raised by the objectors relates to access over this utility area and the thrust of their argument is that the first amended plat of Sunlight View that was dedicated as a utility easement. With all due respect it was dedicated - it wasn't dedicated at all it was set apart as were the site for the water tank and the site for the water pumping station as individual parcels of land on the plat that Dr. Zilm had never relinquished his ownership to. So I believe that his ability to grant an access over that wastewater treatment plant site is clear to the duplex sites down in the North part of this PUD. The existing sewer lines runs through the greenbelt. Mr. Edwards, at page 2 of his letter delivered to you this afternoon states that presumably it will be necessary to run an upgraded sewer line along the greenbelt to the sewer treatment plant. That is not correct, the sewer line that was put in place in the ground in the early 70's when Sunlight View I was platted was sized to anticipate this level of development on the Southern property owned by Dr. Zilm and there is no requirement that this line be upgraded at all but is just going to join in that line as it exists today. The final issue that I would like to speak briefly about is if the concept of integrated planning the staff has raised a question throughout the course of this proceeding that by attempting to retain a right to further subdivide lot 39 into three lots somehow avoids the concept of integrated planning. Also, there is the question of the adjacent approximately 10 acres that is owned by the Zilm family and the possibility that someday that could be developed in the future so that - evidence that this is not an integrated plan. I would submit to you that this is a legitimate concern by the Garfield County Planning Staff. I find it largely ironic however, that when we try to bring in both the North and South parcels in one overall development plan, we get hotly criticized by the objectors for trying to do two PUD's under the guise of one, but at the same time, they support that we're not dealing with integrated planning. That is exactly why these parcels are before you now to get at integrated planning. And to allow this town and any of the neighbors to understand what's going to happen to all of the Zilms' property in the future. In order to address the criticism on Lot 39, the applicant has already agreed that we withdraw the request to further subdivide into three lots. We have agreed that's one lot, will forever remain one lot. In order to further address the concerns of integrated planning, Dr. and Mrs. Zilm will agree to place a deed restriction on the 10 acre parcel so it won't be further subdivided in the future, not to bring it with the ambit with the PUD but simply say this is going to remain zone A/AR/RD in the future. I would suggest to you that gets at the concern of the staff and should resolve the concern of the staff about the integrated planning issue. Dr. Zilm has attempted to address the concerns of Four Mile Road. We've presented a proposal which commits him to paying a road impact fee, we've done it in a way that will result in a fee that is paid initially greater than any road impact fee formula that this Board may adopt in the future. We are ahead of you if you will on that issue. We have tried to present a plan that in the words of Calvin Lee on your planning and zoning commission met many of the goals that he's been trying to get many of the developers in Garfield County to achieve and for a number of years he commended the applicant. Mr. Lee in a statement that is unprecedented in my experience before the P & Z Commission and this Board indicated that this was a good plan, perhaps not a great plan, but a plan deserving accommodation and he joined with other members of the P & Z Commission to unanimously recommend approval. I also urge you to approve this plan.

Thank you.

Walt Brown - stated before they close the Public Hearing they ought to indicate what they are going to do, are you going to

Commissioner Martin stated he would like to close the Public Hearing but would also like to request from the applicant several days to digest a lot of information and read a lot more notes and make a written decision by this Board. Would you permit that.

Larry Green - stated, yes. Yes, your special attorney and I discussed that earlier before the meeting and I think the Code has a 15 day provision.

Commissioner Martin - there is a lot to digest.

Larry Green - I understand that Eric is leaving on vacation - we'd like to make it quicker rather than later than that 15th day.

Charlie Willman - yes, under the Colorado Open Meeting Law you are not allowed to go into private deliberations and make your decision. I can appreciate John wanting to have time to review....

Chairman Smith - Charlie I don't think that is what he meant to say, he meant to say that we do need some advice, legal and we will definitely do our deliberations in a public meeting.

Charlie Willman - are you going to comment at all or discuss at all today - I understand the viewpoint of your counsel with respect to ownership of the greenbelt.

Chairman Smith - no Charlie - we were given a lot of new material today that we have hardly had a chance to more than look at. I understand the Open Meetings Law that we definitely have to go ahead with this and we will talk about this in an open session and we will ask these questions of our special counsel.

Charlie Willman - I am a little concerned and I trust all of you to do what is right, but I've also real concerned about decisions being made and then coming out and discussing those in a public meeting that have already been made. This is obviously very emotional for all of us.

Walt Brown I think the idea was to review the documents that included your submission that no one saw until today. I don't think there's any intent to sit around and discuss it but you get this much material, I think they're entitled to consider it and I think it would be irresponsible not to is my point. We're not going to stay here tonight and read it all - we wouldn't finish it.

Joey Edwards - when I first heard you answer Charlie's question, I though you were planning on discussing it with Mr. Brown before the next meeting. And I don't know if that needs to be in an open meeting or

Chairman Smith - well it doesn't always have to be if we need legal advice we can ask for an Executive Session to give us legal advice but that would be asked for in a meeting. And I think that is what our intent is and we

Charlotte Zilm stated they have non-refundable tickets on March 24th.

Mildred stated the last item is at 5:00 P.M. on March 17. Mildred stated they could hold it at 5:30 P.M. on March 17.

Commissioner Martin stated he needed to go over the Planning rules and regulations, the Zoning Rules and Regulations and I need time to do that. In addition all the material received today. Nancy Crenshaw presented them with historic information relating to the nearly 30 years of documents - the 70's, 80's and 90's.

Walt Brown - there are a couple of Exhibits that need to be admitted. Exhibits VV, Original final plat; first amended plat; second amended plat, Sunlight View Subdivision; WW, Area context map submitted by the Planning Department; XX Memorandum from Louis Meyer regarding Sunlight View [proposed] duplex access.

Chairman Smith admitted Exhibits VV, WW, and XX into the record.

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

A motion was made by Commissioner Martin to schedule the decision session for Monday, March 17 at 5:30 P.M. Commissioner McCown seconded the motion; carried.

Liquor License- New Restaurant in Battlement Mesa - Boundaries Set

Mildred stated she had completed the records check including fingerprinting and found nothing on file. She indicated the boundaries needed to be set.

Discussion. The boundaries were set as follows: South side of Colorado River from Rulison Road to Mesa County Line.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to set the boundaries as discussed; carried.

Adjourn

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

Adjourn 6:15 P.M.

MARCH 17, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 17, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.
Jim Leuthauser was present for the press.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report stating an extension of the Energy Impact Grant was made on the Denver and Rio Grande Railroad to June 30, 1997 and requested a motion be made for the Chair to be authorized to sign.

A motion was made by Commissioner McCown to authorize the Chair to sign the extension of the grant until June 30, 1997 for the Department of Local Affairs for the Energy Impact Grant. Commissioner Martin seconded; carried.

Weed Management

Chuck reported that Dave Gallagher would be in the meeting today to hold a discussion. Chuck scheduled this for 10:15 A.M. on the agenda.

Sheriff's Contraband Reports

Chuck presented the Sheriff's contraband reports for 1996 for the Commissioners review. The balance as of December 31, 1996 amounted to \$27,543.17. Chuck said this did not require any Board action; it will be filed in the County Clerk's Office.

Personnel Action Sheet

Chuck presented the personnel action sheet submitted by Sheriff Dalessandri for Jim Sears promoting him officially to the Deputy Sheriff position.

Commissioner McCown made a motion to authorize the Chair to sign the personnel action sheet for Jim Sears' promotion to Undersheriff. Commissioner Martin seconded the motion; carried.

Letter from Sandy Baha

Chuck mentioned he had received a letter from Sandy Baha addressed to the Rural Resort County Commissioners requesting a letter of support for a grant to publish information on how to get to Colorado Resorts without a car.

Chairman Smith stated the Board turned this down last week.

Request - Store a Strawberry Days Float - UPL Building

Chuck stated he had a request from Dee Hoffmeister to store a float the Friday before the Parade. It's a 100 year of service type of float for Strawberry Days. She wanted to store it in UPL Building. Chuck stated he had informed her the Search and Rescue vehicles and equipment were in the UPL Building; we would not be responsible; and

Commissioner McCown stated it depends upon the window that opens up with the jail as to whether or not that building would even be there.

Commissioner Martin stated the UPL building was being considered for a staging area and pre-construction facility so at this point he was reluctant to assure her it would be available.

The Commissioners asked Chuck to inform Dee that at this time no commitment could be made.

Personnel Director's Position

Chuck requested the Commissioners set aside some time to discuss the Personnel Director's position. He said the Board has all the applications and needs to review them. Commissioner Martin suggested time be set on March 31.

City of Rifle - Comprehensive Plan

Chuck included in the Commissioners packet a letter from the City of Rifle talking about their Comprehensive Plan and are suggesting looking into moving the Fairgrounds. The new UMTRA site was suggested as a possibility. There is about 160 acres adjoining this property owned by one of the companies involved with the uranium. Chuck stated there were about four different parcels involved with the Fairgrounds and some did have an reversionary clause - one actually came from the City of Rifle. He stated he would have to research this.

Commissioner McCown asked if the City of Rifle included the expense of moving the facilities within their comprehensive plan.

Chuck stated if they want to move the Fairgrounds and do not cover the expense, as far as he's concerned, it makes it open to other communities to bid.

Commissioner McCown mentioned this was a long way down the road into the future.

Chuck suggested however that the Board may want to set aside some conservation trust monies designated for this particular purpose. The City cannot make us move it.

Clean-up of Basement

Chairman Smith mentioned that Chuck should send a memorandum out that a fire inspection would be taking place and the basement area must be cleaned up.

Bills

The Commissioners reviewed the bills for the second run for February 1997.

A motion was made by Commissioners McCown and seconded by Commissioner Martin to approve payment of the claims against Garfield County for the second run of February 1997; carried

Finances - Detention Facility

Chuck handed out a draft of a preliminary financial plan from Alan Matlosz regarding jail financing plans. These plans give the County an idea of debt service payments for projects that require \$7, \$8, or \$9 million in proceeds from a financing.

Chuck stated he could identify funds in excess of \$290,000 in addition to the \$250,000 plus in prisoner transport.

Discussion continued - cost of out-of-area prisoners estimated at \$45.00 per day per inmate.

Chuck stated the Commissioners do have a good down payment and explained the use of the County funds. The good news is the County is in good shape as far as fund balances and the kind of down-payment they can make on the new jail. He added he is compiling the 1995 - 96-97 Property Tax Consumption per budget and fund. This will enable the Commissioners to see an overview of the property tax consumption and fine tune during the budget next year.

The Commissioners complimented Chuck for this fine work.

4X4 COMPACT - PICK-UP BID AWARD AND POLICY VEHICLE BID AWARD

Mike McBreen handed out the bids on the compact 4 x 4 pick-up for the motor pool. The Assessors have been using a 2-wheel drive vehicle and the property being built today justifies a 4x4.

Mike made a recommendation to purchase the Ford Ranger at Columbine Ford with an 8 - 10 week waiting period for \$15,496. Mike projected to transfer the Assessors' vehicle to Social Service in Rifle.

A motion was made by Commissioner McCown to award the bid of \$15,496 to Columbine Ford to purchase a compact 4 x 4 Ranger for the Assessor's office. Commissioner Martin seconded the motion; carried.

Police Crown-Victorias

Mike handed out bids for five, rear wheel drive, 4 door sedan police vehicles. The following bids were received:

Columbine Ford - Crown Victoria - \$18,758
x 5 total.....93,790

Academy Ford - Colorado Spgs - 18,800
x 5 total..... 94,000

Glenwood Springs Ford - 18,821
x 5 total..... 94,105

Western Slope Auto - Grand Junction 18,971
x 5 total..... 94,855

No bids were received from Berthod Motors, Haines Chevrolet and Rey Motors.

Chuck stated the Sheriff had \$222,000 in sales tax revenue in his budget and could support the purchase of these vehicles.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the purchase of five (5) Crown Victorias - rear wheel drive, 4 door sedan police vehicles at Columbine Ford for \$93,790; carried.

Fairgrounds Tractor

A discussion ensued regarding the purchase of a tractor for the Fairgrounds. Chuck stated he wanted direction and a course of action from the Commissioners. Commissioner Martin stated he favored a 4 - wheel drive tractor. Mike McBreen favored the John Deere. Chuck was directed to obtain bids from Western Implement and put this on the agenda for April 7th.

JAIL DISCUSSION

Sheriff Tom Delassandri, Jail Advisory Board Chairman Al Maggard, Don DeFord, Dale Hancock and Chuck Deschenes were present.

Jail Count

Total in jail - 111; 51 main jail; 33 Work Release; 7 females; 16 other jails; 2 Home Detention; 1 Day Reporting; 1 State Hospital. Gilpin County has 14 out-of-area inmates and Eagle has 2 - all of these are DOC prisoners.

New Jail Planning Discussion

Commissioner Martin stated a review of the jail plans to be discussed with City Council of Glenwood Springs on March 20 and the zoning issue for Planning and Zoning on March 25. March 20 - Reilly/Johnson will give overall discussion on large 80,000 square foot and small 52,000 square foot jail; concerns with parking and deal with questions. Reilly/Johnson was working on the large design and had a couple of floors already completed on the smaller.

He discussed the option of both plans to City Council with the two footprints.

April 3rd - is the date set with City Council for a conceptual review. However, the rezoning issue is prior and this will be decided on Tuesday, March 25 at the City Planning and Zoning meeting.

Dale stated a pre-application meeting was set for time on the 20th. Don suggested that Dale should wait until a decision was made on which footprint would be acceptable to the City.

Speculation was that the City would be very receptive since Colorado West was going into the larger facility and not in the smaller facility.

A decision was made to instruct Bob Johnson to be prepared to discuss both the small and larger facilities at the March 20 City Council Meeting.

April 3rd - Conceptual review for project and temporary facility at City Council.

The savings of privately contracting the Work Release along with Community Corrections would be a financial process that the Commissioners asked Chuck and the Sheriff to sit down together and quantify. Chuck stated there would also be some savings in transportation but operational cost will increase. The layout plus the numbers justifies the increase in operations cost.

Commissioner McCown stated it may require cuts in all departments; the County can afford to pay for the larger facility it is just a question of how many other departments may suffer.

OPERATIONS

Four Proposal Packages - Temporary Facilities

Dale stated he has four proposals packages out now for the temporary structure including Francis Constructors out of Grand Junction; Ragland Design Group in Denver; Space Master in Denver; and Sprung Structures out of Canada.

He also stated he had a meeting with Community Corrections Coalition on Friday to discuss the privatization of work release as well as the Community Corrections contract and they expressed more than moderate interest. The one question directed to him that he didn't have an answer was - what about zoning in the County if we have to go through that process?

Commissioner Martin stated under the current zoning it would not allow it.

Don stated if it's a private facility they would need to submit for zoning and the County would need to make some amendments.

Commissioner Martin stated he thought we should begin the amending of the zoning.

Commissioner McCown stated we would need to know what area to amend.

Commissioner Martin said he would like to work that way and would so direct Mark Bean to be prepared.

Don stated it takes 60 - 90 days to do a text amendment; first going to the Planning Commission and then to the Board.

Work Release

Tom stated Work Release and Community Corrections as well have to be on a reasonable proximity to a transportation corridor because a lot of these guys do not have transportation to work.

COUNTY ATTORNEY

Don DeFord stated the issues he would be discussing today.

- at 10:00 A.M. - Los Amigos oral arguments
- TeKeKi Litigation
- Roaring Fork Holding Association; seeking direction for Commissioner Martin; amended IGA; and reviewing with the Board a return draft from Mr. Worcester.
- Impact Fees - 5:00 P.M.
- Manufactured Housing
- Railroad - Litigation

Fairboard Committee

Dorothy Nauroth has indicated an interest in serving on the Fairboard.

Chuck said he would call and talk to Arnold before he called Dorothy.

COUNTY BUSINESS

Mark Bean presented.

Zoning Issues

Commissioner Martin mentioned to Mark that the Board had discussed working toward zoning for Community Correction up to 60 beds and would like him to get this process started.

Chairman Smith mentioned the Commissioners need to know which zones Community Corrections can be placed.

Mark stated he was working on some things at the present with equipment storage use not allowed in the A/AR/RD. Each change needs to be published, hold a public hearing, public notice, refer to the Planning Commission.

Chairman Smith stated she was getting more concerned about things that fall in Conditional Use Permits that the Board does not have control over.

Flood Plain Regulations

Mark stated he had made some revisions on the issue of Flood Plain as previously discussed in a Commissioners meeting. He wanted to send them down to FEMA as they have to approve them anyway, to make sure the language is okay that we are going to propose. Mark stated he is basically eliminating "Special Use making it administrative reviews subject to very specific standards that are engineer designed." So they are submitted either with or without a building permit that a review and statement of findings can be reviewed by an engineer's office.

Exemption Plat - Resolution - Ernest Frywald

A motion was made by Commissioner McCown to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Ernest Frywald. The motion was seconded by Commissioner Martin; carried.

Richard Jolley - Extension

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize an extension to Richard Jolley until July 14, 1997; carried.

Bernklau Exemption

A motion was made by Commissioner McCown and seconded by Commissioner Martin to grant a 120 day extension to Bernklau; carried.

Kerry Weldron - Extension

A motion was made by Commissioner McCown and seconded by Commissioner Martin to grant an extension until August 31, 1997 to Kerry Weldron; carried.

Zoning Revisions

Mark stated the Planning Commission wanted to start a monthly work session to complete the revisions for the West end of the County - Area II and Area III that is Rifle, Silt, and Parachute. After discussing this with Eric and Commissioners McCown and Martin, he felt it would be good if they could come to a work session. The first being planned for April 23. The sessions would be directed toward where they did the last changes - the 1995 documents need some revisions in some of the assumptions; certainly the effect of the document has changes given the recent court cases.

Chairman Smith said there was a bill in the Legislature to take care of overriding the Condor Case.

Treasurer

Georgia Chamberlain said she had some informal concerns. One was how does she obtain information about informal workshops being held on the last Monday meeting of the month.

Chairman Smith stated these would be posted.

Commissioner Martin said the purpose for these was to a point of discussion saying there was many things the Commissioners needed to catch up on and give directions to people. This is one method that was talked about, yet nothing has been scheduled to date.

Chairman Smith stated all department heads/elected officials would be notified.

The other thing is if she can't make the discussions at the Commissioners' Meetings - how does she obtain information.

Chairman Smith stated she could read the minutes of the meetings and they are taped.

Georgia specifically was referencing an issue or action that is being discussed and there was a difference of opinion, as to something, how can she make something happen quicker. The Honeywell discussion for heating/cooling. She said she would like to find out what's going on first before she made any comments. Chuck suggested she could submit something in writing.

TRASH-PICK UP BID AWARD

Rich Alary and Mike McBreen were present.

Bid award were presented and a recommendation was made

Mike presented the bid award as put out and the recommendation was made to go with the BFI bid that was \$111.50 per month for service.

Discussion followed regarding the problems with billing, pick up, and recycling.

Chuck stated we bid the "re-cycling" separately.

Georgia presented her discussions with Elmer Blackmore who stated he would do the re-cycling at no cost. He indicated there was definitely a market for computer paper, white paper and cardboard.

Georgia stated her concerns that could be summarized in one question. Why wasn't the entire waste removal considered as a whole? She suggested looking at the whole picture.

Chuck reported that BFI gave him feedback that it was a nightmare and too many times the re-cycling was contaminated at the County pick-up and therefore could not do anything with it.

Further investigation indicated the general public was using the re-cycling bid for regular trash disposal.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to contract with BFI as proposed. Discussion. A consensus that a re-cycling program was needed and suggested Georgia contact Elmer Blackmore in Rifle and schedule him come in on a set time on the agenda and discuss procedures with the Board. Georgia agreed to contact him. Motion carried.

Chuck was directed to send a memo out that at the present time the County will not be participating in a re-cycling program; however efforts are being made to obtain an outlet. More information will be provided as plans are formulated.

Georgia indicated her support to help the re-cycling program happen.

She suggested that Chuck's Memo include the fact that Safeway will take bagged newspapers and No. 1 and No. 2 plastic. Also, that the County is looking for input.

DEPARTMENT HEADS - VEGETATION MANAGEMENT PLANNING

Extension

Grant

Carol McNeel reported Holly had helped the Human Service Selection Committee.

Fairboard

One of the things they are looking at is the ABC (Always Buy Colorado - Garfield County) Program and see about setting something up with their own products. She requested a minimal amount of funding from the County to help with some of the expenses in setting this up with displays.

Chairman Smith suggested if these were permanent displays there might be an opportunity to fund it out of conservation trust funds.

Chuck requested a specific proposal in order to figure out if it would fit into the criteria.

Dave Gallagher - Weed Management

Dave Gallagher submitted the 1997 Management Plan and a draft of the 1997 Garfield County Undesirable Plant Management Plan for consideration and approval.

Discussion followed which included the start date of April 14; Steve Anthony was discussed as a possible replacement for Dave in his position as Weed and Pest Department Manager; the identification of 13 undesirable plants for Garfield County as compared to only 3 identified for the entire State of Colorado; and a suggestion of organizing an Active Weed Advisory Group.

Chuck stated he would like to put out an advertisement for this position and flush out who's out there and who's interested. Also he suggested to put out an RFP for weed spraying.

The possible opportunity for regionalization was to be explored.

HONEYWELL - ENERGY EFFICIENCY - DISCUSSION/ACTION

No one was present from Honeywell for the discussion.

SOCIAL SERVICES

A motion was made by Commissioner Martin to go into the board of Social Services. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of the Board of Social Services and back into the Board of County Commissioners; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented an oral report and discussion followed.

King stated the Black Diamond Mine Road is completed and is now passable. They also did repairs to the drive-way then King called the property owner and informed him the County was no longer responsible.

King said the pipeline people would be meeting with BLM on Friday morning. The good news is the producers appointed a chairman and he is doing sub-contracting - Tom Brown. He will round-up and coordinate all issues needing to be coordinated with Rifle on water quality issues, the coordination of the pipeline and scheduling problems. Barrett Energy, Wildhorse, KN Energy, the Forest Service and BLM were present. The City of Rifle representative from Lee Leavenworth's office was also present. Lee told them there was a block until things were certain that the City of Rifle was not going to be impacted as far as their water system. The question came up regarding the pipeline in the road. Tom Brown stood up and said that was a lousy idea - it should be west of the road - Plan B. Gary Osier stated if a good enough plan could be drafted, he would be committed to selling the idea to JoAnn Savage. The bad news is, by moving things further to the west, then they will be wanting to access the area with pipelines more heavily for the exploration activity through Porcupine Creek. Information will be coming to the Commissioners and no one was really in favor of having the pipeline in the County Road. King stated one other option is coming on the East side. He added that questions on the logging and concerns were expressed. King stated it was the first time to see three companies come together and say they were going to work on it.

Ditch Related Problems

South Rifle Event - Last Chance off County Road 320

King stated his guys did their best they could with the resources available. The ditch company really had some problems but King did not find this out until the next morning that it was suggested that they open some turn-outs to relieve pressure which they did but someone was going out and turning those turn-offs. It was a tremendous run-off and overwhelmed the ditch.

King reminded the Commissioners that a few years ago when the County went up 320 Road, put in some new pipes, there was an agreement that the town was going to maintain that ditch and the Department of Highways then were going to maintain it on across the cattails into the Interstate system. Neither of those were done so it created a bottleneck. King called the town the next morning and talked with Bob Whittington and suggested to him that it would help. He didn't agree that it would but did go out and cleaned the upstream sites. King then called Chuck.

Chuck stated he called the City Manager and informed him the County felt they should clean both sides of the ditches. The response was the City didn't know of any portion of road they own there and did not know if they had responsibility for cleaning any ditches. Chuck informed him the County employees were doing everything possible to keep the ditches clean and suggested they do the same.

Chairman Smith stated the State was supposed to be involved. There was a lot of negotiating on this very issue.

Commissioner McCown asked if there was anything in writing as an agreement with the city?

Chairman Smith stated it was a handshake deal with Tim Moore, Bob Moston, and a representative from the State.

King said the water trucks will make one pass per day to assist in keeping the dust down.

Chairman Smith suggested King talk with Mike Morgan and see if the Fire Department wants to flush some hydrants out and flush the street also. She also mentioned the Ditch Board should be notified that we need to jointly deal with these issues and ask for suggestions how to address these problems.

King stated at the same time during this handshake deal trying to solve some of the drainage problems, there was an agreement made with the Ditch Company that when they cleaned that portion of the ditch the County would work jointly with them. If they cleaned it and plowed the debris up then the County would load it up and haul it off. Typically cloud bursts have created the main problem.

Cattle Guard Problem

Problem of Mesa County Road - Couey/Shaeffer - Hunter Mesa Road

Chairman Smith explained the situation of the cattle guards being packed solid. The cows were actually jumping the cattle guards. She suggested King sit down and talk with the affected land owners.

Davis Point Road

Commissioner Martin relayed a problem on the Davis Point Road and the extension of the culvert they put in. He added the bank is down now from 10' to 6' and there is not ditch water yet. It is eating its way through there. The angle of the culvert is about a 90 degrees to the ditch and the force of the ditch is hitting the culvert and the banks and eating the bank away. There is a soft spot in the road and it is beginning to dip into the roadway and starting to sag. The extension has caused more damage than good. This needs to be looked into.

East Side Coal Intersection

Commissioner Martin referenced another complaint that the Yield Sign was turned going the wrong way. King will check this.

Tour on Wednesday - March 19

The Commissioners scheduled the first Road Tour for Wednesday, March 19 to meet at Chamber of Commerce at 7 A.M. They will be going to Baxter Pass, Stove Canyon. There are two big projects under BLM Wilderness Study Areas and both lap over into Garfield County and the South Canyon. Chairman Smith suggested they take a look at everything.

Road Bid - Energy Impact Grant

Chuck stated the paper work needs to be in by the end of the month to apply for an Energy Impact Grant for this cycle. He added there were three options on the table.

1) Mamm Creek is the most viable option; it is consistent with the plans filed in the past that this would be an oil and gas improved route where it would minimize conflict between existing traffic and the heavy oil and gas traffic;

2) the other option is that the City of Rifle participate with the County on the County Airport Road from Railroad Avenue past their Industrial Park. Chuck stated in order for this to help oil and gas traffic, this would have to go all the way up to the West Mamm Creek. This option would be very expensive because of the right-of-way acquisition; and a lot of distance.

Commissioner McCown mentioned there was a lot more impact on Mamm Creek than on the County Airport Road at this point.

Mamm Creek is Chuck and King's recommendation.

Chuck stated the 80/20 would make the County's share over \$300,000.

Chairman Smith - said the County should go for the grant during this cycle.

Chuck said he will proceed on this premise and will call Snyder and some other oil and gas people and ask for letters of support.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair or Chairman Pro-tem to sign the Energy Impact Grant Proposal due the end of March; carried.

United Way Bike Race - Bill Inverso

King stated he had received a call from Bill Inverso. Bill has a different plan; had met with Don DeFord; and was getting insurance requested by the Board.

Now the Race starts at Red Canyon and go up Red Canyon, turn and go down County Road 119 toward the sod farm; then take County Road 114; then come back toward Red Canyon on County Road 115 and go up Lookout Mountain on County Road 120. King said they will be using a lot less County Road than

previously intended. This requires less traffic control for them. The race will come down on the Boy Scout Trail.

Chairman Smith suggested Bill check with some of the neighbors to advise them or post it.

King said after he has the insurance finalized, Bill will come back.

Oversize/Overweight Report

King submitted his written report of oversize/overweight.

King stated a letter was sent out regarding the frost law stating the County was not granting any permits and all trucks must meet the limits.

County Road 214 - Petition for Annexation - Town of Silt

Mark Bean submitted the petition for County Road 214 to be annexed into the Town of Silt. Mark clarified this was in the Eagles Subdivision.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Petition for County Road 214 annexation to the Board of Trustees for the Town of Silt; carried.

Mountain View Building - Capital Expense

Chuck Deschenes presented an invoice from Sam Phelps for work he did on the road by Mountain View Building for \$600 requesting the direction of the Board to come out of Road and Bridge or capital expense. Chairman Smith directed Chuck to pay this out of capital expense.

PUBLIC MEETING - SB - 35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 3 MILES NORTHEAST OF RIFLE ALONG CR 210. APPLICANT: JEFF CRAW

Jeff Crow of 215 County Road 210; Kent Jolley; Don DeFord and Eric McCafferty were present. This was previously scheduled for February 18, 1997 and continued due to a lack of adequate notification. Don determined that adequate notification was completed and advised the Commissioners they could proceed with the meeting.

Eric presented: This is an exemption from the definition of subdivision submitted by applicant Jeff Crow on a 160 acre tract of land located approximately three miles northeast of Rifle along County Road 210. The subject tract is largely pasture land with an existing ranch house and associated agricultural structures located in the west-central portion of the property.

The applicant proposes to subdivide, by exemption, the 160 acre tract into four (4) parcels of 5.0; 5.0. 8.0 and 142.0 acres each, more or less. The smaller tracts would be developed as single family homesites and the remaining acreage would continue to be ranched.

Commissioner McCown asked if this was part of Antler's Orchard.

Eric - answered no. The access on the Eastern side may be on the Antler's Orchard.

Public Comments included:

Walter Yeakel - in support of Jeff Crow and making comments regarding the right-of-way.

Lillian and Dwight Dahlin - 1201 Fir Avenue - Rifle - comments in dispute of the right-of-way.

Luther Lewis - 0564 County Road 223 - President of the Grand River Ditch - whoever owns the property crossing the Grand River Ditch needs to be responsible for the replacement of the pipe.

The concerns centered around is this access part of County Road 210? And does Jeff Crow have legal access through it? And is it truly a property line as it is supposed to be?

Don stated this is a question the County has involved a surveyor before on other properties.

Commissioner McCown stated that he felt the County portion of this as far as the land use decision and all three lots, whether they are accessible from County Road 210, the paved portion, they are in contact and it can be accessed by it, and therefore leaves the Commissioners no option. He addressed Don to clarify the legalities of County Road 210.

Don stated if there is a question about the location of the County Road, yes.

Commissioner McCown stated it would come down to the fact of if it is not a County Road. If the County Road follows the chip/seal portion and doesn't have a stub, it will not be a County Road and then we are talking private access.

Chairman Smith - indicated a need to find out this information.

Don - added, assume the stub is private access, these lots still have access even without it. He added a question if the Board needs to determine this before they complete consideration of this application in order to determine if an easement has to be put in place between lots 1 and 2 to access lot 3.

Chairman Smith stated the Board would need to know that because it doesn't show.

Commissioner McCown added no, because he can still go off of the paved portion of County Road 210 at his expense and access lot 3. He does not need the stub road to get to any of his 3 lots.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to proceed to approve the exemption for Jeff Crow property located on County Road 210 with the staff's recommendations as noted on page 4 and 5 and 6 adding plat notes to Condition no. 5 versus showing as covenants in Condition no. 10.

Discussion: Commissioner Martin stated he wanted to see the County pursue whether the stub road was part of County Road 210.

Commissioner Martin seconded the motion; carried.

Kent Jolley stated Sam Phelps was coming out to Jeff's property tomorrow doing a survey and so he could probably have the result very quickly.

Mr. Lewis requested to be notified of the rightful owner of the pipe under the Grand River Ditch.

Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for the shared water supply, setbacks, drainage, irrigation ditches, access and utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees (\$600.00 total), for the creation of the exemption parcels, prior to authorization of an exemption plat.
5. That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance around structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Soil conditions on the site may require engineered septic systems and building foundations. Site specific percolation tests at the time of building permit submittal shall determine specific ISDS needs on the site."

"The individual lot owners shall be responsible for the control of noxious weeds."

"There shall be no further exemptions from the definition of subdivision on any of the parcels created by this exemption."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

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

6. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
7. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
8. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.
9. Prior to final approval, the well shall be drilled and pump-tested for four (4) hours, an opinion of the person conducting the pump test stating the flow will be sufficient for the intended use(s) and a well-sharing declaration shall be created. Additionally, the water shall be tested, by an independent laboratory, for nitrate/nitrite and fecal coliform bacteria content. All information shall be submitted to the Planning Department for review.

HUMAN SERVICE COMMISSION - RECOMMENDATIONS

Sue Maisch, Cheryl Hurst, Holly Tatnall, Mickey Rimmel, and Margaret Long were present. Sue Maisch presented the grants review committee agenda followed in reviewing the requests for funding and explained the process of selection. She referenced the total amount requests were for \$225,920 and the grant funds were \$152,000.

Commissioner Martin stated he was very pleased with the process this Commission undertook in reaching a decision of recommendation.

The following funding was submitted for the Commissioners approval:

RSVP - \$7,500
Grand River Hospital District - \$4,000
United Way of Garfield County - -0-
Sopris Therapy Services - \$10,000
Center for Independence - - 0 -
Senior/Disabled Transportation Program - \$15,500
Planned Parenthood - - 0 -
Advocate Safehouse - \$5,000
Mountain Valley Development Services - \$20,500
Senior Nutrition - \$2,000
Assistencia para Latinos - \$4,000
Garfield Legal Services - \$4,500
Colorado West Recovery - \$16,000
Colorado West - \$23,500
Children and Family Network - \$1,500
Garfield Adult Literacy - \$6,000
Garfield Youth Services - \$14,500
Family Visitors Program - \$17,500

A motion was made by Commissioner Martin to accept the funding as recommended by the Human Service Grants Review Committee. The motion was seconded by Commissioner McCown; carried.

Cheryl Hurst requested approval for a press release and direction as to an approximate time frame when contracts will be drawn up and first quarter payments to be made.

Chuck stated it depends on when the contracts are out.

Cheryl Hurst suggested the Human Service Commission was looking to schedule a workshop with the Board of County Commissioners and get the process down to avoid having to go the same time consuming process and applicant information on a yearly basis. She added this workshop would be approximately 2-3 hours.

A tentative date and time were set up for Monday, June 30 from 9:00 A.M. - 11:00 A.M. in Room 301.

Chairman Smith suggested the idea that this Human Service Commission might be interested in putting on Philanthropic Days in this area. She suggested when they have their annual meeting to discuss the possibilities.

Cheryl stated Colorado Mountain College is interested in hosting this event in 1999.

FIXED ASSET PLANNING UPDATE

Mark Bean, Dennis Stranger and Chuck Deschenes were present.

Dennis presented a handout to the Commissioners and stated there was not a lot to report. He and Peter have been collecting data, meeting with department heads and elected officials. He explained the process; requested information be given; and mentioned they were scheduling meeting for input and participation. He added Mark Bean's office had provided population projections for the County that will become part of their projections. The Road and Bridge will be meeting with Peter and him fairly soon.

Commissioner McCown suggested Dennis talk to the oil and gas companies in their road evaluations. He stated there will be an intensive increase in activities in the next five years.

Chairman Smith commented not to forget the very West end as there is a lot of work starting there.

Dennis stated they had met with all municipalities and in some meetings both the Mayor and the staff were present.

Dennis stated they were supportive and a few very interesting suggestions were made. Revenue sharing is a hot topic.

Commissioner Martin - suggested a street banner and large public notices prior to the meeting in the West and in the East. He added he will be holding some Public Forums the first being in April and then doing one a month in different areas. He stated he will assist with getting the word out.

LIQUOR LICENSE - HOTEL AND RESTAURANT LIQUOR LICENSE - GRAND RIVER GRILL, LOCATED IN BATTLEMENT MESA. APPLICANT: SUSAN SHEPARD

Susan Shepard and Mildred Alsdorf were present. Mildred swore in Susan Shepard.

Mildred stated Susan was opening what was the Battlement Mesa Beef and Beverage changed to the Grande River Grill. Mildred stated she had posted the sign; reviewed the work being done; the restaurant/bar planned to open either April 3 or 5; advised the lease with Battlement Mesa had to be changed removing the "e"; and stated the drawing regarding the 4 - 5 tables outside needed to be drawn in if this was approved by Battlement Mesa.

Susan stated she wanted to provide lunches outside with alcohol available. She explained what she would be doing stating in the restaurant they would be using table cloths and napkins; primarily a restaurant with a bar facility versus a bar with food; concentrate on best food and have moderate prices; concentrate on health conscious and menu variations.

Susan stated she would be the owner/manager and this was very new for her. She was in the Virgin Islands for a year, before that she was a probation officer and prior to that a teacher for the handicapped.

Mildred stated the background check had been completed.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the application for the Grand River Grill Liquor License. Discussion: Chairman Smith asked how she came up with the name Flying Sheep LLC as her registered name. Susan stated it was merely for fun. It was a play on her name. Motion carried.

Susan asked if there was any training for alcohol training material for servers in the restaurant.

Commissioner Martin suggested the Clerk at Glenwood Springs; Larry Dragon on the Liquor Board for the City of Glenwood Springs; and Commissioner McCown stated that Chief Meisner in Rifle runs a class for servers.

Request - Tires - Landfill

Commissioner McCown stated Dave Blair had called regarding a request to pay \$2.00 per tire. During a trip to the landfill, the fee was paid, however, someone at the landfill reminded Dave that these were borrowed tires originally at the landfill for a Grand Prix car race a few years ago. Now the request is if it is really necessary to pay a fee to return the tires to the original place of origin. Commissioner McCown suggested waiving the dump fee.

Chuck will inform King.

Commissioner McCown stated they had paid the fees for 116 tires already.

A motion was made by Commissioner McCown to waive the fee of the remainder of the tires not those already returned. Commissioner Martin seconded the motion; carried.

Chuck - Scheduled Vacation

Chuck stated he will be out-of-town on June 5 - 15.

Chairman Smith requested Chuck provide an assistant administrator to be available during his absence.

Log-In Recorder for Communications

Chuck presented Lanier and Racol log-in recorder for Communications. There were some outstanding issues on this equipment. The Commissioners had questioned the service contract costs. Jim Stevens indicated he would not be using a service contract, he'd only use the on-call service; the length of the warranty for both of them is one year parts and labor on-site; the pass word security levels are enough on either one so this is not a major issue; and Jim wanted the Board to know the old equipment - the Dictaphone - is marginal and missing some segments due to failure time. Therefore, Jim indicated this is an item the Commissioner should act upon fairly quickly. Also, Lanier is willing to train locally to maintain the equipment versus Denver as they had indicated on the bid.

In addition Chuck indicated he spoke to Jim about giving the information to Mike and letting Mike bid it. Jim indicated this would be difficult because Mike didn't understand a lot of the electronic things.

Chuck stated if Jim drafts the specifications detailed, he would be able to do it.

Chairman Smith requested Chuck inform Jim they will not accept anything that is not bid through Mike anymore.

Commissioner Martin stated it is not Jim's job to determine if Mike understands or not.

Chuck suggested that they award this bid to Lanier.

Commissioner McCown so moved; Commissioner Martin seconded. Chairman Smith asked the bottom line - Chuck stated, \$32,252. Motion carried.

LIQUOR LICENSE RENEWAL - WESTBANK RANCH GOLF AND COUNTRY CLUB, LTD. - RENEWAL OF TAVERN LIQUOR LICENSE. APPLICANT: GLEN B. VICTOR

Mildred stated there was no problem connected with the renewal request.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a renewal liquor license for Westbank Ranch Golf and County Club, Ltd.; carried.

PUBLIC HEARING - ABATEMENT FOR GARY AND AMBER BATES

Shannon Hurst, Gary and Amber Bates were present.

Chairman Smith sworn them in.

Gary Bates presented his argument that the property being heavily taxed was vacant land. He was debating the 29% being taxed on his vacant land.

Chairman Smith stated 2.553 acres for a tax of \$790.61.

Shannon explained the policy on vacant land and added the Board of County Commissioners' powers begin and end with what the statute permits. Unfortunately, vacant land and commercial property is taxed the same. She stated the Gallagher Amendment passed by taxpayers that said that the property owners will not pay more than their fair share of taxes. In essence what happens is the burden is taken off of the residential property owners and shifted to commercial and vacant land owners. Residential property taxes keep going down.

Commissioner McCown stated the amount of taxes on commercial and vacant land is maxed out at 55%.

Gary asked if there was any way to appeal this.

Shannon - suggested to contract Russell George and inform him. Shannon does not have any way to change this.

Gary - wanted to make his complaint known for the record.

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

A motion was made by Commissioner Martin to deny the petition for abatement for Gary and Amber Bates for \$769.61. Commissioner McCown seconded the motion; carried. Chairman Smith stated Gary could go to the Board of Taxation and file a complaint.

Gibbs Litigation

Don DeFord presented a request to have the Chair authorized to sign a Resolution on the Gibbs Litigation on property down by Parachute. Mark still needs to check the Plat, otherwise the Plat would also be submitted.

Once this is executed, the case will be remanded from the Court of Appeals to the District Court. We've agree that the District Court will then enter a quiet title order that confirms the Gibbs property description and simultaneously upon recording that decree, also record deeds that exchange and transfer property with all of the abutting property owners so that the actual ownership will conform with this plat. At that time, all the plats will be properly configured under the County's subdivision regulations.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to sign the plat and necessary settlement documents in the Gibbs litigation; carried.

Midland Grade Subdivision

Don reported he had discussions with Mike Copp regarding the Midland Grade Subdivision and the City's position on this issue. The difference is in the amount the City is prepared to annex immediately as opposed to what we asked for. Mike related to Don that Robin Milyard has completed his work on the Midland Grade Plat as well as the County proposed area for annexation as has Sam Phelps. Sam did what he was directed to do - prepared a plat and a legal description for the property on the road that is encompassed in the Midland Grade dedication. After this was submitted to the City, Robin raised an issue about whether or not the actual dedicated of that plat had sufficient interest in the property in front of George Petre's house to actually dedicate the property. The agreement with the City that was put in writing to Mike Copp was the County would describe Midland Grade Dedication. If this appeared to be adequate, the City would annex it. What Mike wanted to request is - that the County proceeds with annexation of all of that property except the part in front of Petre's house and worry about that later or his question to Don is do you want to do it all at one time. Don's position is that it should be done at one time. The reason being is that portion which is probably 100 feet in front of George Petre's house is the part that lies between the Parkwest Subdivision and that road is in the City and the part that would be annexing. We are starting to get a worse breakup and it really shouldn't be an issue for George. Don said he hasn't talked to him about it, but George cannot really say no because we have it by adverse use if not otherwise.

Chairman Smith suggested Don talk to him and see where his objections are.

Don told Mike he thought it was the City's responsibility to get the deed. When they had the deed in place and ready to annex the County would sign a petition to annex.

Chairman Smith asked if this includes the bridge.

Don stated no it does not.

Executive Session - Conference - Land Use

Don stated he had a few legal issues to discuss. Out of the conference he recently attended a number of issues came up regarding land use.

GEORGIA CHAMBERLAIN - DISCUSSION OF SCHOOL IMPACT FEES

Don DeFord, Georgia Chamberlain and Chuck Deschenes present.

Georgia presented the report and asked to hold this discussion to determine where the County was going with School Impact Fees and wanted to wait until Don attended the land use conference to determine what other counties were doing. An in-depth discussion followed.

Don stated there was a lot of discussion around the Boulder and Douglas cases most of it revolved around the municipality setting as well as on other impact fee structures. School Impact fees, most felt that the cases seemed to understand where they were on this issue. *Don* stated the County has a question on rebates of fees that have already been paid. He added this County is in a different posture than Boulder and Douglas Counties because we were not actual parties to the litigation. This makes a difference because when the litigation was filed there was a claim for return of fees that was made a part of the complaint. For the purposes of this discussion, *Don* added, one of the most significant aspects and really a consensus among the developer's attorneys and the government's attorney was that the fees should be repaid to the party that paid them. This is somewhat at odds regarding what Mark, Georgia and *Don* had previously discussed which was to repay them to the original property owners. The rationale presented was the only way to avoid future litigation is to look at the payee and leave it between the payee and the property owner - the developer or whoever pulled the building permit. Leave it between those two parties as to which one is actually entitled to the refund.

Don stated because Boulder and Douglas Counties were fixed, there wasn't a question about how far back you have to go. *Don's* position is to look at the statute of limitations that is someone can make a claim under this period of two years that we need to look at repayment. If they have exceeded the statute of limitations, *Don* recommendation would not to make repayment but this may need to be looked at on an individual basis. Georgia did the work and ran down the figures. To *Don's* knowledge, the County should not have a significant subdivision that has come through in the last two years that has a substantial claim for repayment. The major subdivisions that have come through such as Aspen Glen or Cedar Hills have all signed Subdivision Improvement Agreements that they would not seek reimbursement. The universal opinion is that those agreements will stand. He also noted that no one was making a claim nor asking their money back in those subdivisions. What *Don* said the County should consider in payment are pretty much individual property owners who paid at building permit and shouldn't have had to pay under the rationale of these cases because of the time of collection. In terms of the structure of the County's fee - this is another thing to discuss and how the Board wants to approach this. Right now the County's fee assessment is certainly arguable and well within the language of this case. It is a site acquisition fee - the County has assessed and that's what the case permits. If a higher fee is anticipated, then someone, School District or the County needs to do the work to tie this to the actual cost of the property needed for a site.

Georgia stated the Treasurer's fees of 1% had already been taken out of the handouts. She added that in talking to RE-1 Shannon Pellon and Allan Thulson and the Board had been working on their land dedication fees and they want to increase these. They realized that they need to go through Mark Bean in Planning and present it to the Board. So *Georgia* said the Commissioners could expect to see them in the next several months.

Commissioner McCown asked from the Board and County's standpoint what was the advantage of the raising these fees.

Don - none.

Commissioner McCown - then we are strictly a pass through to the schools.

Don - right. However, the other aspect of this case that was discussed is that it clearly says that the school board clearly has the authority to recommend that a subdivision be denied in its entirety even if they can't charge the fee if they come in with a reasonable statement about their inability to serve the children that would be in that subdivision, the Board then can say - we deny the subdivision. This is discretionary - do not have to do because they ask; and to a very limited degree it could be argued if the fees were waived they would be less inclined to recommend denial and therefore put the Board in that kind of a position.

Don stated these funds can be used for "capital improvements, sites and planning for those is how the statute reads." He added that action by the Board was not needed.

Georgia agreed.

Chairman Smith asked about RE-2.

Georgia stated they want the funds and also indicated the Town of Silt was going to start collecting \$200.

Don - stated Carbondale has a different structure. Statutory Cities are very much like Counties, they have the authority only for what the Legislature has given them.

Don answered *Commissioner McCown's* question about which fees are they entitled to, by saying the school districts are entitled to funds paid in this County by something other than the building permit stage because those got \$200 per site for site acquisition.

Georgia said she spoke with RE-1 and RE-2 and came up with a "hold harmless" statement in which the County gives them all the money we've collected for them and upon receiving the money they would give the County the statement.

Don stated we would have an IGA with both of these entities under specified circumstances if a claim was made and the County made payment, they would have to make us hold harmless. We would need to specify the criteria - what type of repayments would be made and set a time guideline.

Chuck stated the County would have the power to hold this out of their school user tax - that is if someone comes after us and prevails and gets a judgment.

Georgia stated the key is that \$200 is a lot of work for someone to come in and request this reimbursement.

Commissioner McCown stated a concern for all the leg work this could place on the County.

Chuck added if they make a claim they have to come up with some statement of fact which should be the time frame and circumstances, otherwise it doesn't seem like a valid question.

Chairman Smith stated it doesn't have anything to do with what we are collecting but did inquire as to what this does to the Fire Districts.

Don stated in terms of other agencies and other impact fees, the school impact fees are different because they are the legislation directly about school impact fees both in the County Subdivision Regulation of the Statutes as well as in the School Finance Act. To his knowledge there have not been fees dealt with this kind of specificity by the Legislature. The reasoning of the Court was two fold - 1) the County first of all was not specifically authorize to collect impact fees for schools and 2) in dealing with Counties development codes and schools, the Legislature had acted and had stated how it wanted Counties to deal with this issue. So when you talk about Fire Districts we don't have enabling statutory authorization - so that's one prong of that test. But the legislature has not dealt with this issue either within the special district sections or in our land use sections, so the argument would flow that we are still free to impose an impact fee for the benefit of fire districts until the legislature acts. This is similar to the way that the old - Beaver Meadows Case - talked about road impact fees. *Don* stated we are allowed to collect Road Impact Fees because by necessary implication from the County Land Use Authority, the Court found we could do that. If the Legislature had actually had statutory statements about how we would collect impact fees for roads, we would have to follow that - we would not be free to adopt our own regulations. So *Don* said he looked at Fire Districts the same way that until the Legislature acts, we can go ahead.

Distribution of Funds

Georgia asked how the County wanted to distribute the funds collected - monthly - quarterly, etc. *Douglas* sets this up as a pass through and Boulder County somehow manages where the School District collects their own impact fees.

Don said he did not see any Legislative authorization for that.

Chuck said he thought it was specified where and how they were to be remitted.

Don said it does discuss this. It has to be some representation by the School District as to how they were going to use the funds.

Georgia - this could be set up annually. What the statute requires is annually the Board notifies the School District of the monies that have been collected or are being held of them. Then the School District makes the request to the Board to release the funds; then the funds are released. She suggested on a monthly basis give a report to the School that this sum of money was collected then the School could make a request; or have something set up annually.

Commissioner McCown liked the idea of annually rather than monthly.

Interest

Georgia stated interest has not been paid since she was in office. Her procedure has been to get the December 31st balance to the Board late January or early February and then to the School District in March. Then the last few years, the County stated they would not give them the money, so we have had these funds longer so time is different. In talking to RE-1 today, because of their Amendment 1 problem, they may not ask for the money until after July 1st. So are we going to pay interest, or what direction will the Board provide.

Don stated there is no statutory direction on this.

Commissioner McCown stated then the County is not directed to pay interest?

Chuck - the time spent on this thing....

Chairman Smith did not feel there was any reason why we should.

Commissioner McCown - only the amount collected.

Georgia - they indicated they would want interest. But the thing is we have earned interest so we could come up with a way to calculate it - fairly straight forward - quickly - whatever -
Chairman Smith stated we have also been a depository for them. We are the ones that went out and got it for them.

Georgia - added, we have taken a 1% fee and we could also take a 1% fee on the interest that we earned and the money is really the school children's money and part of the taxpayer's concern.

Chuck - he would not have a problem once this is all straightened out for a certain time forward doing this but the County has incurred a lot of cost and in litigation and is not prone to go retro to monies the County has already collected. I understand where *Georgia* is coming from, but there has been a lot of obligation cost and exposure to the County and not real interested in going back and computing interest. Once a regular procedure - sure.

Georgia - RE-1 indicated that they would require if they had to pay somebody back would have to pay interest that they get the interest from the County to pay it back.

Chuck - did not have a problem with that.

Georgia - has not talked to the other School Districts and not an issue she pursued.

Don - asked if it would be fair to summarize that the Board would agree to a covenant to make the County whole if a claim is paid by the County would agree to such an IGA as well as taking a position that if any payment to the County would be without interest for pass through. And in the future will continue to collect \$200 per site at the Subdivision phase of development only unless the School District demonstrated a different method of setting this up.

Commissioner McCown asked if the School District can levy any amount they want.

Don - no. They have to come through the County just like any other Subdivision Regulation.

Chuck - going back to paying with interest. It is possible for the Court to award an interest rate that is in excess of what we earned on the funds so we should be limited to what we earned.

Georgia - you mean the hold harmless clause.

Don stated the final judgments haven't been entered on the repayment to Douglas and Boulder County. They are trying to settle this because the figures are so high. Douglas is looking at more than 10 million dollars.

Chairman Smith - are they appealing this further?

Don - it's State Law. That's the end of it. They are trying to settle it without having a judgment entered.

Georgia - will the Board be sending out a letter to each of the School Districts indicating that this is the amount of money under the sub-total column that they have available.

Don - we should have an actual written agreement with the School Districts - we'll disburse x amount of funds and they agree they will make us whole if we are required to pay out funds to claimants under certain circumstances. *Don* is really trying to avoid Court for everybody and therefore set out those circumstances so if we get a claim from a property owner we can pay it and they can reimburse for that without having everybody having to go through Court and get orders.

Georgia stated her concern is telling them what went on in the meeting today and where we go from here.

Don - if they will agree to do it. He doesn't have a firm commitment yet from either School District that they will agree to this concept. I don't want to draft up an agreement and then they say oh forget it.

Georgia - asked if *Don* would call each School Board.

Don stated he would call their attorney. He will first deal with RE-1 and RE-2 because the other School Districts should follow the policy established for those.

Georgia - then we are going to tell them how they can get these monies that have already been collected, then are we going to try to, instead of holding on to these monies for a year at a time, try and give it to them on a monthly basis?

Don - his hesitancy is - there are statutory requirements on how these funds are going to be used and in the past the County has required these Boards to represent these funds would be used for those purposes. This will take further discussion with the School Boards as to how they want to make those representations.

Georgia is trying to avoid that in the past the information has been given to the Board late January or early February and then the Board writes in March so we already gone three months into the year and that's because of the volume of work at that time of the year. So in order to pick up the pace, she suggested quarterly or she writes to them reporting x number of dollars was collected putting the burden on them to come and ask for the money.

Commissioner McCown asked if this could be from say July to July. To do it annually does not have to be December to December.

Georgia - the minimum we can notify them is annually.

Chairman Smith stated if it were her she would prefer to process one big check versus 12 little ones.

Chuck added this is a cumbersome process and he would like to avoid a notification, then a request, then the Board formally authorizing each disbursement.

Don stated if we have a binding agreement that it would go to a specific fund and be only used for certain purposes, then it could be disbursed as frequently as you wish. This could be part of the agreement.

A consensus was agreed that Don should discuss these issues with the School Board's attorney's,

Executive Session - Railroad Holding Authority - Noyse case - Lark Case

A motion was made by Commissioner Martin to go into an Executive Session. Commissioner McCown seconded the motion; carried. Georgia Chamberlain was asked to remain for the session.

DISCUSSION - WILDHORSE PROPOSED PIPELINE - PORCUPINE LOOP

This was postponed until April 7, 1997 at 11:30 A.M.

DECISION ON ZONE DISTRICT AMENDMENT FROM AGRICULTURAL/RESIDENTIAL/RURAL DENSITY TO PLANNED UNIT DEVELOPMENT LOCATED APPROXIMATELY 2 MILES SOUTH OFF GLENWOOD SPRINGS ON THE EAST SIDE OF COUNTY ROAD 117. APPLICANT: DR. WILLIAM ZILM

Eric McCafferty, special appointed Counsel for County Commissioners Walt Brown, Attorney Larry Green, John Taufer and Dr. William Zilm were present. *Chairman Smith* - it's 5:30 - we're here for a decision on a zone district amendment from agricultural residential rural density to planned unit development located approximately 2 miles South of Glenwood Springs on the East side of County Road 117. Applicant is Dr. William Zilm. We have asked Don DeFord to remain simply because of a point of clarification - we didn't want any of you to think we having an Executive Session about this item.

Don DeFord - at approximately 5 P.M. the Board called an Executive Session to discuss two items relative to the Roaring Fork Railroad Holding Authority - one is contract negotiations and the other is litigation involving Noyse v. the Garfield Treasurer which is litigation of that right-of-way. So for that purpose the last approximately half-hour we've been in Executive Session.

Chairman Smith - thank you Don. We wanted everyone to know it had nothing to do with the issue at hand.

Walt Brown - that's true.

Chairman Smith - OK, uh - we've closed the public hearing, uh, Walt Brown if we need as staff attorney, if we need some legal advice, uh

Walt Brown - you can go into Executive Session as we've all discussed for that purpose if you want to but I think if you do you should do it when you're ready and if you have questions on procedures, substance you want to ask me about, I'll do my best to answer.

Chairman Smith - OK - comments from the Board?

Commissioner Martin - I did find one question that I had, and that is historically speaking, had the County ever allowed a PUD on two separate pieces of property at the same time?

Walt Brown - I can't answer that maybe Eric McCafferty can.

Eric McCafferty - yes, the answer to that question is yes, but based on the research of our files they've always been contiguous for a general majority length of the property. On my research we did not have - we've not approved PUD's for two separate pieces of property.

Commissioner Martin - it has always been contiguous piece of property.

Eric McCafferty - that's correct, at least for a portion of a common boundary.

Walt Brown - you have a question in the back.

Chairman Smith - can you not hear?

Answer - no

Walt Brown - you need to turn it up

Commissioner Martin - I always speak softly, so I've been told.

Mildred - the main thing is to make sure you are not talking in the background.

Chairman Smith - even though it may get warm in here Mildred, I think if maybe we will close those doors - besides the sound will stay in a little better. It'll be quieter.

Commissioner Martin - did you want to hear the question again?
multiple conversations

Walt Brown - I would say in supplement to that, I learned that Eagle County had in fact granted a PUD at the Cordillera Development which was two separate parcels and separated by a fairly large parcel of land which I understand they began to acquire and eventually did acquire it up to the road that ran between the two parcels and then they made the PUD accordingly. Their regulation is a little different from ours but to answer the questions, it has been done in Eagle County.

Chairman Smith - do you have other questions, John?

Commissioner Martin - I don't think so at this point.

Chairman Smith - Larry?

Commissioner McCown - just one of Eric McCafferty I guess. uh Through the reams of paper I believe I did read where the Comprehensive Plan was amended by the Planning Commission.

Eric McCafferty - that is correct - February 1996.

Commissioner McCown - this particular application does then fit under the compliance of the Planning Commission and the Comprehensive Plan, is that correct?

Eric McCafferty - well the portion of the Comprehensive Plan that was amended back in February was the proposed density - the district map - it went from the Southerly parcel from a 3 - 5 acre proposed density and Northerly parcel was 6 - 9 to now both parcels are identified as 2 acres or less per dwelling unit - that was the change to the Comprehensive Plan. I will not - though that the underlining zoning is that it has been A/R/RD. This zoning recommended by the Comp Plan has never been put into effect.

Chairman Smith - so the zoning for A/R/RD is

Eric McCafferty - well, it's what the underlying zoning - the minimum lot size there is 2 acres. So there is a conflict between what the Comprehensive Plan recommends and what the Zoning Resolution allows.

Chairman Smith - and I guess the other part that Eric, Walt or someone - I need to ask is - uh how will this be if affected in any way by the Conder Case?

Walt Brown - Marian I didn't hear your question?

Chairman Smith - the Conder Case that Supreme Court's just ruled on.

Walt Brown - well, I looked at the Conder Case and looked at the prior cases that led up to it and I did not see that it would affect it. I think the holding of Conder is that your findings and decision have to be consistent with your regulations and your Master Plan. There was a four-hour discussion Friday before the Rocky Mountain Land Institute in which I believe it was

Chairman Smith - can you all hear Walt Brown?

Walt Brown - you can't - there was a four-hour discussion in the Rocky Mountain Land Institute in Denver, a seminar in which the result of it was the main speaker indicated that one of the State Senators is introducing Legislation to set aside the finding of Conder.

Chairman Smith - yes

Walt Brown - and that's apparently already been written and brought to some committee - I'm not sure what the results going be - obviously - so it's still sort of up in the air but I don't think it applies here. I do think the logic of it - your findings being related to your Master Plan and your PUD Regulations is clearly appropriate and was appropriate and in the other two preceding cases of Beaver Meadows and Theobald and I've discussed that with several attorneys involved in this and I don't think there is any disagreement on that.

Commissioner Martin - would it be relative to say that the Master Plan and the regulations seek the integrated and unified planning of the County?

Walt Brown - yes, they both state that.

Commissioner Martin - and that's what we'd be looking for at this particular PUD.

Walt Brown - well, that would be one of the considerations that you have to make. The other consideration is set forth in your regulations and you'll have to determine what facts you like and what you don't from the evidence that was presented.

Commissioner Martin - going back to the evidence, under Title 29, I think that you introduced that the County can regulate and plan land use, is that correct?

Walt Brown - correct - that's - the statutes gives you the direction to do it, then you hire a P&Z - a Commission, which you've done - Planning and Zoning Commission. Once they're appointed, their first

order of battle is to make a Master Plan which they've done. The Master Plan is then implemented through zoning and subdivision regulations. That's how it works. You're the final end of the story. multiple conversations

Commissioner Martin - 1995 that final plan or study for this East end of Garfield County was done and accepted...

Walt Brown - I think it was amended in 96.

Eric McCafferty - yeah, the plan was originally adopted in August of 95 and amended February 96.

Commissioner Martin - I'm trying to do my history through all of these documents.

Walt Brown - the zoning regulations were first adopted I believe in uh - I think it was 1973 - they were re-written and adopted in January of 78 and there's been some supplementals since then but nothing...

Commissioner McCown - Walt, there was some question and concern about the legal ownership of the open space and utility areas that have been included. Did you have time to review that and if so what?.....

Walt Brown - I did and distilled it down that the last plat in the original subdivision contains two lots for utilities - actually three lots for utilities. One is a well lot which was expanded from the prior platting; one is a water storage lot I believe you'd call it which was also expanded from the prior filings; and then the sewage treatment area or plant treatment area which is not in the green belt as I see it, but uh, maybe someone else can tell me differently. But those are the three areas for utilities that were clearly platted out and I believe as Larry Green has represented to the Board, water and sewer lines run through the green belt as well as the roads and that kind of thing to the lot.

Commissioner McCown - did you find any legal documents that quit claimed that particular land back to the particular landowners.

Walt Brown - there is a, yes - there is a quit claim deed when Dr. Zilm filed his last plat in 1980 on the Sunlight View Subdivision. The County gave back the dedication that it had previously been given and then there was a quit claim deed which I believe reorganized the boundaries of the subdivision where there was several things in that platting; but that was one of the things it did and then there's a quit claim language which appears that Dr. Zilm and all the homeowners exchanged whatever interest they had or at least appeared that way in those areas. It is difficult to make a clear answer as to what the purpose of all that is but certainly the homeowners that testified felt - several of them felt that they owned the green belt and I think one or two testified they thought they owned a part of - the part of the sewage treatment area. I don't recall if the sewage treatment area was specifically mentioned in that quit claim deed in any event. So there's a - it's more or less a interpretation of what you do with the deed. I looked at the dedication statutes and there's both statutory and common law dedication whatever that was it was obliterated by the County's deed back to Dr. Zilm when he filed that plat. It appeared to me that he - the dedications were all revised and so it comes down to - probably to that quit claim deed.

Commissioner McCown - I guess that is the reason for my question because I'm not real clear and no reflection on your answer but you didn't clear it up for me.

Walt Brown - no, it's

Commissioner Martin - maybe it's this way - if it's publicly dedicated- it can't be encumbered without everyone's permission.

Walt Brown - if it's publicly dedicated?

Commissioner Martin - yes, if it's publicly dedicated

Walt Brown - well no, it would have to be not everyone's permission, but if it's publicly dedicated it'd have to be permission of the public via the Board. If it's a private easement, then it's exchanged between the homeowners, then the homeowners would participate in doing anything on it and the way the language is it states what it's purpose is - to amend boundaries - let's see - the language was that it is "to clarify and permanently describe dedications of easements, rights-of-way, green belt, areas of common ownership - so see the sewer plant which in particular was not mentioned. Uh, and then it goes on to say, "the undersigned do of the same manner as before, "renew, release, sell, convey and quit claim unto each and every other owner of Sunlight View Subdivision; any and all interest they may now have, in said dedications whether acquired by way of restrictive covenants" or whatever. Then it goes on to say, and "hereby state and agree that all the said rights are merged into those as depicted and described in the second amended plat." You can see what's depicted and described there - it's dedicated spaces. It doesn't say dedicated it says they're designated and it then says that "all rights presently held in said dedications are, to the extent they are inconsistent with the second amended plat, hereby revoked canceled and terminated." So if there were any other pieces of rights or bundle of rights out there they're exterminated. But this appeared to me to be area that was in issue as to whether or not there was in fact valid title or full title in the applicant to do anything

with the green belt without the consent of the homeowners. And I believe the evidence before you was that the homeowners felt, several of them felt, that they had an ownership interest. One of which was Mr. Willman. It's cloudy, it's not this positive..

Commissioner McCown - yeah, but the fact that the applicant is submitting this as a contiguous plan....

Walt Brown - yes

Commissioner McCown - using the green belt tying the areas together, am I correct in saying that?

Walt Brown - well, no

Larry Green - no

Walt Brown - why don't you tell him what you view.

Commissioner McCown - on your colored map up there when we had it, the area South was tied together with the green belt running down to the multi-housing units - wasn't that true.

Larry Green - no. Perhaps the coloring led you to conclude that and rather an error in the way it was colored. The green belt itself it not part of the PUD application.

Chairman Smith - Larry, we've closed the Public Hearing, we can deal our attorney...

Commissioner McCown - oh, I can't deal with him? oh I'm sorry

Chairman Smith - no

Commissioner McCown - I'm just trying... multiple conversations

Walt Brown - I think he has clarified it correctly it is not a part of this PUD

Commissioner McCown - OK

Walt Brown - it is, as I recall, the testimony, the property - Dr. Zilm testified it was his property others testified they thought it was theirs too. And uh, the proposal is to permit a trail - pedestrian trail - and bicycle path down through the green belt. I don't think there is any other proposal for the green belt itself. For the sewage treatment areas there is a proposal that accessed the cross that by Dr. Zilm, the owner of it, and I don't think, there was only two people testified they thought they owned the sewage treatment plant as well. But there is conflicting evidence in the record and I think that's where you have to make your decision, or if you want to not address that issue, that is up to you.

Commissioner Martin - the other end of that access is that - the utility easement or trail, whatever, it goes to another piece of property that is 10 - 12 acres at the other end to Dr. Zilm's driveway. Now that piece of property that is owned by Dr. Zilm at the South end which is butting up next to the proposed subdivision and the existing subdivision not within this PUD either. It is not access that goes through thedual conversations..... to that other piece of property, is that correct?

Walt Brown - the PUD map shows a connection to that property an access cut which is in there from the beginning when the first plat was filed in this application and that shows an access cut and I believe there was testimony from the applicant or his representatives that they intended to develop that and at the last hearing there was a statement that they would restrict it to one unit, but it is not in the PUD application. There is no - been nothing submitted whatsoever on it, okay. How it may or may not connect to the green belt, I don't believe that the plan depicted any connection. The only connection to that 10 - 12 acres was the access cut shown on this plat.

Chairman Smith - actually it would have been - did Mildred maybe go after the map?

Commissioner Martin - yes, she went after the map itself.

Chairman Smith - I think it would be valuable to look at again.

Maps were secured from the Clerk's office.

Eric McCafferty - that is the original one - the one that has created the question and the ambiguity that has existed between is the green belt in or out, it is out, but that one in my mind shows it as being in; there's another one - I think it is Exhibit UU or VV -

Commissioner McCown - that's the one I raised the question about.

Commotion at the display.

Walt Brown - for purposes of John's question, this is the intended 12 acres up here to the North of the Southern parcel which happens to be adjacent to the applicant's personal residence at this time. It is not in the subdivision nor is this lot.... what has happened is that this is the cut - you can see the here off the road. The green belt shown through here on the plat line comes to here and connects to the open space. There's really no more green belt, if you will, other than the open space itself. But this is a cut that has been depicted you'll also note that the green belt comes through here and basically ends here - not in the PUD; however, this area that is marked OS on here is I believe the sewage plant area. I believe this depicts the road cut that has been put into dispute by Jody Edwards and his clients as to whether he has the right to

go over there and access the property on the grounds that they believe they own the portion or the right into the sewage treatment area and they claim that under oath. Says here - Zilm the title owner and there's no restriction really on the sewage treatment plant other than the use of the area that I know of.

Chairman Smith - well

Walt Brown - well and perhaps there will be if they add additional but otherwise that should answer that question.

Commissioner Martin - this is the part I was most interested in

Commissioner McCown - (this is not understandable conversation)

Eric McCafferty - yeah, it's actually a little over 12 acres in size.

Walt Brown - to bring you up to date on the issue of "area" I think it's - I've concluded it's almost a non-issue - uh - Larry had presented to the Board and to me the 1979 Skagit Case from the State of Washington - it was all over the definition of "tract." I reiterate that I have had all 50 states searched, there is no definition of "an area" of land in a PUD ordinance. However, the Skagit Case gives the best guidance as to what you can do and what you use for criteria. And one of the criteria, one of the major criteria in it is that the singular includes the plural and the plural includes the singular. And uh that's one of the holdings of Skagit and in our regulations at the beginning of our zoning code, there's a quote in how you are to consider the zone code, I think it is in No. 2 - is that it?

Eric McCafferty - yeah

Walt Brown - part 2 - No. 2 Zoning Code - it's under definitions, paragraph 2.01 it says as follows: "whenever appropriate to the context words used in the present tense include the future tense. Words used in the singular include the plural and words used in the plural include the singular. The word shall is mandatory; the word may is permissive. I would have to say "an area" can be interpreted and to be singular or plural for purposes of areas being submitted and uh, that is a decision call that you have to make based on your judgment as to what you want to do.

Chairman Smith - other questions?

Commissioner Martin - on lot 39. Lot 39 is up on the hillside there and the proposed cut is across the steep grade and uh I guess I'm going to have to ask what kind of environmental impact is that going to be on that hillside if that access road is cut up there.

Eric McCafferty - well, certainly, there would be, based on uh the slope of the parcel, the configuration of the road and also the requirements it would have to be built to, there would be an additional scar. What that additional scar would be is difficult to say at this point, but uh there would some additional scar, some probably environmental impact. At this point, it's not been conclusively determined exactly where the road is going to go once it's gets to lot 39 and other provisions for access such as fire equipment or other emergency apparatus.

Commissioner Martin - would it be impractical for fire equipment to go up that road?

Eric McCafferty - in my opinion? yeah, I suppose it, although I don't think we have anything in the application from the fire department saying this is what we need.

Chairman Smith - yeah - that is actually new evidence - probably, although we did have a letter in there from the fire department talking about the steepness and needing to have a grade that they could use.

Commissioner Martin - with their equipment?

Chairman Smith - uh hum - any other questions John?

Commissioner Martin - I don't think so at this time.

Chairman Smith - Larry, any further questions?

Commissioner McCown - I don't think so at this time

Chairman Smith - well,

Commissioner Martin - do you have any questions (addressed to Chairman Smith)

Chairman Smith - well, I'm concerned about the steep slopes on lot 39 to access it. If what's presently shown will be the access and I'm not sure, I know comment was made that there had been easement granted and it may not be where we think it's going to be. uh on that piece of property - yeah -

Commissioner Martin - On that piece of property they were going to go ahead with the 60 foot

Chairman Smith - close to where they had power line going up uh hum

Walt Brown - The easement was definitely granted and

Chairman Smith - uh hum - that's what I say the easement

Walt Brown - it's in the record

Chairman Smith - yeah,

Walt Brown - it's depicted I believe on that dark wavy line toward the top of the center of Sunlight View

Commissioner Martin - they had to move back the turned access - the power line back just a few feet to go ahead and make that grade up to 60 feet

Chairman Smith - the other area of concern to a lot of people was the access onto 117 road from the sewer plant and the sharpness of the curve there and the site disabilities.

Commissioner Martin - Northern

Chairman Smith - uh hum the Northern section

Eric McCafferty - we also received Exhibit XX I believe it was which uh you should all have - been made part of the record that stated that I believe it even calculated site distances at both 50 and 55 mph and I think the only suggestion that made was for some of the brush along the uh be just South of the Northerly parcel be cut back and I believe the uh it would be approximately of six or seven hundred feet of site distance according to that letter.

Commissioner McCown - Eric, what is the posted speed limit through there just for my clarification?

Eric McCafferty - 35 MPR is the posted speed limit

Commissioner Martin and Chairman Smith conferring among themselves - regarding the parking at the sewer area

Commissioner Martin stated this was a concern

Chairman Smith - are you, does anyone have any further questions that they had?

Commissioner Martin - answered, my

Chairman Smith - my concern is I realize that the lots down by the sewer plant, some of them are - the grade on them is steep; there isn't a lot of building area, it'll take a building envelope on that area - uh - I'm really concerned about the setbacks as required by the health department in that particular area; I think that any expansion of lagoon or anything would certainly impact more than we had figured they would.

Commissioner Martin - correct me if I'm wrong but did you address the floodplain issue down through the green space and trail system? - I'm looking for something, but I don't see....

Eric McCafferty - that's not mapped floodplain so we don't regulate it.

Commissioner Martin - it's a drainage

Chairman Smith - yeah, it's a drainage

Eric McCafferty - correct

Chairman Smith - but I think that it's probably a drainage that is you know in storms, you may get some, but uh

Chairman Smith - are you ready to ...

Commissioner Martin - go ahead and make a motion?

Chairman Smith - make a motion? - are you ready Larry? Do you have all your questions answered?

Commissioner McCown - I think so.

Commissioner Martin - a difficult situation

Chairman Smith - yeah it is

Commissioner Martin - a lot of work involved - I attempted to read this; every bit of it; and what Mr. Green did; I've listened to individuals; I've done my own research; I've talked to Eric McCafferty; and I've talked to legal counsel and listened in negotiations. Extremely hard to make a decision here but I'm going to go ahead and make a motion that we deny the request for certain reasons. That is that in this particular PUD is two separate parcels ... they need to be contiguous. And historically they really have not done so and I don't think that it is integrated planning. I think that evidence that the other 10 - 12 acres could be developed at a different time, also that there are lots that are set aside that are not in the subdivision - they're not set in the PUD - they're separate; I don't think that lot 39 is going to be an asset, I think it is an environmental destruction; also it doesn't have a centralized water and sewer system and I think that also it will cause problems with fire access with fire protection access. The green belt itself to me is still cloudy, I still feel that ownership is still a cloudy issue and I hate to pass judgment on that and give it to one person if it is truly owned by more than one and if so, the trails, that would be an asset to this PUD, are actually in jeopardy and I'd like to see that open space in the district, be open space and I think that it would under attack at that time. I just make that motion for those reasons and go ahead and stand on that

Chairman Smith - do I have a second?

Commissioner McCown - no ma'am

Chairman Smith - I'll step down as Chair to second that motion. I would like to add to that I have a real problem with putting the more affordable housing I guess, the duplex area down by the sewer plant. There may be one or two lots that could be buildable there but I find that I'm really concerned about the setbacks there and uh I don't think access is that great. Other than that I agree with John. I have a motion and a

second. - Call for the question - all those in favor - Smith - aye; Martin - aye. Those opposed - McCown - nay.

Commissioner Martin - a lot of work; a lot of heartache

Chairman Smith - very much so

Commissioner Martin and this is definitely not a reflection on Dr. and Mrs. Zilm as terrible people- they've done a lot hard work in this - they are planning for the future. It's just that this particular one I had a little bit of trouble with some of the plans. (A lot of background noise.)

Chairman Smith - now we have to come up with a Resolution and Finding, right?

Walt Brown - right

Recessed until Tuesday March 18th - 8:00 A.M.

MARCH 18, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, March 18, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

CITY OF ASPEN AND VALLEY OFFICIALS - WORKSHOP INFORMATION EXCHANGE

Marc Adler; Randy Vanderhurst and John Bennett, Don DeFord and Chuck Deschenes were present. This was a session to touch base and discuss issues of mutual interest such as a mass transit system, RFTA, and open space and trails.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A DAY SCHOOL, LOCATED APPROXIMATELY FIVE (5) MILES EAST OF CARBONDALE, SOUTH OF STATE HIGHWAY 82 FRONTAGE ROAD. APPLICANT: ASPEN WALDORF FOUNDATION

Eric McCafferty and Don DeFord were present.

Don DeFord determined adequate notification was made and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the public who indicated they wanted to make comments.

Eric presented the following Exhibits: Exhibit A - Proof of Publication; B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Packet; Exhibit E - A Copy of the Garfield County Zoning Regulations of 1978; Exhibit F - Letter from Kelly and Jan Gessole dated March 7, 1997.

Chairman Smith admitted Exhibits A - F into the record.

Eric presented: This is a conditional use permit to allow the placement and operation of a day school for Waldorf School Foundation on a 13.16 acre tract of land located approximately five (5) miles east of Carbondale, south of State Highway 82 frontage road.

The applicant proposes to construct and operate a private, day school on the property, which would be build in phases over five to 10 years. The initial phase would accommodate an estimated 65 students and 7.5 staff members and, at proposed (ultimate) build-out, the facility would accommodate up to 200 students and 19 staff members. Included among the facilities would ultimately be two (2) classroom buildings, each approximately 4800 square feet, a central hall of 3000 square feet, a combined kindergarten/two (2) teacher housing units, and an area of future expansion. The school would not contain a cafeteria or gymnasium/locker rooms.

The following letters were attached to the staff report: Carbondale Rural Fire Protection District; Colorado Department of Health; Letter from Robert Morse dtd 2/4/97; Letter from Gerard Desjarlais, dtd 2/4/97; Letter from Michael Cerise, dtd 2/6/97; and a Letter from Marta Parker, dtd 2/10/97.

Eric stated the Planning Commission approved this 7 - 0.

Representatives for the Waldorf School Foundation - Rock Creek Studio were: David Michaelson - Planner, Tim Lloyd - Architect, Jay Hammond - Engineer with Schmueser Gordon Meyer, Gary Beech - water supply expert; and Attorney for Waldorf School Marti Picket.

David stated this is a non-profit school.

Tim - walked through the site plan showing the visual impacts and submitted colored maps showing the layout. These were labeled as Exhibit G and the Photos as Exhibit H. Chairman Smith admitted these into the records.

Tim explained the site layout. The School stated they wanted to keep this as a rural, low impact school and looked for property to nestle in the area. It is on the river and there are some wetlands and interesting terrain. Page 9 of the Staff Packet was referenced.

Another issue that was important is the structures are low, except the kindergarten building which is two story. Kindergarten classes are designed on the first floor and staff housing above.

Tim stated they met with Lou Moore, the adjacent land owner. To illustrate, Tim showed overlays and photographs.

The Commissioners reviewed the photos.

Chairman Smith asked when they moved the 50 ft easement; does this easement go onto Moore's?

Tim - responded no.

Chairman Smith - the other question - what are the ages of the students?

Tim - K - 8

Tim addressed the screening on the property by an overlay. This depicts the planning of shrubs and evergreen trees.

David Michaelson- Note that the phasing program is optimistically defined in the application. They represented a worst case scenario on how fast this could develop. They understand the need to obtain a well permit; addressed condition No. 4 "monitoring actual water usage;" the ISDS system; and otherwise he stated the remaining conditions are fine. As far as the Fire Department, their main concern was to be able to turn around in the wetlands; design recommendations contained in the letter from Jay Hammond; and the one issue in the P & Z hearing, no dogs allowed. They would like to be held to the same standards as the homeowners - one dog and planned to discuss this issue today. The teachers may want to bring a dog to the school; or a resident of the housing may wish to own a dog. Condition No. 14 regarding the proposed parking areas is another area to discuss today. David stated they would discuss the irrigation ditches.

Chairman Smith - asked if this was a lease.

David - no, they will hold title to the property.

Chairman Smith - will KN be removing the baffle?

David Michaelson- no - they access this 3 - 4 times per year.

David Michaelson- 36 Deer Run, Carbondale - pointed out the irrigation ditch on the site plan.

Jay Hammond Engineer - 118 West 6th, Glenwood Spgs - explained the preliminary engineering evaluation of the KN Energy property with regard to the feasibility of constructing a wastewater treatment facility for a school complex proposed by the applicant. He added that a complete report was included in the staff packet handed out by the Building and Planning Department.

Public Comments:

Bill Dunaway - Aspen - owner and publisher of Aspen Times, owner and Corporation President of KMTS - FM - stated he watched the school as it was born; added he was a great supporter of public school but feels there is room for the private schools. He said he was real pleased to state that the school was a great asset to Aspen and encouraged the Commissioners to approve the site application.

Commissioner Martin - questioned the well permit.

Gary Beech addressed the concern the conditions the staff has provided that will protect Mr. Moore and it puts the burden on the school. He stated there are two wells on the site and Mr. Moore has two wells, one for fire protection and one for domestic use.

Commissioner McCown - how will this be permitted?

Gary Beech - for domestic and commercial permit.

Commissioner McCown - under that ruling, is there a limit on the amount of water?

Gary Beech - responded 2 acre per year of draw on water. The attorney has represented there is adequate water to draw this 2 acres per year.

Chairman Smith - stated the letter from Mike Cerise on page 15 and 16 of the staff report addresses concerns regarding his well being polluted due to the septic leaching of this proposed project. She asked what precaution would be taken to ensure this would not happen.

David Michaelson answered the question that the school would be monitoring the leach field.

Commissioner Martin - questioned the applicants regarding the liability of the ditch nearby.

David Michaelson- the school is aware of the liability; it is an acceptable risk; and the school can address safety precaution measures.

Marti Pickett, Attorney - addressed irrigation ditch on behalf of the school. She stated the school is very aware of the liability and she has spoken at length with their insurance carrier and the school will be fencing that area to keep the children off the wetlands and adjoining agricultural property. The students are very highly supervised. With regard to the rights of the ditch, people are protected on the rights in case law.

Chairman Smith - inquired as to some type of a retaining wall.

Tim Lloyd - not necessarily, when he did the topography he noted there was a need to knock down a mound of dirt and the area that Chairman Smith is referring will not be steep.

Chairman Smith - Is there any kind of buffer between the parking and Mr. Moore's property? Also, the gas lines, do they run on out to Hwy 82?

Tim Lloyd - all the gas lines do not run into Hwy 82 and yes, there is an easement through the Moore property. The parking will be on the same grade as the bench of the Moore property.

Mrs. Bates - stated she was a resident of Basalt and had three points: 1) need more school space for additional classroom; the need for alternative school due to the public school not being able to address all the needs of the children; (nothing available in alternative education in the mid-valley corridor); and in consideration of the neighbors concerns, the residents should be lucky to have a development like this addressing the rural area.

Kate Freeze - teacher and parent of two who is a volunteer teaching knitting and wood carving. Welcome the opportunity to have a school in this area and willing to trade the highway for the (ditch) water.

Jan Buckholzer - stated she was a 25 year resident; spent a lot of time on the property in question; and knowledgeable of the danger on this property in regard to the ditch water. Truly aware of the risk and said the existing fence could easily be gotten over. Liability a real issue. The Moore's do run a business there and take precautions for the ditch. She therefore encouraged the Commissioners to address this properly.

Steven Knitp - 1015 East Hyman - Kindergarten teacher. His son survived 3 years of the kindergarten grade. He is very proud of the diligence that the teachers at Aspen Waldorf School provide as far as supervision of the children. There is a standard of having no more than 7 children per teacher/supervisor.

Marti Pickett - add from a personal experience she stated she serves on the Board of Directors for the Deaf and now their attorney. The Waldorf School will also have these children as students.

Michael McCathey - 2956 Emma - number of kids at the school and objectively they have covered all the potential risks; nothing is un-surmountable. The School is a tremendous asset; the school is community minded and serves the community. The activities have received a lot of praise. It fills a niche and provides an aspect no other school in the mid-valley meets; and it also provides an alternative. The school has a tremendous philosophy. The location will afford growth and more opportunities to service children.

Cynthia Tester - represents Mr. Moore and Yancy Nichel. All three came to the microphone with Ms. Tester.

Yancy Nichel - Sopris Engineering - Mr. Moore had asked him to review the engineers letter in the packet. This does not give Mr. Moore a good legal protection of his well. Would recommend two additional monitoring wells to protect his well and Mr. Cerise's well as a condition of approval. Also, conditions for wastewater treatment needs to be approved by wastewater engineering or constructed in conjunction with approved mitigation. Jay Hammond has only recommended a wastewater engineer and he wondered if this was a condition or not.

Monitoring wells and ground water protection are two issues he would like to see added as conditions if the Commissioners approve this application.

Lou Moore - Purchased his property in November 1994. Cleaned the property and operates a bed and breakfast. At this point, his wife and he do not have objections to the school in principle. He added he has an active involvement with the Alpine Christian School. My main objection is the impacts to the well, noise impacts and traffic. He stated he is operating on a conditional use permit limited to six occupants.

Wants the number of maximum students and the maximum under roof. He was limited and wants them to be limited also. He added there are 120 at the Alpine Christian, located at Basalt Bible Church. They built

a \$400,000 structure on someone else's property. He also wants a requirement of monitoring wells and stated this to Dwain Watson, Department of Health. He is dealing with the safety of his family and clients in the bed and breakfast and feels there should test wells. He called attention to a second ditch named Blue Creek that Mr. Cerise and he owns; he illustrated this on the site application. This is zoned for hunting and fishing property and concerned about the school having concerns about the shooting of geese. Chuck England and Dr. Shields did not want to be limited in his recreational pursuits. He also illustrated his ponds on the site application. Have invested a lot of money in the property and don't want it interrupted. The proposed applicant's parking lot is only 100 feet away from his property and stated concerns regarding noise and dust impacts. Suggested they move the parking more toward the Cerise's. David Michaelson stated the School proposed to have graveled parking lots and would be willing to provide dust suppression.

Lou Moore - what does he do if they do not?

Chairman Smith - asked what Mr. Moore had on his property for a driveway.

Moore - gravel.

Chairman Smith - inquired as to the Zamora's greenhouse and the construction yard. Is Frog Excavating still there?

Moore - yes, he is right next to them. His property was formerly owned by Judy Neilson. Back to the water issue - if his well becomes contaminated with a leach field system, he shouldn't be inconvenienced without water. The 2,000 gallon limit - Dwain Watson says this is an arbitration number and depends upon who monitors it. Depending upon how the soil percolates. Cerise has stated the water reaches the leach fields very rapidly. Another issue - Alpine Christian - looked at Judy's property and turned away from the property due to ponds, well water, neighborhood who opposed it and the ditches. The safety of the children is of great concern. Being close to the Roaring Fork River is a lot different than being next to the stream in Aspen. He also addressed the potential liability of kids getting into his property.

Attorney for Mr. Moore Cynthia Tester - Complimented Dave Michaelson and Tim Lloyd and stated she was very impressed in the way they were trying to put this together. Mr. Moore does not oppose the school. The point is, is it a great thing for this site? Four issues to focus - safety, traffic, dust and visual. Safety - more fencing next to the pond area. Condition - add to no. 16 regarding fencing. Visual - fence on boundary from Hwy 82 continuing down on the side of Moores. Traffic - paving the area would control the dust. Conclusion - it's important that philosophically it is a good thing - is it a good site and if BOCC approves, the conditions and requests included in Eric's report plus all the issues addressed today. She stated her firm has addressed their concerns as shown in Pages 50 - 58 of the staff packet and if these were included as conditions of approval it could preclude a win-win situation.

George Lilly - support the application; as far as noise and visual he stated, to locate a bed and breakfast on Hwy 82 is nothing great either. The school year ends the last week of May - school embraces the winter months - not when dust occurs.

Chairman Smith - inquired if there was any summer use scheduled regularly.

Catherine King - Coordinator for the School - addressed the question of summer activities. Yes, two week of summer camp and painting classes but none regularly scheduled.

Bob Schooles - head of the site search committee and also works on planning issues. A concern about spending someone else's money - we are spending a great amount of money on conditions and fences are not the way to deal with children, adults are. They prefer to spend their money on teachers. They know about risks and they are concerned about safety. These are carefully considered. He stated this is a good site for a school. This site is chosen because of the availability to teach the children nature without a book. The neighborhood is not total residential and are coming in on the scale of appropriateness for the area.

Linda Lawler - Cooper Avenue - associated before there was a school. Daughter went to the school. She traveled 40 miles each way. To have children be able to go to the school is very important. Thrilled about the thought - the location is wonderful and allow the children to be a part of their own community. The site is not a risky site - these children do skiing and cross-county skiing and camping. They are out in the natural environment all the time. She sees some children falling through the cracks. This environment is good for a lot of children because they learn in entirely different ways.

David Michaelson - Mr. Moore with his bed and breakfast is limited to numbers due to the code not as a conditional use permit. Agreed to comply with Dwain Watson's conditions; also stated dust will bother school if it bothers Mr. Moore.

Tim Lloyd - traffic impacts - 90% will go toward Catherine's store. Doesn't feel they will go the way of concern suggested by Mr. Moore. Parking - looked at 5 different alternatives. None worked as well as what is presented to preserve the rural setting and vegetation.

Chairman Smith - since there is no cafeteria, will the kids bring lunch? No parents coming in and out? Is it a closed campus?

Katherine King - closed campus.

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

Commissioner McCown made a motion to approve the application for Aspen Waldorf School with attached recommendations, changes in Conditions No.11, 12, 14, 16, 21 as noted under Recommendations below. hunting is allowed on the adjacent property and is allowed. add to NO. 11 and page 12 - basis for monitoring wells. have required in the same general - (no of monitoring wells - 2 - one close to Moore's site and one close to their own well. and (2) later.

Martin - seconded

Don - location of ditches - condition of submission of final site plan - added to the motion. before issuance plan notes this.

Eric - asked what regular basis did the Commissioners want the wells monitored and what are they to do with the results.

Commissioner McCown added to motion "initially every 6 months and in Phase 2 - quarterly.

Commissioner Martin seconded this addition; carried.

Recommendations:

1. That all proposals of the applicant made in the application and at the public hearing with the Board of County Commissioners shall be considered conditions of approval, unless specified otherwise by the Board.
2. If the nature of the school ever substantially changes from what has been proposed, then this Conditional Use Permit shall be subject to further review and subject to modification.
3. The applicant/operator of the school shall receive the appropriate well permit, from the State Engineers Office, before opening or operating the school.
4. The applicants/operators of the school shall monitor actual water usage and wastewater flows and report these amounts to the County Planning Department, on a yearly basis. Upon reaching the maximum allowable wastewater flow-rate, as defined by the Water Quality Control Division, future phases will require compliance with the applicable wastewater criteria. This shall require review of the Conditional Use Permit, at that time. Any reviews or amendments of or to the CUP will be subject to the County fees and procedures in effect at time of review.
5. The individual sewage disposal system(s) shall be designed by a Colorado, registered, professional engineer.
6. The drinking water supply shall meet minimum drinking water standards as designated by the State of Colorado.
7. At no time shall the State Highway 82 frontage road be used for parking by the applicants, operators or visitors of the school. All on-site vehicle parking shall occur in the designated parking areas.
8. The applicant/operator of the school shall confer with the Carbondale & Rural Fire Protection District regarding fire protection of the site and submit a letter from the district approving all proposed fire protection plans.

9. The applicant/operator shall provide reasonable and adequate, vegetative buffers between adjacent lands, approved by the Board of County Commissioners prior to the approval of the Conditional Use permit.
10. That the applicant/operator shall obtain any required driveway permits or driveway permit amendments, prior to opening or operating the school.
11. That the design recommendations contained in the letter from Jay Hammond, P.E., dated February 28, 1997, be conditions of approval, to wit:

Specification and installation of water-saving type fixtures throughout the Waldorf complex.

Monitoring of at least water usage through incoming meters from the well. Separate metered flows to the internal plumbing versus hose bibs or irrigation lines would be recommended to monitor domestic use versus irrigation (winter flows can also be used through a master meter). If internal water usage generally begins to approach the wastewater design capacity, monitor actual wastewater flows to the system.

Keep irrigation upslope or in the vicinity of the wastewater field to a minimum. Line or culvert any existing irrigation ditches within the property to limit subgrade seepage associated with ditch flows. Do not flood irrigate.

Improve drainage within the site by regarding the existing loop road and providing positive drainage around the ISDS mound location.

Continue to monitor groundwater depth just upstream of the bed itself. If ground-water does in fact rise near the design limits, consider a curtain drain upslope of the system.

Place maintainable outlet filters on the septic tanks on the system.

Monitor well water quality within the site. Two additional monitoring wells shall be placed as designated on the attached site plan, known as Exhibit A. All monitoring wells shall be monitored on a semi-annual basis and tested for nitrate/nitrite and fecal coliform bacteria content, with results of the testing promptly provided to the Planning Department.

12. No open hearth solid-fuel fireplaces will be allowed anywhere within the property. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
13. The applicant shall pay any required school site acquisition fees and/or fire protection district impact fees.
14. Upon phased construction of the parking areas, the visitor parking shall be located in the eastern parking lot and the staff parking shall be located in the western parking lot.
15. As long as ISDS is used to treat sewage, there shall be no cafeteria or locker rooms equipped with showers.
16. Fencing along the eastern property line shall be a height of six (6) feet and shall extend southerly from the northeastern corner of the property to the wetland boundary shown on Exhibit A. The fencing shall be of a design by the applicant and shall be screened with a vegetative barrier, also designed by the applicant. Fencing along the western property boundary shall be standard cattle fencing. All fences shall be maintained by the applicant.

17. No more than two (2) dogs shall be allowed on the site at any time, which must further be under control at all times.
18. All outdoor lighting will be directed inward and downward on the site, such that there will be no lighting directed to adjoining properties.
19. Upon construction of the permanent facilities, the temporary structures will be removed.
20. Irrigation ditches flowing to the adjacent property shall be identified on the school site plan and the ditch owners right to maintain and repair the ditch(es) shall be recognized.
21. All gravel parking and driving surfaces shall be treated with a material such as magnesium chloride to reduce dust generation and transmission on and from the property.
22. The applicants acknowledge that adjacent lands are utilized for hunting and the shooting of firearms.
23. A final site plan shall be submitted to the Planning Department that incorporates all changes relative to the site plan, including the location of the groundwater monitoring wells, irrigation ditches and the location and extent of proposed structures.

PUBLIC MEETING FOR AN AMENDMENT TO CONDITIONAL APPROVAL OF A SUBDIVISION EXEMPTION FOR THE MANGUARIAN EXEMPTION, LOCATED THREE (3) MILES NORTH OF RIFLE, ON COUNTY ROAD 251. APPLICANT: MANGUARIAN PARTNERSHIP

Attorney for the applicant John Schenk, Eric McCafferty and Don DeFord were present. Don DeFord determined that adequate notification was provided and he stated the Commissioners were entitled to proceed.

Eric presented a summary of the original meeting with the Board stating, originally this application was held on 21 February, 1996, at which time the Board granted conditional approval to the petition, consistent with staff's recommendation that only one (1) lot be created.

No more discussion was held with the applicant or his attorney regarding this matter, until the Planning Department received the exemption plat. The plat shows the approved exemption parcel; however, the size of the parcel has been increased to approximately 11.7 acres. Discussions with the County Attorney concluded with the opinion that this amendment should be considered in a public meeting setting, pursuant to the subdivision exemption notification requirements.

This is an exemption from the definition of subdivision for Manguarian Partnership on an 81.7 acre tract of land located approximately 3.5 miles north of Rifle, immediately north of CR 251 (North Hasse Lane). The applicant proposes to divide, by exemption, the 81.7 acre tract into four (4) parcels. Three (3) of these parcels would be approximately 3.9 acres and the remaining parcel would consist of the remaining 70 acres. The three (3) smaller lots would be aligned in a linear fashion along CR251 and the 70 acre parcel would be located directly north of the smaller lots.

On Tuesday, March 18, 1997, the Garfield County Board of Commissioners granted approval to the amendment to the Mangurian subdivision exemption, conditionally approved on February 21, 1996. As you are aware, the Board predicated today's approval on the earlier conditions, rescinding the requirement that the exemption parcel be of a size between 4.0 acres and 5.0 acres, and attaching the condition that no further subdivision by exemption be allowed.

I have reviewed your letter dated February 19, 1997, and have determined that the earlier, applicable conditions of approval have been met. Therefore, I have drafted an exemption resolution and submitted the resolution, along with the exemption plat, to the Board for its final approval and recordation with the Clerk and Recorder.

As long as the applicant is required to adhere to the original conditions of approval, and any other conditions the Board may deem necessary, staff approves of this amendment, due to the opinion that the larger lot size would not be out of character with the surrounding area.

Commissioner McCown - stated he wanted the property limited to no more cuts.

Don DeFord stated the lot can be limited to an Subdivision Exemption but cannot limit a Subdivision Development

Robert Caliva - 0115 County Road 251 - Rifle - spoke against the amendment and Robert and his wife are also. He wanted to add one thought to the original objection. The three Counties are losing 10 acres per day to such developments and if you start multiplying this out it will be over 3600 acres this year. Still concerned about the lack of agricultural development. Where is the master plan?

Robert Caliva - 0115 251 Road - 90,000 acres losing per year - 10 acres a day if the rate continues.

McCown - you have a right to do what you want to do with your own life.

Robert Caliva - Mussolini - made it a law that all married couples need to be in bed by 9 P.M. and what he was saying is that population was the problem. This was set in place in 1973

McCown stated there is a right of property owner to sell their land.

Commissioner Martin - stated he needed clarification from the minutes that were attached in the staff packet. He specifically noted line 448 of the February 21, 1996 minutes.

Clarification was made by John Schenk and Eric McCafferty.

Commissioner Martin - then Commissioner Arbaney did not want it smaller than 5 acres?

Eric - correct, however, the present proposed buyer wanted a larger lot.

Bill Wilde - Rifle - proposed owner under contract for parcel 3 - wanted 11 acres. Very impressed with the Rifle Creek and wanted to purchase agricultural lands and proposed a 2,000 sq. ft. home and a horse farm on the land. The manner in which the areas are laid out, the parcels are designed to keep the agricultural nature of the land.

Robert Caliva - asked what the law states as to how many times cuts be done to property.

Commissioner Martin - the 35 acres - the 11 acres is the only sale. And in compliance with the subdivision exemption. Two sales - 70 acres in 35 acre parcels.

Robert Caliva - still opposed to it.

John Schenk - Mr. Mangurian has kept the land in agricultural for many years. This all balances - the land in question is next to the golf course.

Commissioner McCown - requested as a condition that no further exemption on this 11 acre parcel be allowed.

Commissioner McCown made a motion to approve the amendment to the conditional approval of a Subdivision Exemption for the Mangurian Exemption increasing lot no. 3 size to 11.673 acres with the condition added that no further exemptions would be granted on this 11 acre parcel.

Commissioner Martin seconded the motion; carried.

Re-Cycling - Elmer Blackmore

Elmer Blackmore, Chuck Deschenes, Mark Bean and Georgia Chamberlain were present. - Mr. Blackmore presented his recycling proposal stating that he would be willing to pick up office paper and cardboard. He added that it needed to be centrally located in order to pick it up. He suggested the paper be stacked in the original boxes the paper comes in however, bags are okay if not filled too full where they tear when picked up.

He added paper should be broken down in four ways:

Newspaper

White ledger paper

Computer paper

Office pack which includes envelopes, window envelopes - but no manila envelopes

The computer paper is where he will make his money and therefore is most interested in this kind.

The yellow lined is not recyclable nor is colored paper of any kind - this paper should be thrown away.

Sorting is an expense and requires supervision and manpower. Therefore, all paper needs to be sorted prior to him picking it up. He added he would be willing to do this on a 90 day trial at no charge except for the product.

Chuck added that storage of these papers is an issue also.

Chairman Smith - remarked that paper could possibly be stored on the west hall on first floor.

Chuck - no, it is a fire hazard and the Judges have complained. He suggested he will sit down and work this out with Mike and advise Elmer of the plan. In the meantime he will draft a memorandum stating to the department heads to inform their staff that there is no re-cycling for the present.

Resolution and Plat - David Percak

A motion was made by Commissioner Martin to authorize the Chair to sign the Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision Regulations for David Percak. Commissioner McCown seconded the motion; carried.

Executive Session - TeKeKi - Manufacturing Housing - Land Use/Site Visits - ExParte Contract - Condor Case

Commissioner McCown made a motion to go into an Executive Session for purposes of discussing the issues as referenced above. Commissioner Martin seconded the motion; carried.

Commissioner Martin made a motion to come out of Executive Session. Commissioner McCown seconded the motion; carried.

Adjourn

APRIL 7, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 7, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report

Roaring Fork River Erosion Control

Chairman Smith introduced a concept forwarded to her by Rex Coffman for a possible pass-through for \$10,000 or less for erosion control for the Roaring Fork River.

Notice of Violation-Landfill

Commissioner Martin mentioned a letter received from the State of Colorado citing a violation of the landfill as a result of conditions observed and documented at the South Canyon Landfill during an inspection made on March 21, 1997. Tim Danner, Operations Manager of Tadco Disposal Systems Inc. and the City of Glenwood Springs was named in the violation. They have a 30 day time period to remedy the violations.

Keys Changed - Locks

Chuck Deschenes stated the main outside door locks have been changed. He will issue keys to elected officials and department heads.

District Attorney

Chairman Smith mentioned Mac Meyer would be submitting a request for an additional allocation in his budget for fixed assets as he had a computer out-of-service.

PAYMENT OF BILLS

Chuck presented the bills for the first run of March 1997. Commissioner McCown made a motion to authorize the Chair to sign the claims submitted against Garfield County for the first run of March 1997. Chairman Smith stepped down as Chair to second the motion; carried.

FAIRGROUNDS - TRACTOR - BID DISCUSSION

Mike McBreen presented the bids for the tractor for the Fairgrounds and stated he was open to discussion. Commissioner McCown stated he was in favor of the John Deere and made a motion to purchase the John Deere 5400 - 4-wheel drive tractor from Berthod Motors for \$27,685.00. Commissioner Martin seconded the motion; carried.

RFTA - Shelters

Chuck presented the proposed shelters from RFTA. He mentioned they wanted to place between 10 and 12 in various locations. Don had been advised and provided input that there was not a problem. Chuck added this will be presented formally to the Board at a later date.

Chairman Smith requested Chuck respond to the request for the Board to serve on the RFTA Board by Dan Blankenship as "thanks but no thanks" and indicate perhaps when the jail issue is solved things may be different.

Commissioner Martin suggested the possibility of a Board Transportation System being looked into forming. Rifle has asked when RFTA will be coming to Rifle.

White River Forest Service Data Profile

Chairman Smith requested Chuck forward a copy of this data to Healthy Mountain Communities.

Journal Entries

Chuck presented these for review and added this does not require Board action.

JAIL DISCUSSION/COURT SECURITY

Sheriff Dalessandri, Don DeFord, Al Maggard, Dave Sturges, Dale Hancock, and Judge Ossola were present.

Jail Count

Total in Jail: 112. 35 main jail; 40 Work Release; 6 females; 19 other jails; 3 Home Detention; 1 Day Reporting; 2 State Hospital. Tom added that the ones in other jails - 15 of the 19 are DOC and also 6 Workenders.

Tom stated thus far the month of April has been the highest jail count this year. It has remained over 103 for the month of April thus far.

Court Security

Judge Ossola presented and referenced the prior meeting held with the Board and the Sheriff where discussion took place regarding Court Security. Judge Ossola mentioned the he and the Sheriff were to continue in the discussions about Courthouse Security. February 28, 1997 Judge Ossola received a memo from the Sheriff regarding Judge Ossola's request for the security officer for the building. Subsequent to the memorandum, the Sheriff and Judge Ossola met and discussed the issues raised in the memorandum and came to a consensus that he wanted to present to the Board for consideration.

The focus of the discussion was a full-time deputy assigned to court security services for this courthouse. Tom had priced this at an annual cost of \$63,000 that represented really two full time equivalents. He and Tom discussed that and came to an agreement that it was not necessary to provide the level of security to have two FTE people. It was felt they could create a circumstance where services could be delivered with one FTE. This is an additional person FTE to the Sheriff's staff and it is not someone out of the Sheriff's current staff. This is a new level of service and not something anyone expected Sheriff could provide out of his current staff. What he and Tom agreed upon was that the new FTE position would be in the Sheriff's office reporting to Sheriff for Courthouse security for the entire building. The person would be appropriately trained and classified to provide patrol services in the building. We anticipate that he would not wear a conventional Sheriff's officer uniform with weapon exposed, rather armed wearing a blazer and protection would not be flagrantly advertised. This meets the special needs of a Court Security person. This addressed the concerns of the Sheriff in provoking some of the participants within the building. This is not a bailiff or a court functionary person, rather strictly for security purposes only.

Another very important thing is that the flow of work in the court is not even over time. During the week there are peaks and valleys and even over the year. The levels are very predictable. Judge Ossola used Christmas as an example as well as Spring Break when low levels of activities occur. And he stated he and Tom realize there would be times when the time of that person would not be well spent for the person to be roaming the hallways and patrolling the building. To recognize and compensate for this time they agreed a representative of the Sheriff's office and the court clerk would meet weekly and schedule two weeks in advance. When the officer was not needed in the Courthouse he could do other functions. No way to measure the percentage of time at this point. This would be dual needs - Sheriff and Court. He and Tom came to feel fairly comfortable with this mechanism. They agreed that individual would probably end up being the lead person coordinating the transportation schedules and the needs for security in connection with the movement of people in the custody of the Sheriff. This person would also have responsibility of coordinating and scheduling of the Court Clerk's office in connection with the Sheriff's jail staff, making sure the individuals were in town and in the Courtroom when necessary for appearances. This person would be equipped with hand held radio equipment, a hand held magnetometer so the court room could be

closed off is necessary to scan individuals going in. They also felt the person should have EMT training and also be involved in training court personnel in security.

Tom asked the Judge if there would be space to house this individual for operations and Judge Ossola said he suggested using the attorney's conference room in the main East/West corridor. This room would be adequate for this person's to use as a base of operations with telephone, etc.

This is not being used as an attorney conference room.

Therefore, Judge Ossola stated this is why he is here this morning, to ask the Board to consider funding a full time security person to operate in this mode. This is his highest priority in court security.

The second thing of primary concern is upgrading the emergency call button system by installing call buttons in the Judges' Chambers, the Probation office and maybe an additional one in the alcohol evaluation office. They also discussed installing buttons in other offices as well in the building.

Judge Ossola continued stating that he was generally aware of new technology out with regard to these call buttons based on beeper technology and allows for 3, 4 or 5 preprogrammed messages to be sent very much like beeper messages are sent. This allows the call be much more specific about what is needed. The court facility's director in Denver told the Judge this system has been installed in a number of Eastern slope facilities at relatively low expense, under \$5,000. Also, they have been very pleased with the systems. Yuma County is one specifically mentioned. Judge Ossola said he asked Judy Vanderleest to get more information and was in the process of doing this. The point is, he would like to expand the emergency call system and could include all county offices.

The third priority is upgrading some security within the courtroom putting bullet resistant material in the Judge's benches. The Sheriff indicated this would involve steel plating. There is also a concern about the court reporters who sit in front of the bench and totally exposed. There could be a security screen about 4 feet high and wide that could be set in front of the court reporter's station that would also be bullet resistant. Judge Ossola stated the court room upgrades could be done over a period of time.

Commissioner McCown inquired if there was any funding available to help in these upgrades.

Judge Ossola indicated there was not. Judge Craven served on a committee and the Legislature stated no.

Chairman Smith mentioned there may be Federal funding grants available. She inquired as to what security measures Pitkin and Rio Blanco Counties were taking.

Judge Ossola responded that regarding Pitkin County and Rio Blanco, the Sheriff is located in the building that makes a difference and they respond for services rather quickly. In Rifle, a Sheriff's deputy is there regularly and a cooperative arrangement has been made with the Rifle Police Department concerning response. 85 - 90% is done in that Courthouse.

Chuck indicated the Board would need to prioritize requests as the need to build a jail was a priority.

Chairman Smith - clarified the request of Judge Ossola that there would be phasing for everything except personnel.

Judge Ossola stated he would also like to have additional panic buttons that would cost a few thousand dollars also.

Chairman Smith - told Tom he needed to come before the Board and determine the percentage of time and budget amendments.

Judge Ossola - clarified the position would be 80% for the Court and 20% for other functions.

Sheriff Dalessandri stated the discussion in realm of other needs in connection with the new jail, that this is justified for the Judge to ask and the Sheriff to provide. He agreed to look at his existing budget and to begin a search for finding people qualified to consider for this position. He added there would be some complexities in taking a road person as this is a functional need. He stated there may be a possibility of funding that position for this year out of his existing budget due to some positions that were delayed presenting savings in personnel.

Commissioner McCown stated this was an unfunded mandate and may require taking a road officer for this position. The Commissioners only have X amount of dollars.

Sheriff Dalessandri stated he would not allow a road deputy position to be cut without serious and lengthy discussions in a number of places, one being public safety and also the complexity involved in the sales tax. The sales tax issues were specifically for the supplement of the existing budget. There is also the public safety issue and it is an apple and oranges kind of thing. We have needs on the road, needs in the jail, and needs in the court. He is not asking for this....

Commissioner McCown reiterated it is an unfunded mandate and it is up to us....

Sheriff Dalessandri stated he would never ask for a position, just to be asking. This thing is being driven by changes in demographics and..

Chairman Smith - added where some Counties have the Sheriff in the Courthouse, etc. it makes a difference. The increased demands for security due to growth has gone beyond having the two facilities together is what it amounts to.

Judge Ossola stated that he wanted to be on record that he supports the Sheriff in asking for a new person. Chuck - mentioned on the Judge's third priority, this could be classified as court furnishing and could explore this through the court's funding. He further requested that Judge Ossola explore whatever funding may be available.

Judge Ossola - the screen may fall into a different category.

Ron Van Meter mentioned he would research the possibility of the availability of the very latest grants that might be available.

Judge Ossola requested a time-line.

Chairman Smith - suggested that Tom set the time-line.

Sheriff Dalessandri stated the job description would need to be developed first.

Judge Ossola - asked for a July 1 start up date.

Sheriff Dalessandri stated this could be a target.

Judge Ossola stated we needed several things, a job description first, then some analysis of the cost; however, he wanted to let the other Judges and court staff know that we are moving on this and the target date would be July 1.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Mark Bean and Stella Archuletta were present for the presentation. Eric McCafferty of Building and Planning was awarded the Employee of the Month.

Re-Affirming the Resolution of Denial of Zilm Zone Change

Eric McCafferty stated that Walt Brown can not be here however, he wanted Eric to relay that the Board needs to do a short re-affirming of the Resolution passed on March 20th in a Special Meeting. All this needs is a verbal motion during a regular meeting.

Executive Session - Nystrom Litigation

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

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

RFRHA Update

Don gave a review of the updates regarding RFRHA. He mentioned the latest draft was presented but the QWest Easement was still up in the air and total re-solvment of the issue has not been reached. Also, regarding the April 18 PUC hearing on the 27th Street crossing - RFRHA is now aware of the proposal and by tearing up the rails at this intersection would mean not having a continuous rail system.

April 28 is the closing date. April 15 is the date they are shooting for to resolve the issues. Don added there is a meeting with attorneys and QWest in Denver tomorrow, April 8 and a meeting to finalize the position on the rail on April 11.

DEPARTMENT HEADS

Building and Planning Report

Mark Bean presented there was a misleading flyer being sent out on the Lake Toueye request. The Floodplain Special Use Permit scheduled for today at 4:00 P.M. is being confused with the Special Use Permit for a Commercial Recreation Facility to be held on April 14. Today is the excavation of the lake and not the recreational facility.

Tom Zancanella - Extension - Gobbler Knob Exemption

Mark stated Tom Zancanella has requested an extension that goes beyond the 12 months to complete the work regarding his exemption request. He has asked for another 6 - 12 months. Mark stated the staff does not have a problem with the request.

Commissioner McCown made a motion to allow an extension until April 8, 1998 for Tom Zancanella's request. Commissioner Martin seconded; carried.

Extension - Mark and Melinda English - No Name

Mark presented a request for a final extension up to the full year and not to exceed for Mark and Melinda English in No Name.

Commissioner Martin made a motion to allow the extension request for Mark and Melinda English. Commissioner McCown seconded the motion; carried.

Extension - Donald M. and Barbara Chaplin

Mark presented a request for Donald M. and Barbara Chaplin to go beyond the one year with respect to a shared well agreement. They drilled a well and there was no water, therefore the next step is to apply for a shared well agreement. They have requested a 120 days.

Commissioner Martin stepped down stating this was a potential conflict as he was an adjoining property owner.

Commissioner McCown made a motion to extend the Chaplin request for 120 days. Chairman Smith stepped down as Chair and seconded the motion; carried.

EXTENSION

Carol McNeel reported on April 26 there is a benefit for 4H being held at the High School in Glenwood Springs - Demons to Diamonds.

May 22 - interview date for Executive Director.

Carol reported they were assisting in the distribution of the Child Abuse Awareness Dolls.

AFFIRM RESOLUTION 97-16 - RESOLUTION OF DENIAL - SUNLIGHT VIEW II PLANNED UNIT DEVELOPMENT

Eric McCafferty stated Resolution 97-16 was authorized by the Board in a Special Meeting and required re-affirming in a regular meeting.

A motion was made by Commissioner Martin to re-affirm the denial of the Sunlight View II Planned Unit Development for William Zilm, Resolution 97-16. Commissioner Smith stepped down as Chair to second the motion. Martin - aye; Smith - aye; McCown - nay.

PUBLIC HEARING - FLOODPLAIN SPECIAL USE PERMIT - LOCATED 1.5 MILES SOUTH OF GLENWOOD SPRINGS, WEST OF COUNTY ROAD 117. APPLICANT: JOHN BERSHENYI

Mark Bean, John Bershenyi of 2833 County Road 117; Attorney Jean Edmonds of 1099 Valley View Road; and Tim Beck of High Country - 923 Cooper were present.

Don determined proof of notification was adequate and advised the Commissioner they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Staff Comments with all Attachments. Chairman Smith submitted Exhibits A - D into the record.

This is a request for a Floodplain Special Use Permit of a 199 acre tract of land located approximately one (1) mile south of Glenwood Springs on Four Mile Creek. The applicants are proposing the construction of a dry hydrant on land that has been identified as existing within a 100 year floodplain, therefore, requiring the issuance of a Floodplain Special Use Permit.

Recommendations:

Staff recommends Approval of the Floodplain Special Use Permit, pursuant to the following conditions:

That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval, unless otherwise stated.

That the applicant's engineer "wet Stamp" the letter stating that the construction as proposed will not affect the floodplain or floodway of Four Mile Creek.

Upon completion of the proposed project, the applicant's engineer will submit a statement with his wet stamp, that the project was completed as proposed.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a Floodplain Special Use Permit on a 199 acre tract of land located approximately one (1) mile south of Glenwood Springs on Four Mile Creek for John Bershenyi; carried.

Resolutions - McCarthy

Commissioner Martin made a motion authorizing the Chair to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Jerry and Betty McCarthy. Commissioner McCown seconded the motion; carried.

Special Use Permit for Grant Brothers Construction L. L. C.

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a Special Use Permit for Grant Brothers Construction L.L.C; carried.

Resolution - Special Use Permit - Questar Pipeline Company

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Questar Pipeline Company; carried.

Resolution - Special Use Permit - Bob and Tobi Statler

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Bob and Tobi Statler; carried.

Resolution - Special Use Permit - Wildhorse Energy Partners LLC/KN Energy

Commissioner McCown made a motion to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Wildhorse Energy Partners LLC/KN Energy. Commissioner Martin seconded the motion; carried.

Resolution - Conditional Use Permit - Rebecca Bigler and Janet Principe

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a Conditional Use Permit for Rebecca Bigler and Janet Principe; carried.

Resolution - Conditional Use Permit - Donald Skinner

Commissioner Martin made a motion seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Conditional Use Permit for Donald Skinner; carried.

Resolution and Conditional Use Permit - Brad and Chery Earnest

Commissioner Martin made a motion seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Conditional Use Permit for Brad and Chery Earnest; carried.

Resolution and Special Use Permit - Snyder Oil Corporation

Commissioner Martin made a motion seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Snyder Oil Corporation/Southeast Piceance Joint Venture; carried.

Resolution - Flood plain

Commissioner Martin made a motion seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Rapids on the Colorado Subdivision; carried.

Resolution - Special Use Permit - Barrett Resources Corporation

Commissioner Martin made a motion seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Barrett Resources Corporation; carried.

Resolution - Floodplain Special Use Permit - Aspen Glen Golf Company

Commissioner Martin made a motion seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Aspen Glen Golf Company; carried.

Resolution - Special Use Permit - Louisiana-Pacific Corporation

Commissioner Martin made a motion seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Louisiana-Pacific Corporation; carried.

Resolution - Floodplain Special Use Permit - Eric and Cathleen Langford

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Eric and Cathleen Langford; carried.

Resolution - Floodplain Special Use Permit for Wayne Rudd

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Wayne Rudd; carried.

Resolution - Floodplain Special Use Permit for Phillip Robbins

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Phillip Robbins; carried.

Resolution - Special Use Permit - Public Service Company of Colorado

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Public Service Company of Colorado; carried.

Resolution and Plat - Subdivision Exemption - Patrick Healy

Commissioner Martin made a motion and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Patrick Healy; carried.

Minutes

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Minutes of the Board of County Commissioners for January 22, January 27, February 3, February 10 and February 13, 1997; carried.

BID AWARD - AIRPORT IMPROVEMENT PROJECT

Chuck presented the bid for the Airport Improvement Project to rehabilitate and overlay connecting taxiways, aircraft parking apron and install Glycol Containment System.

The following bids were received:

Contractor	Schedule I	Schedule II	Schedule III	Schedule IV	Total	United
Companies of Mesa County, Inc.	267,123.00	257,459.50	148,656.00	34,255.00	707,493.50	
Western Mobile Northern, Inc.	313,412.00	247,452.00	132,602.00	29,810.00	723,276.00	
Elam Construction Inc.	256,680.00	284,232.50	169,627.00	44,100.00	754,640.00	
Kiewit Western, Co.	311,551.25	312,896.25	178,537.50	33,285.00	826,270.00	

Engineer Estimates 317,378.00 381,255.00 180,142.00 40,250.00 856,025.00

Chuck stated he had received correspondence from Ron Neihoff of Isbill Associates, Inc. and the low bidder was United Companies of Mesa County. This bid is \$148,531.00 or 17.4 percent below the Engineer's Estimate. He added, the motion after review of the bids, will be to award the bid to the lower bidder with the condition of the grant coming through the FAA.

Ron Neihoff, in his letter to Chuck, explained the work needing to be completed in connection with these improvements.

He recommended the lowest bidder - United Companies of Mesa County for \$707,493.50.

A motion was made by Commissioner McCown to award the bid to United Companies of Mesa County for \$707,493.50 contingent upon receiving of the FAA Grant. Commissioner Martin seconded the motion; carried.

Work Release and Community Service

Chuck stated he had spoken with Guy regarding the possibility of the work release inmates and UPS working at the Fairgrounds to clean the stalls. Chuck will explore the opportunities with Lee.

Car Mileage Rates

Chuck presented that Mike McBreen suggested a rate increase of \$.27 to .31 cents per mile reimbursement for private vehicle usage on County business.

Chairman Smith suggested having some comparisons done at different counties.

Chuck stated the City of Glenwood Springs pays \$.31 per mile.

Budget Hearings for 1998

Chuck requested the Board's direction regarding budget hearing for 1998. He suggested the time-frame may need to be moved ahead due to the jail construction financing issue. Commissioner Martin suggested the month of July to begin the process.

Chuck stated he could develop a tentative schedule of preliminary requests due to be in by July 15. He will distribute it and ask for comments.

Honeywell

Chuck stated he had spoken with personnel at Honeywell. They apologized and stated there was a turnover in key personnel and some of the individuals that needed to be notified of the date on the agenda had not conveyed the message. Chuck stated he will reschedule; also he had asked for more details regarding input for an overall system with a five year payback.

CONSIDERATION - ANNEXATION PETITION - CITY OF GLENWOOD SPRINGS - MIDLAND AVENUE

King Lloyd and Don DeFord were present.

Don stated that the annexation petition was not ready and April 21, 1997 was requested as the date of have this presented. A date on the agenda was set for 3:45 P.M. on 4/21/97.

KN ENERGY - DISCUSSION - WILDHORSE PROPOSED PIPELINE - PORCUPINE LOOP

Don DeFord, King Lloyd, Dick McKinley KN Energy and John Oborn, 401 23rd Street, Glenwood were present. Dick presented an update. He mentioned all energy companies have met with BLM and they have presented at Rifle City Council. They will set a public hearing date the first week of May. The statute that could or would affect the proposal goes before the Planning Commission.

Commissioner Martin stated there was a lot of concerns from the public sector to be a part of the hearing process due to the watershed process.

Dick McKinley added there were two proposals and the pipeline is not joint with the drilling.

Dick stated he would have information to the Board by May 12 in order for them to review prior to the next meeting with Tucker Phrase June 9.

Chairman Smith stated the Board should have the information from the City of Rifle by May 8 and they could make a decision based upon the information that comes from this meeting. Commissioner Martin stated the Board wants to unify the efforts to make sure everyone is working together and not stepping on each others recommendations before a public hearing. The next meeting was set with the Board for Wildhorse/KN Energy on May 12 at 11:00 A.M.

ROAD AND BRIDGE DISCUSSION

King Lloyd, Kenny Gardner, Don DeFord, and Chuck Deschenes were present. Chairman Smith informed King that Wildhorse Energy came in and stated a permit has been filed with you and they wanted it on the record that they had done this. King stated the plans weren't submitted that are normally submitted with the application. Dick McKinley and John Oborn were still present. Chairman Smith asked King to state for the record and for Dick McKinley exactly what they needed. King stated he needed the detailed proposal or the drawings associated with the job need to be attached to the application. Typically what King said he wanted is something of an adequate scale that identifies stream crossings, culvert crossings, any conflicts with the utilities so that these situations can be looked at. Typically it is a pipeline survey that has more detail. Then if stipulations are put down on the project King can identify an area between stations, etc. and be more specific. Chairman Smith stated any of this would be valuable to them in deciding.

King Lloyd and Kenny Gardner presented the report to the Board. Chairman Smith asked if Kenny wanted to state for the record that he had been up there to check on the Sweetwater Road.

Sweetwater Road

Wallace Thatcher had called Chairman Smith and also Kenny Gardner who stated he was up there one week ago today and checked the road. In front of Mr. Thatcher's there were some holes, but in the previous years it has always been worse. Kenny added he did not think it was as bad as he stated to Chairman Smith. Kenny stated it may be two weeks before the road can be repaired. King stated he was in the process of working an agreement with the State to give him some more rotomil material and may concentrate on the hill to the Community Center. Chairman Smith suggested filling the pot holes with gravel.

Black Diamond Road

The question needs to be answered if this is a county road or not. A decision was made to maintain the road until proven it was not a county road. Chairman Smith stated the road has been maintained since back into the 30's. King said it is not a County Road per Don. Commissioner Martin stated these three Commissioners were going to determine if it is or not. King estimated approximately \$4,500 for repairs.

Red Canyon Road

King stated he did an inspection of the Red Canyon Road and it is in bad shape. He said there were several places where some cribbing has been built. In places, the road is reduced to a width of 12 feet wide. A decision was made to put a notice in the paper and state this road is closed due to slides that have weakened the road, however, in the construction season work will be done. It was also discussed to contact Paul Vandre and have him put over the public TV station and KMTS, KGLN, and KISS County radio. Ask each to explain we have lost part of the road and slides may occur.

Road 214 - Entrance into Peach Valley

Road 214 was discussed and King stated the potholes are causing problems on the road going down to Peach Valley Estates and around Ron Perau's.

Dry Dock - County Road 138

Commissioner Martin stated the residents of County Road 138 have a petition with 100% of the residents participating.

King stated this was on Kenny's list and estimated \$19,000 to complete this.

Road and Bridge - Priority Road Work Setting

Tuesday, April 15th at 9:30 A.M. was set for a workshop to determine priorities for Road and Bridge.

New Work/Hours Schedule

King announced the new "4 - 10's start today in Road and Bridge. King stipulated that two staff must be working on Fridays. The mechanics are on rotation and under a standby policy that basically means they can respond by telephone in 30 minutes. King added they are not compensated when they are on-call. Don the case law and the way it is measured is the more you interfere with their personal lives, then you have to pay overtime.

Black Diamond Road - Continued

Commissioner Martin requested clarification regarding whether Black Diamond Road was a County Road. *Don* responded that it is not a County Road as it lies and has not been for 60 years. There is a road up there but not where it currently lies. The current road was not been dedicated through nor accepted by the County. The reason for all this legal gymnastics is this - the last time he looked, the 20 year time-frame for adverse use had not passed. We are getting real close to that now and would look into it. The county does not have a Court declaration that it's a public road by prescriptive use. If the 20 year period passes the County could probably do this because of the maintenance we've performed and general use of the area. However, the other part that is cloudy on this is when this was dedicated it was not dedicated a public road but as a specific easement for properties that lay along the road. This makes it a little tougher to show the prescriptive use when the original intent was not for a public road and it does not access public land. It goes up and it dead ends on private land. So with all of this said, at this point it is questionable whether it is a County Road or public road for that matter although certainly it is treated that way. This has been presented to two previous Boards and the perception was made that it was a public and County Road clearly. But to actually prove it, would be a difficult task.

Commissioner McCown asked if the County was receiving any funding for maintaining this road.

King stated yes we were receiving funds on a portion and he estimated approximately 2 miles on the road.

Chairman Smith indicated to *Don* that he need not take time to research this further at this point as there were other priorities to look at presently.

Commissioner McCown added if the County is going to claim it legally and keep maintaining it we are accepting the liability that money will need to be spent to keep it.

Chuck suggested the folks using the road could form a special district and pay the expense of maintaining it.

Commissioner McCown added if the residents continue to want service, they need to look at a district and could either hire the County or someone else to maintain it.

Don stated this has been told to people in subdivisions where they are clearly public roads that if they want above a certain level of maintenance, they would need to...

Commissioner McCown - he would be in favor of moving in that same direction. Otherwise we are accepting a tremendous liability.

Commissioner Martin added we are maintaining this road and we do not know if it is a County Road or not but we have County Roads in special districts and we are not maintaining them that are clearly public roads. He felt a decision needs to be made.

Don clarified that the County has got caught in a split in time period in County policy because just down the road there are dedicated public roads that we do not maintain because that has been our policy for at least 10 years if not more in accepting subdivisions.

Commissioner Martin stated policies need to be established and keep our feet flat on the ground. If they are using old policies, then...

Chuck - the problem is balancing this with the dollars we have available.

Chairman Smith stated there has never been a time when Road and Bridge has not been up there working on that road.

Chuck inquired for clarification, even it is just a County Road, if it requires significant upgrading, can we not require special district for upgrading?

Don stated if it's a public road you can treat it anyway you wish for maintenance. Once we've issued building permits and told people to build and then refuse to do like winter maintenance so they don't have access this may create a problem. You can choose the level of maintenance that is minimally adequate. If we accept funding, then we have to maintain it. *Don* added you can never require a special district, you can only do a special district by vote.

Chuck added but if they don't do it, they don't get the upgrade.

Don affirmed this was correct. We do that right now and have done so in that area right now.

Commissioner McCown asked King how demanding was the road on Kenny's time.

Kenny mentioned daily when it shows; Springtime he's up there diverting water off of the road; and in the Fall, the same thing when the sun melts the snow and has run-off. He termed this a very critical road.

King added in the Fall and Spring the road gets heavy snowfalls and the County cannot get equipment up there to plow it.

Don explained how the County got into this for the benefit of the new Commissioners. Initially it was not dealing with the maintenance of the surface of the road but Mahan was going to use the barrow ditches of this road to transport water from his siphon to Four Mile Creek. The question became could he use a public road for that purpose. That's why *Don* started to research about the status of this road and actually have had title work done on this road. The determination was that it was questionable at best that he could prove the existence of a public road and hence prevent him from using the barrow ditch. The status of Mahan's siphon is unknown to *Don* given that the Four Mile Substitutive Supply Plan is in place.

County Road 117

Don stated the Bershenyi deeds and construction easements are ready for King to take to Bershenyi but he still needs to verify the Alpine Bank of Carbondale has released their loan on that property before the deed is signed. This was to be done within 2 - 3 weeks but *Don* still hasn't received any final word.

Leavenworth still has not sent the material to their principals in Chicago. *Don* will contact them again this week.

Commissioner McCown stated King should call the bidding contractors and inform them their bonding companies are getting nervous.

King will relay it could be another 30 days.

Commissioner McCown stated they want to get the window between ski season and irrigation and if we wait another 30 days we might miss this. They wanted to start during this period of time.

King stated there is a ditch crossing that will need to be addressed and should be done the very first thing. Bershenyi has informed King as soon as the water is available, he starts irrigating.

Another solution would be to begin construction on the opposite end and leave the ditch crossing until last.

Cattle Guard Placement - North of DeBeque on Dry Fork

King identified the cattle guard requested to be placed at the intersection of the North Fork of County Road 222 to control cattle. The property owners will purchase and requested the County install.

A motion was made by Commissioner Martin to install cattle guard. Commissioner McCown seconded the motion; carried.

Landfill - Updated

King mentioned beginning April 27 the hours open at the Landfill will start the summer schedule. They will be open 7 days a week; putting a notice in papers; "clean up days" will have reduced rates meaning they collect appropriate State Landfill Fees and then waive the rest. This is upon request only and tires are an exception.

Commissioner McCown so moved and seconded by Commissioner Martin; carried.

PUBLIC HEARING - PLANNED UNIT DEVELOPMENT PLAN AMENDMENTS - ASPEN GLEN PLANNED UNIT DEVELOPMENT. APPLICANT: ASPEN GLEN GOLF COMPANY

Larry Green, Gary Lattie, P.O. Box 461 - Carbondale, Don DeFord, Chuck Deschenes, and Mark Bean were present.

Don determined that adequate notification was given and instructed the Commissioners they were entitled to proceed.

Mark Bean presented the following Exhibits for the record: Exhibit A Proof of Notification; Exhibit B - returned receipts; Exhibit C Application; and Exhibit D Project Information and Staff Reports. Chairman Smith entered Exhibits A - D into the record. Exhibit E, maps of the layout were admitted into the record. This is a Planned Unit Development (PUD) Modification to the Aspen Glen PUD plan for Aspen Glen Golf Company.

In relationship to the comprehensive plan, the PUD is identified as being an area for high density residential development, which allows for a density greater than one (1) dwelling unit/two (2) acres. This designation is based on the availability of central water and sewer to the project area.

The PUD Plan Amendment: It is proposed to amend the PUD Plan in four (4) different areas on the west side of the Roaring Fork river, as follows:

Changing the zone district designation on approximately 10.8 acres presently a one-acre zone district to the Golf Villa zone district.

Changing a 3.9 acre near the above described property, that is presently a one-half acre zone district to the Golf Villa zone district.

Changing an 8.3 acre area located between the river and proposed Bald Eagle Way that is presently a one-half acre zone to a one-quarter acre zone.

Changing a 16.4 acre area to a one-half acre zone district.

Overall, the requested plan changes will not increase the number of dwellings approved for the Aspen Glen PUD, but it will reduce the overall Golf Villa zone district area density from 8.1 du/ac. to 4.6 du/ac. as a result of increasing the area from 19.1 acres to 33.8 acres. The other residential zones modified will also be changed in area, but there will be no increase in the total number of dwellings as a result of the changes.

Recommendations:

The Planning Commission recommended Approval of the proposed PUD Plan zone district amendments at their February 12, 1997 meeting.

Larry Green explained that the map reflects the current layout and the colored areas are the subject of this request. The second map reflects the conditions after the changes in boundary made in respect to density. The whole thing is being driven by desire to reduce density in the Club Villa and Golf Villa Zone District. The way it is currently approved reflects 150 units in approximately 19 acres. When they got to designing in some of that, they realized it was too dense for the project and for the ground. Started looking for ways to expand the acreage devoted to the multi-family use and decided it made sense from a land planning to just extend the multi-family unit in a straight line along the golf course. The request is that the present 1 acre zone district convert back to Club Villas. It makes everything into 1/2 acre lots instead of 1/2 acre and 1 acre lots. The project at the end, next to Teller Springs convert back from 1/2 acre to 1/4 acre.

Mark stated there are still 630 units in 19 the same acreage with some shifts.

Commissioner Martin asked if this change affected any current landowner?

Larry Green - stated no.

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

Commissioner McCown made a motion to approve the amendment to the Aspen Glen Planned Unit Development for Aspen Glen Golf Company. Commissioner Martin seconded the motion; carried.

Telecommunications Board - Ordinance

Commissioner Martin stated he was very interested in pursuing the development of a telecommunication board. Some regulations are necessary. The purpose is to gain some control of the building, regulations and some possible revenue.

Direction was given to Dale to look into the formulation of the board.

Chairman Smith asked Dale to provide a draft including phone, cable TV, fiber optics and any other in the County Right A Way; telecommunication models and regulations; and those interested in serving; and submit it the Commissioner Martin.

Economic Development

Commissioner McCown stated he was interested in pursuing Economic Development on a County-wide basis after we see where we are going with the jail. There is a lot of holes in our economic development system simply because there is no communication between towns and cities. A plan hasn't been formulated on how he wants to proceed but basically something that involves the higher geography of the County so there is a central point. He added the Rifle Chamber this past week got on the Internet and has a page

now; the Airport has a page as well; and also City of Glenwood Springs. He said he wasn't sure what the cost would be to get a group together.

Chairman Smith asked if the Garfield Economic Development had any funds left.

Chuck suggested a private non-profit used to be here. *Chuck* stated it was established and just on-hold.

Commissioner McCown stated he would like to look at a different concept with more results.

Chuck added this needs to be a "one-stop shop endeavor" where someone who wants to relocate in this County can come in and find out the requirements for locating in a specific area. Have one person to know what the City will require and what the County will require.

Chairman Smith mentioned the worth of this.

Commissioner McCown mentioned the possibility of getting some help for expenses.

Mamm Creek Road - Energy Grant

Chuck presented the Mamm Creek Grant, the section formerly crossed out is going to cause some problems. Therefore, he asked Tim Sarno to send another page and in order to have the energy grant go through in a fairly expeditious manner, we have to - under Special Provisions - we need to go with the DLA's wording which was recommended by the attorney general's office. Tim has stated this requirement is there because they do make grants to some State agencies at times and these normally only apply to State agencies. Tim said any alternation in the wording will have a lot of delays and he could not guarantee it would get through in time for the County to accomplish anything on this construction season. *Chuck* said we do not have to do a security bond. This will be enough to do the Jenkins cut-off and a little left to do some engineering on County Road 320. The paving will be the million dollars, this is only the \$300,000 that we already have been awarded.

Commissioner McCown made a motion to substitute an unaltered page 6 and 7 in the Energy Impact Grant number 3082 Garfield County Oil and Gas Roads No. 3. *Commissioner Martin* seconded the motion; carried.

Deposit Holiday

Chuck stated he talked again with accounting on these deposit holidays and stated they would prefer to have a check verses a deposit holiday. *Chuck* explained what this relates to as - in our health insurance if the expense rating for the year is good, a lot of times they will waive the premium for a month and they call this a deposit holiday.

The Commissioners stated they did not have a problem with this; however *Chairman Smith* indicated they may do it differently this year.

National Day of Prayer - May 1st

Chuck indicated he had a phone call from Terry Meis regarding a request for May 1 National Day of Prayer. They are requesting to have a rally around the Courthouse to pray for the leadership in this Country. The Police Department did not have a problem with the request.

phone call - Terry Meis - May 1st National Day of Prayer. Talked with the Police Department.

Chuck said he discussed this with Don and Don stated it was okay as long as the County is not sponsoring.

Fairgrounds - Farm and Ranch - Judge

Commissioner Martin volunteered to be the Judge for the best vendor's booth at the Farm and Ranch event scheduled at the Fairgrounds on April 11.

Personnel Director Interview

Barbara Ramirez was scheduled for an interview on April 21.

Wildlife and Bird Structure

Chuck stated he has some conversations with the City of Rifle on navigational easements. They made a proposal which *Chuck* deemed as inadequate. The major problem is that they look at the navigational easement as a constraint on their property and *Chuck* looks at it as informing the public of something that is

already there. This is a real perceptual difference; however, he will continue. The main difference is bird strikes and not wanting any development there that would promote ducks and geese to congregate in the approach or take-off area. If a plane were to go down due to a bird strike, it would be a hazard to those on the ground as well as the pilot.

Wireless Communications Ordinance

Don stated he had a note from Commissioner Martin that he wanted to work on this. Don stated he had received the wireless communications ordinance and would review it and provide feedback. Don and Mark would develop the regulation since this is a planning item.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 4 MILES SOUTHWEST OF PARACHUTE ALONG COUNTY ROAD 300. APPLICANTS: THOMAS AND DONNA REPPO

Eric McCafferty, Thomas and Donna Reppo were present.

Don determined notification was adequate and advised the Commissioners they could proceed.

Eric presented this is a request for an Exemption from the definition of Subdivision for Thomas and Donna Reppo for a 326 acre tract of land located approximately four (4) miles southwest of Parachute along County Road 300. The applicants propose to divide, by exemption, the 326 acre tract into four (4) parcels of approximately 11.0, 11.0, and 14.0 and 290.0 acres each.

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees, per lot (\$600 total), for the creation of the exemption parcels, prior to authorization of an exemption plat.
5. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
6. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
7. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.
8. Prior to final approval, the proposed well shall be drilled and pump-tested for four (4) hours duration, with an opinion of the person conducting the pump test stating the flow will be sufficient for the intended use(s) and a well-sharing declaration shall be created. Additionally, the water shall be tested for nitrate/nitrite and fecal coliform bacteria content. All information shall be submitted to the Planning Department for review.
9. The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permit, prior to final approval.
10. That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance around structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Soil and geomorphic conditions on the site will require engineered building foundations and engineered septic systems.

"The individual lot owners shall be responsible for the control of noxious weeds."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

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

"No structure shall be placed closer than 30 feet from the high water line of the Colorado River or Spring Creek and no structure shall be placed below the 5010 foot contour interval as identified on the Floodplain Study Map C-77, without a Floodplain Special Use Permit."

Commissioner McCown made a motion to approve the SB-35 Exemption for Thomas and Donna Reppo located approximately four (4) miles southwest of Parachute along County Road 300 with the conditions recommended and listed as 1 - 10. Commissioner Martin seconded the motion; carried.

Minutes

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Board of County Commissioners minutes for the following dates: January 22, 1997; January 27, 1997; February 3, 1997; February 10, 1997; and February 13, 1997. Motion carried.

PUBLIC HEARING - SPECIAL USE PERMIT - FLOODPLAIN LOCATED APPROXIMATELY 1 MILE SOUTHWEST OF RIFLE, IN RIFLE VILLAGE SOUTH SUBDIVISION - LOT 15, BLOCK 7, APPLICANT: GLEN CLELAND

Eric McCafferty, Don DeFord and Glen Cleland of 54855 Highway 6 & 24 #40 were present. Don determined that adequate notification was made and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Eric presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Report and Staff Comments; and Exhibit E - a copy of the 1978 Zoning Regulations.

Eric stated this is a request for a Floodplain Special Use Permit for Lot 15 Block 7, First Filing, Rifle Village South Subdivision Glenn Cleland on an approximate 6600 sq. ft. site. The applicant proposes the construction of a new, single family dwelling on land that has been identified as existing within floodplain zone AO, a special flood hazard area that can be inundated by types of 100 year shallow flooding where depths are one (1) foot or less with associated velocities of four (4) feet per second, therefore, requiring the

issuance of a Floodplain Special Use Permit pursuant to Section 6.00 of the Garfield County Zoning Resolution.

Recommendations:

1. That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval, unless otherwise stated.
2. That the minimum, finished floor elevation of the residence shall be no less than 5311.5 feet.
3. The foundation shall be cast-in-place reinforced concrete footers and stem walls and all foundation designs should be based on site specific geotechnical soil and foundation investigations.
4. That site grading around the perimeter of the residence be such that there is a minimum grade of 10% for a minimum distance of 10 feet and all patios, driveways and sidewalks slope away from the house at a minimum grade of 2%. Beyond these features, the 10%/10 foot grade shall be continued.
5. All foundation construction shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.
6. Prior to the approval of a final inspection/certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the single family dwelling unit.
7. No basement will be allowed.

Commissioner McCown reminded Glen that flood insurance is needed and required.

Chairman Smith noted that no basement would be allowed and requested this be added in as condition of approval.

Tony Baron of County Road 170 has a lot in Rifle Village South. He stated the old protected covenants require two lots or more to make a building lot.

Eric responded that he had never seen these covenants until one hour ago mentioning the date of the covenants were 1972 and the original plat was 1967.

Don added the covenants are not enforced by the County rather by the Homeowners Association.

If, however, there is no Homeowners Association, an individual landowner in that subdivision can enforce the covenants.

Tony Baron added he would not have an objection unless Mr. Cleland was planning to put a hideous looking house like was recently put in.

Commissioner McCown stated this is a non-conforming subdivision.

Eric stated the lots as platted do not meet the 7500 sq. ft. and do not conform to the minimum lot size. He added the building permits require 25 sq. ft. setback both front and back and 10 feet on the sides.

Commissioner McCown stated the covenants appear to be in direct conflict with the zoning.

Don added they are not in conformation with the zoning. We enforce the plat as it was approved; the County does not enforce the covenants as part of their concern, however, as far as the building permit is concerned.

Glen Cleland stated he did not receive any covenants when he purchased the lot from the individual owner.

A motion was made by Commissioner McCown to come out of the Public Hearing. Commissioner Martin seconded the motion; carried.

A motion was made by Commissioner McCown to approve the Floodplain Special Use Permit adding condition no. 7 "no basement will be allowed" in addition to the other six conditions recommended by the Planning Commission. Commissioner Martin seconded the motion; carried.

PUBLIC HEARING - SPECIAL USE PERMIT - FLOODPLAIN LOCATED APPROXIMATELY 1 MILE SOUTHWEST OF RIFLE, NORTH OF RIFLE VILLAGE SOUTH SUBDIVISION.
APPLICANT: LAKE TOUEYE WATER SKI CLUB

Mark Bean, Don DeFord, Sherry Caloia, Ron Liston and Tom Zancanella were present. Don determined that adequate notification was adequate and advised the Commissioners they could proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; and Exhibit D - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - D into the record.

This is a Floodplain Special Use Permit for the excavation and placement of fill within the floodplain of the Colorado River/Helmer Gulch. It is a 79.0 acre tract of land located north of the Rifle village South subdivision, approximately one (1) mile East of Rifle.

The applicant is requested the issuance of a Floodplain Special Use Permit to allow the excavation of river gravel and the placement of fill within the 100 year floodplain of the Colorado River. The applicants propose to excavate an area of approximately three (3) acres at the west end of an existing lake and use the material taken out as fill for some proposed additional recreational facilities. The excavation will be 6 - 8 feet deep and will result in the extension of the existing lake 450 feet. The proposed lodge will be build at least two feet above the existing ground level to meet the minimum requirements for the placement of a structure in the floodplain fringe.

Recommendations:

The proposed floodplain permit is technically separate from the proposed resort Special Use permit and is also a technical exercise done by a hydraulic engineer. Staff recommends approval of the Floodplain Special Use Permit, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.

The Special Use Permit shall be issued when all conditions of approval are met and shall expire 360 days after issuance, unless the operation has commenced.

That all construction be in accordance with the engineering specifications and comply with the provisions of the Army Corps of Engineers nationwide permits for this type of floodplain/wetland development.

That an engineer design the foundation for the proposed lodge to insure that it meets the floodplain regulations and that an "as built" elevation certificate be provided to the Building Department prior to the issuance of a certificate of occupancy.

That no material will be transported off of the site and sold commercially to any other entity.

Add the letter received from the City of Rifle regarding their willingness to permit the relocation of the sewer lines.

Ron Liston stated he was representing the applicant.

Chairman Smith - commented there were wetlands on both ends.

Sherry Caloia stated she had spoke with Tim Moore and Louis Meyer and the City is in agreement to relocate the sewer lines. They are not in total agreement on the lines but the permission to relocate the lines was given.

Tom Zancanella addressed the sewer line replacement.

Chairman Smith - requested clarification on the building level.

Mark Bean stated it was 2 feet above the 5274 finished floor elevation. Floodplain is 5272. He referenced the staff report page 8.

Public Speakers:

Bob Bien of 0110 Winchester, Rifle Village South - mentioned objections and questions including:

Additional traffic on a bridge that is somewhat shaky; another concern is small children in the neighborhood with the extra traffic and liquor and drinking at the lake. He also asked the current zoning of the property as it is at the present.

Mark Bean stated it is Agricultural/Industrial and in respect to the traffic, liquor and use of the lake that these issues will be reviewed at the Planning Commission on Wednesday, April 9 and not here today. This is an industrial use and only asking review of a special permit.

Larry Schribner of 471 Harmony Drive - The City of Rifle is adding sewer treatment ponds immediate to the west. This is not a treatment plant - it is a cesspool.

Ron Liston - the applicants have been aware of the existence of the treatment ponds. The intent of this lake is for slalom skiers but this area will be used mostly for practice. Looked at the property traffic pattern and there would be a small percentage of additional traffic. With respect to the issue of liquor being used in the area, Ron responded this is a restriction to skiers. He added there are strong regulations and very concerned with safety.

Larry Schribner - addressed his concern regarding the noise and traffic of 25 to 30 members and friends of the family. He inquired as to what size of motors would be used to pull skiers? 140 hp; hours of operation; amplifiers for announcing; safety; emergency problems; pollutants that would go into the lake; and the environment and fish that could be endangered.

Ron Liston - clarified that the proposed membership was 15 members.

Mark Bean added there was a 48 capacity proposed at this facility - 15 families.

Chairman Smith stated the Public Hearing for the Lake Toueye Water Ski Club Special Use Permit will be heard on Monday, April 14 at 10:30 A.M.

Donna Bien - questioned the zoning; adding that it sounds like a commercial resort.

Mark Bean stated the property is currently zoned to allow this type of use. The resort designation will be discussed at the Planning Commission Meeting on Wednesday and not today; this is a different subject and is a separate public hearing.

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

Commissioner Martin made a motion to approve the Special Use Floodplain Permit and include the letter from the City of Rifle as Condition No. 6. Commissioner McCown seconded; carried.

DISCUSSION WITH CONTRACT EMPLOYEES

Dale Hancock requested his interview with the Board of Commissioners be conducted in the same environment as all other department heads.

Bids

Dale reported on the Jail temporary structures; Spacemaster has not submitted a bid to date on the modulars. The bids will be opened at 5:00 P.M. Proposals will be opened and read aloud in the meeting.

Alan Engineering Company - price - \$927,313.00 for Sprung Structures and does not include permit fees, taxes. Turn key operation with a time frame of 2 years.

Francis Constructors - bid was sent Federal Express but had not arrived in Dale's hands.

Don informed the Commissioners that the County may reject any and all proposals; and/or if Sprung Structures are the sole bidder. He reentered the procedure stating if the bid is received within the building but not to the correct department; or there is clear evidence that the bid was sent before these were opened. The bid award discussion was continued until Thursday, April 10 at 2:30 P.M.

Scheduling - Permits

Information scheduled for the City of Glenwood regarding the primary jail and the temporary structures was discussed. Thursday, April 10 at the City Council meeting is the date when the City Council will discuss the footprint as amended from the original draft shown on March 20.

Jail

Sheriff Dalessandri, Dale Hancock, Chuck Deschenes, and Don DeFord was present for a discussion on a general overview of cost of operation. Don stated by the 15th of April a submittal of the general overview

of the jail project which appears to be a fairly critical week. By the 15th the County is supposed to submit major development plans for the primary jail as well as the temporary jail. These do not need to be engineered drawings at this point but they are much more detailed than what has been submitted heretofore. Also, at this point, need to submit plans for the building the County is going to actually build. At this point, changes may alter some of the criteria forcing us to meet new regulations. There is an obvious problem with the temporary structure, but focusing on the primary jail, that also needs some decision making in terms of cost as this has a bearing on how the building looks, the size and the layout. Don stated based on conversations with Alan Matlosz, this is going to enter into his recommendations as financing. Funds are put into a temporary facility must also be taken in consideration as to what we can do with the permanent facility.

Don indicated both Reilly/Johnson and URS are looking to him for contracts to be signed in the near future and Dale has some bills that need to also be paid from these firms. The soils test was \$6,000. A bill from Johnson \$4,400 plus reimburseables. Therefore, Don felt this was the time to look towards the sources of funding.

Additional discussion included: Jail population; staffing and staffing costs; DOC's numbers; total number of beds - capacity clarification when opened compared to the opening numbers.

Tom added the cost to build for a maximum of 234 beds would bring it to 12.5 and with fees to 13.0 million when finished. Tom projected with DOC and other neighboring Counties that we owe favors - we would be gaining income from about 30. He added that he didn't want to become a commercial entity.

Dates

May 27 - Planning & Zoning - Major development

April 15 - application needs to be submitted.

April 22 - conceptual review confirm with Mr. Donaldson April 8

Decision - - 1) if we don't give Reilly/Johnson the go-ahead they won't be ready in May
2) if City turns it down - waste money.

Temporary Facilities

A bid was received from Francis Construction at 5:05 P.M.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to consider the bid received from Francis Construction as clear evidence of mailing and receiving on the date due for bids; carried.

Bid Award Continued

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue this meeting until April 10 at 2:30 P.M.; carried.

Executive Session - DeFoor Litigation

A motion was made by Commissioner McCown to go into an Executive Session to discuss the DeFoor Case. Commissioner Martin seconded the motion; carried.

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

Recess

APRIL 10, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The special meeting of the Board of County Commissioners began at 2:30 P.M. on Thursday, April 15, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Deputy Clerk of Board, Marian Clayton.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 2:55 P.M. Chairman Smith stated this meeting was called to discuss the jail and the alternate site for transporting prisoners while the jail is built.

JAIL DISCUSSION

Sheriff Dalessandri, Al Maggard, Jail Advisory Committee Chairman, Chuck Deschenes and Dale Hancock were present.

Bob Johnson, Reilly/Johnson Architect - Main Jail

Dale stated this was one of the first concerns because it had to do with finances on professional fees and this is the required number of dollars excluding reimbursables that will take us to the major development process with the City of Glenwood Springs. This is just for the main jail.

Basic Services for completion of Schematic Design for 75,700 sq. ft.. facility	\$118,000
Additional Services for Civil Engineering for Schematic Design same sq., ft.	2,000
Additional Services for preparation of Site Plan for "interium/temporary" jail at the UPL site	
1,000	
Additional Services for Civil Engineering required for the Major Development application to the City of Glenwood Springs, due 4/15/97	880
Total Compensation (excluding Reimbursable Expenses)	\$121,880

Dale reported he had spoken with Mark Donaldson this morning regarding the conceptual review in front of the Planning and Zoning Commission which is scheduled for April 22nd but this is not a mandatory appearance. It was the County's understanding that at the conceptual review before the Council that the P & Z will be there. Mark stated he doesn't think we should go to the conceptual review at the P & Z on April 22nd. Dale stated he spoke to Sam Skramstad at the jail advisory board this afternoon and he affirmed that. Dale asked to waive attendance the April 22 P & Z meeting.

Dale also mentioned that Sam Skramstad stated the amended zoning will be held with the City Council on Thursday, April 17th.

Public Notice/Special Use Permits

Don stated he was fine with his public notice. He also confirmed the May 27 Agenda for the P & Z Commission at the City of Glenwood Springs.

Don stated he would be doing the notice for both the Special Use Permit and major development for both options.

Dale stated he and Commissioner Martin had a meeting with City staff this week to talk about submittal requirements for the major development and Dale surfaced the issue about being of a mind that there is a 3 week requirement versus a 6 week requirement. Dale stated that we are operating off of some old regs so

their new regs clearly state 6 weeks submittal but it is designed to have dialogue between the City and the Development during that 6 weeks. Therefore, it doesn't have to be a concrete representation. Commissioner Martin added they want to use that period to work out all of the glitches, all of the problems and concerns and then present it to the Council in its final plan. They are willing to work with us even on a daily basis if necessary. They have been in contact with Reilly/Johnson.

Commissioner McCown reiterated the 6 week period is mandatory.

Commissioner Martin stated yes, it was in their regs.

Dale added he had talked to Bob, a phone conference after the City meeting, and he can make the submittal requirement. There was some concern about the engineering parts of that but this was discussed with the City as far as what Schmueser Gordon Meyer would be required to provide for that.

Commissioner Martin - he felt comfortable with all of the things they needed.

Chairman Smith - it looks like one of the things we have to decide on then is the total compensation excluding the reimbursables. An invoice that is \$42,750 plus \$1,000 plus reimbursable expenses. And the second invoice will be for approximately \$80,000 which will be a part of the \$121,880.

URS

Dale stated the involvement of URS at the major development stage amounted to a comprehensive cost estimate of the project. Reilly/Johnson can't get to this for a 30 day period of time what he thinks are reliable cost estimates for the project. Dale spoke to URS to see what resources were available and they would be able to provide in their opinion, a reliable figure. What we would gain is a two week period of time is all. This would be a charge of about \$18,000 bucks just for them to do the cost estimate.

Commissioner McCown asked what Reilly/Johnson was going to charge us?

Dale - as he understands it, it is part of his fees.

Commissioner McCown stated he felt the two weeks was worth waiting for.

Chairman Smith agreed.

Dale added this would be the checks and balances previously discussed. We have a cost estimate that is due at the schematic design which is now, then a cost estimate that occurs at design development, and then a construction document. There will be three of these to make sure we are in sync with the budget.

Commissioner Martin agreed we should stay with Reilly/Johnson.

Commissioner McCown added as long as the two weeks will not blow us out of the water with our financing.

Dale stated they had a meeting in Denver yesterday to establish a critical path and they will be getting to us by the first of next week which will have some landmark dates attached.

Commissioner McCown confirmed that this was URS and Reilly/Johnson.

Dale - yes, in the same room and working together.

Commissioner Martin stated this is a different critical path than was presented when they were here.

Dale - yes.

Commissioner McCown - so they are working together.

Dale - yes. And he talked with both of them yesterday and he did not detect any disharmony.

A motion was made by Commissioner McCown and Commissioner Martin stepped down as Chair Pro-Tem to second the motion to authorize engagement of Reilly/Johnson through major development as based on the cost figures presented; carried.

Bids

Allen Engineering Company/Sprung and Francis Constructors/Space Master.

Dale suggested the bids be reviewed. These are not appreciably different than what was before the Commissioners at 5:00 P.M. on Monday, April 9 with regard to dollars. Dale said he had some questions that he thought were not responded to at the level needed. He has asked each one of the bidders to respond to the unanswered questions and stated he is expecting a facsimile answering those concerns. Neither one of the proposals addressed removing the steel box from the site which is a big piece of this and Tom wants to get all the inmates back that are farmed out so we need the bed space for doing that. In order to have the bed space, we need to have that modular over there and Tom needs to have it there to take care of the bad boys. Otherwise they are looking at dormitory living for the rest of them.

Commissioner McCown clarified that moving the steel box was part of the RFP.

Dale - yes and neither one responded to it.

Dale stated neither responded to moving the steel box - Monday was the deadline for the bids. Sheriff Dalessandri asked for the two bid dates for work release and the temporary structures. Dale responded May 15th for work release and 5:00 P.M. April 9 for the temporary structures.

Dale stated Francis Constructors is acting as the general contractor for Space Master. Discussion included - a 2 - year lease then purchasing it for \$1.00; the possibility of using the structure at Road and Bridge, or put it in Rifle as a work release unit.

Sprung's bid is \$200,000 more and they do not have a lease option.

Dale indicated Space Master is 9 trailers put together. Tom liked they layout of the Reilly/Johnson's facility better. The configuration was easier for security and took into consideration moving them around for food service. He also expressed the possibility of sub-contracting some of the fencing and lighting out ourselves.

Dale showed the designs of the temporary structures. He added there will be 15,000 sq. ft. more than what is in the current facility.

Dale indicated the opening date for the temporary facility was committed to July 18th.

Major Development Plan

Don stated we need a major development plan submitted. Dale told both URS and Reilly/Johnson that they needed to do this.

Moving the Lift-Up House

Commissioner Martin stated in regard to moving this building, the cost will be \$20,000. Several were interested but did not want to pay the \$20,000 to move. Chuck stated we only had one offer which was John Hazen. Commissioner Martin stated we need to get this going and give him a deadline and confirm he wants it. Put him on a three-week time-frame. A date of May 1 was set.

Demolition of the Little House

Demolition and/or a fire fighting exercise was discussed.

Financing

Chuck stated he had spoken with Alan Matlosz and he can get the documents to the County within the time frame; Blake Jordon also and he suggested a title company do the work on the parcel. Chuck said he felt they should start this right away.

Facsimile Received

Francis Constructors faxed a proposal amendment with a revised bid proposal amount of \$770,000.

Don mentioned it was legal to proceed with the discussions with Francis Constructors as they are the low bidder.

Conference Call

The Design = 8820 square feet
Dave Ash, Mark Francis, Vice President and Sean Haas, Project Manager were included on the call.

Dialogue

1) due to the contingencies - explain
Francis Constructors guaranteed the maximum price will take out the risks. He wants to make sure of 117 inmates housed; medium and maximum inmates; and sq. footage needed per specifications.

Kitchen relocation - \$42,000 to meet code requirements.

A decision was made to defer any decision until Friday, April 11 to award a bid.

Give Francis builders till Saturday -

Executive Session - Litigation on DeFoor

Don requested the Sheriff remain for the discussion.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the DeFoor litigation issue; carried.

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

RFRHA

The RFRHA issues were discussed and Don provided an update.

Commissioner Martin stated he was not in favor of the agreement.

Don commented that the meeting today was a difficult meeting. The wording had in "operation of a railroads" and they didn't like it. This also upset Worster. They will do more investigation; rail banking on jurisdiction.

Worster asked QWest to relinquish their collateral easements and to confine the building to the right-of-way and even under this arrangement, QWest could relocate through the trail and Don said they could relocate on the rail.

Don added there will not be a PUC meeting. Glenwood has withdrawn their request on the 23rd street removal of the rail. RFRHA was not happy with this as they don't want the rail lines broken.

Budget Items- Time Frame

Chuck stated in talking with Blake and Matlosz he felt strong a need in identifying the budget for the jail.

First Quarter Sales Tax

Georgia has requested to refund the Communication Authority on a monthly basis.

Personnel Director

Chairman Smith stated Pat Hays pulled his application therefore, she moved the orientation to 1:30 and first interview at 2:00 P.M. on Tuesday, April 28.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn the meeting.

APRIL 14, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 14, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the agreement with the Department of Health and Environment for the indirect cost agreement; carried.

COUNTY ADMINISTRATOR

Fairgrounds Contracts

Beauty and Beast Riders

Commissioner McCown made a motion to authorize the Chair to sign the Fairground Agreements and Stall Rental Contracts for the Rifle Ranglers and Garfield County Little Britches for May 5. Commissioner Martin seconded the motion; carried.

Kenny Latham's Annual Horse Sale

Commissioner McCown made a motion and Commissioner Martin seconded the motion to authorize the Chair to sign the Fairground Contracts for Kenny Latham's Annual Horse Sale to be held on May 5; carried.

Jean Cole's Certificate of Appreciation

Chairman Smith directed Chuck to write a letter to Jean Cole and include the certificate of appreciation signed by the Commissioners.

Airport

Chuck presented the Notice of Award and the Notice to Proceed for the Commissioners to review regarding the contract to re-pave the airport. He requested the Chair be authorized to sign the Notice of Award and the Notice to Proceed, however omitting the date on the Notice to Proceed.

Commissioner McCown made a motion to authorize the Chair to sign the contracts as stated.

Commissioner Martin seconded the motion; carried.

Judge at the Fairgrounds - Best Booth

Chuck presented a request from the Fairgrounds to have a Commissioner judge the best booth in the event scheduled for April 19 at noon. Commissioner Martin volunteered.

DISTRICT ATTORNEY - DISCUSSION/DECISION - TRIDENT GRANT

Mac Myers presented a request from the District Attorney's office for an additional \$37,912 in his budget toward continued funding of the Two Rivers Drug Enforcement Task Force (Trident). He stated the department has received forfeiture funds of \$5,000 and the request of \$37,912 additional from county. Chairman Smith mentioned she was concerned that Carbondale has pulled out and for the record it is strictly Garfield County Mac is asking for the increase. Rio Blanco pulled out. The reason Rio Blanco pulled out is the structure and we can't get the people there quickly enough.

Mac mentioned there was a good chance of getting Carbondale back. They are setting up a planning group within the grant process. Pitkin County will probably never be involved.

Randy Vanderhurst was involved in the last meeting. Not a significant impact on drug control until participation with demand reduction. New Castle pulled out, Parachute never has been in.

Chairman Smith stated this is an important program for Garfield County. Not able to do much with drug control without being involved with the Trident.

\$65,000 from the Sheriff's Department goes into this program.

Mac provided the following statistics: 104 total arrest and of those - 98 felonies filed - 60 convicted - 7 fugitives - 7 dismissed - 3 of the arrests were adjudicated; 18 pending cases. Drugs - 35 pounds of Cocaine with a street value of \$980,000; 270 lb. of marijuana with a street value of \$270,000, 10 lb.. methadone for a street value of \$280,000. A total of \$87,000 worth of seizures which comes back into the agencies.

One of Mac's goals is to coordinate closer with Basalt/Eagle addressing juvenile crime. He added that he strongly supports drug seizures because it hurts the criminal by taking his possessions.

Chuck stated this was a year by year program.
Total contribution for the County is - \$28,816.00.

Commissioner Martin made a motion to approve the request for the task force match of \$37,912 for the District Attorney and sign the contract for the Trident Officer for the Sheriff's Department for \$28,816. McCown seconded; carried.

Bernadette Flohr

Chuck stated he had a letter submitted on the behalf of Bernie stating she had 250 days of sick and vacation time coming.

Brief Discussion - Finalizing Jail Numbers

Chuck suggested to go through the budget and find where we are going to pay for the payment costs on the jail financing.

Alan Matlosz, Blake Jordon and Barbara Brown have all suggested setting up a separate projects fund.

Re-Cycling Program

Georgia Chamberlain reported on the re-cycling program. She provided input into some possibilities of those who could assist with this program, including: Guy Meyer working with the trustees and useful public service.

An update was provided on Elmer Blackmore.

Chairman Smith stated paper is not moving currently and definitely not newspaper. Aluminum has stabilized at .60 cents per pound.

The Commissioners stated if this program is labor intensive and requires someone supervising a work release inmate then it is not a cost efficient program.

A suggestion was made to select one item at a time, set up a bid and see how the collection goes. If this goes well, other categories could be set up.

COLIN LAIRD - HMC TRANSPORTATION ROUNDTABLE - OFFICE OF ENERGY CONSERVATION GRANT

Colin Laird, Healthy Mountain Communities of P.O. Box 451 - Basalt presented a handout.

Colin provided a brief update on the project and opportunity for a grant. \$50,000 grant last year and HMC started a round table eventually turning it into a monthly meeting to discuss transportation issues to take a collaborative position to solve the problems. Quickly it became a discussion around what we can do. This year, due to the support of Russell George and Jack Taylor, legislation was on its way to Governor's desk. \$50,000 will take them through this year. This region is unique.

Colin stated what he is asking for now is for each local governmental entity to write a letter of support for these efforts and matching support of in-kind or funds. He need a 25% match totally. He suggested \$500 and \$1,000 per County.

Chairman Smith - inquired as to what type of in-kind he was seeking.

Colin - staff who has time to do copying, etc.

A motion was made by Commissioner McCown to authorize the Chair to sign a letter of support and for Garfield County to contribute \$500 toward the Healthy Mountain Communities. Commissioner Martin seconded the motion. Discussion - this would come from Mark's budget. Colin was to submit a draft to Chuck. Motion carried.

Colin asked the Commissioners to consider appointing someone to be a liaison between them and HMC. Next meeting for HMC is Thursday, April 24 - Rifle City Hall. 5 - 7 P.M.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Dave Sturges, and Al Maggard, Jail Advisory Committee Chairman were present.

Dale handed out information from Francis Constructors and stated Dave Ash was present to give the review.

Commissioner John Martin will work with John Hazen on moving the old Lift Up house.

Temporary Facility

Bob Johnson is doing the permit for major development and narrative. This is due 4/15 to the City.

Dale stated Dave Ash and the president of the company, Mr. Francis came over on Friday to flush out a retro fit using the UPL building as a holding facility. This is the product that has finally resulted from all of these recently held conversations.

Dave Ash, superintendent of the project presented:

On Friday, when we had the meeting with Dale they had already looked at the UPL building and the idea to build a facility within that building was feasible to use other than a few structural questions on the building that hadn't been researched which would take time and the other idea is that once they did build a temporary facility within the UPL building, the idea of leasing that to Garfield County was brought up and this was something that Francis construction was not interested in doing. They do build things, and with the modulars purchased from Spacemaster they are set up to handle the financing, etc.

Chairman Smith reiterated then that Spacemaster handles the financing.

Dave - on the original proposal they decided that it would be just as easy for the County to deal directly with Spacemaster on a new building and moving the existing Spacemaster building and then Francis would take care of the other normal duties of the jail contractor, getting it site ready with utilities, etc. and remodeling the existing Spacemaster to house administration, the kitchen and booking, etc. The handout to be submitted to the Planning Department was discussed which contains the check-list of what they want for their required information. Francis stated they had completed a temporary stick layout and also the layout of the new administration/kitchen building, etc. and roughly what the inside of the new Spacemaster building was going to look like.

Chairman Smith - the bottom line is \$420,700; \$14,500; and \$300,000?

Dave Ash - yes

Chuck added for clarification that even if they resolved the issue of financing there would not be enough time to do the UPL set up as there were too many unknowns.

Dave responded they could sell the Spacemaster when finished using it; lease for 24 months, then buy it for \$1.00. A facility within the UPL Building, that is lost money and nothing can be done with it when completed.

Chairman Smith - is this a guaranteed buy-back in the lease.

Dave - no. The deal would be that Spacemaster proposes to lease to the County for 24 months, then sell the County the building for \$1.00.

Dale - do not take delivery of the buildings, disassemble it and sent it back to Spacemaster at a cost of \$40,000.

Dave Ash - that's just a rough cost of what it would be.

Dale - in this latest version, they have addressed both the Spacemaster's removal from the existing site as well as the steel box modular going from present site across the street.

Dave - something else they did talk about was to do a cost plus an 8% fee which has a guaranteed maximum of \$300,000 because of the undefined scope of work. Every time we meet it changes just a little bit. This is what has to be done in order to smooth things out. He assured the Commissioners that Francis Constructors has a good idea of what the County needs and thinks the cost plus the fee would probably save

the County some money. If you go to the schedule of value, at the bottom in allowances - electrical relocation - \$10,000 - this was just a budget allowance given to them by the City. Because of the layout of these buildings, there is an electrical easement running down the center of this property and they would have to vacate the easement. They were thinking about moving all power poles on the west side of the property as well. With the new layout, the City will not have to go to this extent. The \$10,000 would therefore be less and of course....

Dale - Dave this means they would not have to vacate that easement then?

Dave - no, they need to vacate the easement, because they will need to put a building there. Now, they were going to move the utilities on the west side of the property which includes phone cable and electrical. The original layout included an exercise yard that was right on the property line and they city did not like the idea of having their access being used. They wanted complete access, full time on their utilities there, so rather than having to worry about getting into the exercise yard, they would just go ahead and move the utilities. Further discussion ensued regarding the formal layout and the easement.

Dave - with the new layout they have allowed a 15 foot roadway on the west side of the property to have access for fire trucks or whatever. He talked with the assistant chief and this is a good plan. The more requirements built into the site, the better the City likes it.

Commissioner McCown asked a question - using the formula provided from Spacemaster, the rental fees of \$16,203 for 24 months = \$388,872. Then you plug in the \$83,719 delivery, set-up whatever you call it, then the \$300,000 for Spacemaster (Francis) on top of that = \$772,591. Then you go back over and the other formula you do - \$300,000 for Francis, \$411,726 from Spacemaster and \$14,531 = \$726,257 which is a \$50,000 difference. Which is correct

Dave - they will not be the same bottom line - this final detail hasn't been worked out with Spacemaster. These numbers can be worked over some however, this needs to be handled directly with Spacemaster.

Commissioner McCown - on the April 10th letter has the number \$419,226 scratched through and \$411,026 is penciled in and he assumed this was a reduction. Then go down and do the computation on the \$16,203 a month lease, that's where he came up with the other numbers, the \$772 as opposed to the \$726.

Dave - what they are thinking is that on top of the \$726 number if you decided to ship it back you have to tack on that extra \$40,000 which makes the bottom line vary.

Additional discussion revolved around the particulars of the submitted proposal.

Dave added the exact needs for exterior security has not been defined and would need Tom's input.

Tom added that this was a busy layout and felt there was a need to maximize the efficiency. It is a big concern for him as the building is a weak building for security. Reilly/Johnson did a better layout as it allowed the movement of prisoners into the compound into a booking area across the Courtyard immediately into the facility. There is a lot of extra movement in this particular layout and this current situation as being discussed with Spacemaster/Francis Constructors holds big concerns for Tom. He explained the concern for outside control involving security stated unless you have outside control, anything you do with blind spots and more corners and moving within buildings creates problems and sees this as happening on the design.

Commissioner McCown asked if Reilly/Johnson's design would work for this.

Dave Ash stated they had not given them the adequate square footage they needed. Their layout, he had talked to Bob Johnson and the new modular was a lot smaller - from a 6,000 to 9,000 sq. ft. building. He stated this was something they hammered out over the weekend and there's a lot of things that can be changed within that may not really affect the bottom line and they are open to suggestions.

Chairman Smith stated her concern is that it is real important to take the time necessary to make it all work well with the temporary.

Dale - we have a regulatory concern that has to work as well. This has to be submitted by tomorrow if we are going to stay in that schedule provided to us.

Commissioner Martin - the layout - we should address this and change the configuration, not the size of the building.

Chairman Smith - I understood from Don that the time frame when this needs to be submitted as compared to when it goes to planning that you can be working on that.

Don - there are certain things that you have to submit. He did not participate in those discussions, but was told that the county should work with the planning department.

Chairman Smith - and if there are problems work them out.

Don - if you are in the ballpark... the whole idea is if you make changes, then you go and get a final approval. We have to submit something to the City by the 15th. He gathered from discussions that this time frame is very tight. The City needs the time to do the things they need to do as well.

Chairman Smith - so if you did not change the actual square footage but the configurations as how it was on the lot it means that you might be able to do that. And this needs to be done.

Don - keep in mind the 30 days.

Chairman Smith - We have worked with this for so many years that it is important to do it right.

Tom - the importance for the need of the temporary can't be understated. Two years that we have to deal with things.

Commissioner Martin - that is why the responsibility falls under the Sheriff to make sure that it is a workable configuration and if he hasn't had any input on this, he needs to - after we meet our submittal.

Dale - there is something even before that which has to do with addressing what the Board's position is with regard to the proposals received in response to the legal requirements associated.

Don - we have two proposals that were partially responsive to our request for proposals. Dale received from Francis answers to the questions that he thought were not in the proposals.

Dale - Sprung Constructors - although not responded to as fully about Dale's concerns as Francis did in the original. Specifically this had to do with the relocation of the steel modular from the current location to clear the site. This still is not there. There is still \$180,000 difference between the two proposals.

Don - discussed with Francis the possible alternative they being the current low-bidder, so there is a third option - which is a fixed maximum price with a cost percentage. The potential cost savings of going with the third proposal ...

Dale - about \$19,000 bucks.

Don - the first proposal from Francis

Dale - the first proposal didn't have the movement of the steel box. These final cost figures are not something he can state positively.

Commissioner McCown stated we are here today to enter into a contract yet we do not know what we are entering into and not in favor of moving on anything until we know how much.

Dale stated we have 10 days according to the RFP to go from notice of award to notice to proceed. This makes it April 21st.

Don stated he was concerned about the City's time frame and also shared concerns addressed by Commissioner McCown. These things need to be tied down as when Don reviews the contracts he needs to be able to answer the concerns of the Commissioners.

Dale asked about the mechanics and should this be a conditional award or submit the plan consistent with the City's requirements.

Don asked the Board would it be helpful to have a breakdown of some type of narrative or charge comparing from responsive proposals from Sprung and Spacemaster containing answers to Dale's questions compared to what is in front of them right now with costs of the two compared?

Commissioner McCown stated he did not feel Sprung could compete. What would help him is something from Spacemaster saying this is our bottom line and what it will cost us to buy from them. Cut to the chase and negotiate and have a firm price.

Chairman Smith reiterated what Dave Ash had said prior in that the Commissioners could negotiate with Spacemaster.

Dave stated he wasn't too familiar with the office out of Dallas but off the cuff this number seems high and he could negotiate with them for a final figure. With this scope of work and if this is adequate or necessary and agree, then pricing will be easy. Find details of layout and moving around will not affect cost. To define the scope of work has been the hard part.

This was re-scheduled for 4:00 P.M. today.

Francis would become the general contractor and refines the cost.

Dale asked if the Commissioners were inferring that Francis Constructors was the contractor. Don stated this is the final direction.

Commissioner McCown stated it has not been awarded, but when it is, they will probably how it was awarded.

Dave Ash stated the cost plus fee was to maximize the savings to the County.

Chairman Smith clarified that Francis Constructors was asking for an 8% fee with a maximum.

Dave Ash - right. They are also trying to use inmate labor and that also reduces the cost.

Don - cost plus a fee. Does this includes fees and materials.

Dave Ash - yes

Chuck stated he would like to see more detail on the Spacemaster Lease, the interest rate, etc.

Dave stated he could have something faxed over by 4 P.M.

Chuck also requested to straighten out purchase price as well.

Dale indicated in the past we did this with them. When we first entered into the agreement with Spacemaster it was a three-year lease for the work release and didn't prevail on the revenue bond election, we knew what the buy-out would be at a date certain which led us to buy that building.

Chuck wanted to see if they were giving us a good governmental tax exempt rate, if not we could purchase it and finance somewhere else cheaper.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to sign an application for the City of Glenwood Springs for vacation of the alley between Lots 1 - 9, Block 42 (between the Courthouse and present jail) bordering on the south; carried.

Jail Count

Total in Jail - no count given today

Executive Session - Purchase of Right-of- Way for Railroad

This was scheduled for 4:30 PM today with Walt Brown.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Eric McCafferty was filling in for Mark who was becoming a grandparent.

Building Report submitted and Planning Report submitted by Eric McCafferty.

Chairman Smith requested Eric submit information to Mark regarding the request of Colin Laird of Healthy Mountain Communities for \$500 suggesting that Building and Planning may be able to contribute 1/2 of the amount and King Lloyd from Road and Bridge, the other half.

Commissioner McCown stated they were also asking for a staff volunteer to serve on this Board.

Eric submitted the Building and Planning Report adding that Carbondale is leading Battlement Mesa in year to date totals with single family homes.

Resolution - Amending Resolutions No. 79-67 and 79-70 - Griffen/Pace

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with amending Resolution No. 79-67 and 79-70 to allow for a boundary line adjustment for Charles E. Griffen and Edwin and Dell Pace, Antlers Orchard Development; carried.

Resolution - Aspen Glen - Amendment - PUD

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of an amendment to the Aspen Glen Planned Unit Development Plan; carried.

Resolution - Floodplain Special Use Permit - Glenn Cleland

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Floodplain Special Use Permit for Glenn Cleland; carried.

Resolution - Conditional Use Permit - Aspen Waldorf

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Conditional Use Permit for The Aspen Waldorf Foundation; carried.

AMENDED PLAT - DIETZ SUBDIVISION EXEMPTION - PARCEL 1. APPLICANT: DON WILMOTH

Eric McCafferty stated the applicant Don Wilmoth is changing the building envelope and there is no significant issues to not allow this.

Chairman Smith requested more information before the Commissioners approve the request. She added they need a history update and clarification.

AMENDED PLAT - RIFLE VILLAGE SOUTH - LOT 1, BLOCK 9. APPLICANT: BATY/BURWELL

Eric McCafferty presented. Tom Stuver, Attorney stated the Burwells owned present Lot 1. Mr. Baty owns two parcels that are owned but not merged in title. Parcel 1 and Parcel 2 - these were purchased for access and part of the legacy and these are landlocked. Mr. Baty negotiated with Powers and Burwell to acquire access from Village Street to those parcels and traded Lot 1, Block 9 - the triangle parcel, for access. The new lot line performs closely to the top of a gulch.

Tom Stuver explained in detail on the map for the Commissioners.

This did not require a motion however, it will when the plat comes before the Board.

Eric presented a letter from the Ranch at Roaring Fork Homeowners Association asking the Board to get approval of their waste water treatment plant.

Chairman Smith stated they did not have enough information to write a letter of approval.

Eric will respond to the request.

Eric presented the following requests and asked if the Commissioners wanted to refer these to the Planning Commission.

- 1) SUP - Spring Water Bottling Plant - zoned A/AR/D.
- 2) SUP Plant for Batch Plant - zoned A/I - 1 mile east of Rifle on Highway 6 and 24
- 3) SUP Storage - A/I - 2 miles north of Cattle Creek for Jammron for storage of 100 vehicles
- 4) CUP - Home Occupation/Cat Grooming Business

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer items 1, 3, and 4 above to the Planning Commission; carried.

DEPARTMENT HEADS

Guy Meyer requested to use the Commissioner's offices for an IMG Training Session on Thursday.

Approval was granted.

EXTENSION

Carol McNeel presented Foundation Benefit tickets to the Commissioners. She stated it was to be held at the High School and a dinner from 6 P.M. - 10 P.M.

Other functions to report included:

Human Services Commission was attended and a food bank was established.

Extension will man a booth at the Home and Garden Show during the weekend of April 18.

Week-long horse camp with 100 kids who will camp out and be involved.

Committee on Home-Based Business meeting - Beaver Creek - May 1.

PUBLIC HEARING - SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION FACILITY (PRIVATE WATER SKIING CLUB) LOCATED 1 MILE SOUTHWEST OF RIFLE, NORTH OF RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANT: LAKE TOUEYE WATER SKI CLUB

Eric McCafferty, Don DeFord and Sherry Coloia were present. Don determined adequate notification was given and advised the Commissioners they could proceed.

Chairman Smith swore the speakers in.

Eric admitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Report; and Exhibit E - a copy of the Zoning Regulations of 1978.

This is a request for a Special Use Permit for a Resort on a 79 acre tract of land located south of Interstate 70 and north of the Rifle Village South subdivision, approximately one (1) mile west of Rifle. The applicant is requesting approval of a special use permit for a resort to allow for a water skiing club. The applicants propose to expand the size of the lake by approximately 2.6 acres and 450 feet in length. The lake would be expanded in length from 1700 feet to 2150 feet as a result dredging out an additional 2.6 acres of land to a depth of 6 ft. to 8 ft. in depth on the west end of the existing lake. The applicants propose to phase the improvements to the proposed club over a two year period. The first year would include the expansion of the lake and basic grading and drainage improvements to create member parking and boat storage areas, a boat dock and certain outdoor recreation facilities associated with the outdoor activities. The second year would see the addition of a clubhouse, swimming area, gasoline facility and additional outdoor recreational facilities. In the first year drinking water would be hauled onto the site and sewer would be provided by portable toilets. In the second year, the proposed clubhouse will be served by City water and sewer. Access to the ski club will be via the Rifle Village South road system, coming off of County Road 320.

Amended to include verbatim transcript of the hearing: 11/4/97

Eric stated that at the Planning Commission meeting some letters were submitted. One from an individual who once leased the property and supports the proposed use; the other is from an adjacent land owner who has no objections to the proposal - these are contained in the staff packet.

Finally, at its April 9th meeting, the Planning Commission approved the request with the following list of conditions:

1. All representations of the applicant, either within the application, or stated before the Board of County Commissioners, shall be considered conditions of approval unless stated otherwise by the Board.
2. There will be a maximum of 48 members/guests at any one time on the site.
3. That water skiing will only be allowed between the hours of 7 a.m. to 9 p.m.
4. All boats shall be muffled, with the exhaust system venting underwater.
5. Any external lighting shall be oriented inward and downward, so as not to reflect or shine on any adjacent property.
6. That the construction of a clubhouse will require that the plans be certified by an engineer at the time that a building permit is submitted. Upon completion of the building, an elevation certificate shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy.
7. That the applicants provide an access easement along the north and east sides of the lake for the property owned by the Anderson estate.
8. Any change to the regulations regarding boats, guests or use of the course shall be approved by the Board of County Commissioners, as an amendment to the Special Use Permit.
9. The applicants shall submit a letter from the City of Rifle stating its approval of the relocation of the existing sewer line that crosses the western portion of applicant's property.
10. The applicants shall submit a letter from the Garfield County Road and Bridge Department supervisor stating that the existing roads and bridges providing access to the site are adequate for the traffic that will be generated by the proposed use.
11. The Special Use Permit authorized for this land use shall be subject to review, by the Board of County Commissioners, on November 3, 1997, at 11:30 a.m.
12. That the regulations governing operation shall be amended to the following language:

Guests will be your responsibility and must sign a liability waiver before using the lake in any way. An individual membership member may only bring two guests. No guests after 4 p.m. No guests at all on weekends or holidays. Members must always be present with guests. At no time shall there be more than 48 individuals, members or their guests on the site.

Pets: Please, leave them at home. If you must bring them, they must be under your strict control. You will be responsible for their actions and will be expected to clean up after them. At no time shall pets be allowed to wander off the property.

Commissioners:

Chairman Smith - Eric you mentioned the bridge, did King give you a letter in writing or anything on that bridge?

Eric - I don't believe we have anything in writing.

Chairman Smith - Did anything go to King on this?

Eric - I can't answer that.

Chairman Smith - Because I thought that was one of the bridges that in the last bridge report we got was one that had a different reading given to it.

Eric - I don't remember.

Chairman Smith - But I think it would be real important for us to check with King on the weight of that bridge.

Eric - we did have some discussion this morning with King on a different matter in Rifle Village South Subdivision and uh he didn't seem to indicate anything.

Chairman Smith - he didn't say anything?

Eric - anything wrong with this proposal. To what degree he understands the proposal I do not know.

Chairman Smith - well, that's why I asked if you had run it by him on this particular bridge.

Questions of Eric?

Commissioner McCown - no

I'm Ron Liston with Land Design Partnership representing the applicants, my address is 918 Cooper Avenue, Glenwood Springs. Let me go through uh a little bit more detailed explanation maybe give you a better feel of the character and nature of what we propose for this resort which I'm a little bit accustomed to cause it looks like we have a club house as a resort. The access is as Eric pointed out comes in through Rifle Village South into the project here, this area is existing reference Anderson Pond, we are expanding this area to the East possibly a little small sliver, excuse me, on the West a small on the East possibly to expand the length of the lake to accommodate the ski course in here. Just a little bit on really what the folks are doing here is taking a use that's been active on the lake for some time and bringing it in trying to make it a little hard for turning for this tournament training. When I say tournament/solam skiing we're not taking about having tournaments down here. This is so that they can train and go someplace else to have the tournaments. But it is strictly a training ground and that's the primary focus of this whole project is to accommodate that type of skiing and activity. There are some other activities that will accommodate while they're there such as if it's too windy, they can, they'll allow a small boat sailing, uh they will be allowing a swimming area, a picnic area, picnic shelter and the proposed club house. The club house is really directed at uh a place to store equipment, a place to change clothes, uh maybe if we really get exotic with it they may have a little kitchenette facility. So it's really just to accommodate the practical activities of the skiing endeavors down there. They will be the Club House located in this area, in this initial first year, first couple years actually, or what is proposed as the purpose to the lake all the excavations to the lake will go where it is shown on the gray area which is outside of flat lands they will be no gravel hauled off the site. There will be a parking area created for both just the membership being there and for the boat and trailer because a good number of the membership will probably leave their boats out at the site during the course of the summer maybe occasionally taking them out, but for the large part having them there at the site. There is an existing easement that comes down through the cross here where excavating, across the North side of the property to a very small underpass under the interstate. Uh we have contacted the appropriate people and getting approvals to relocate that easement so that it will round the Westerly end of the proposed excavation. And there will be - their road will be improved around that into this area. So that - the initial couple of years is just the parking, some boat ramps for access to the lake right in this area uh,

the picnic area maybe designating a swimming area possibly putting a little sand there and some landscaping to enhance the whole area. We have moved - messed around with the sewer a little bit and some other of the uses to try and preserve the large cottonwoods along I-70. The sewer line is fairly bold here, the existing line and it jogs right through our excavated area - we have submitted plans to the City of Rifle uh for relocation of that outside of the excavated area - we do not have a formal letter from the City of Rifle acknowledging that uh they have verbally, I think, talked to Mark uh about that - the engineers for the City have been somewhat slow in reviewing uh we met again with them on Thursday - they had a couple of minor changes to the plans and those have been revised and back in their hands again. So we'll have to uh - we still do not have the written approval from the City of Rifle. Just a verbal agreement that the concept in the relocation is possible. We do have an agreement from the City of Rifle to provide water/sewer services uh at such time we want to go with the Club House and request those services. Initially a port-a-potty at the facility will take care of the sanitation and the water will be hauled in. The Club House is not anticipated - it's anticipated in the future - at this point we don't know whether we can eventually justify doing that or not but it would be a nice thing to enhance the activities down there. The - just for your reference there are a couple of parcels that are in other parcels, one off to the East another to the West, this is two acres here and about 1/2 acre so this reference to the P & Z for an access acknowledging the prescriptive right into this property - we don't have a problem with the current easement into this piece that is along this edge - out of the way so it's not a functioning easement as such. The one other thing is the Club House, there will be permanent restrooms uh in that facility. I think one of the key things that I can do to give you an idea of what's being proposed is to review the general rules and regulations that the applicants have put together for the operation of this facility. I'm just going to highlight a couple - they're in the application packet - I just want to highlight a couple that uh that uh says - decree a standard for what occurs out there. First page if you've found it in the application and want to follow along under boats - they are restricted to a USA. water-ski approved that's associated for these types of water-skiers around the country. Approved or similar boat - tow boats. Approved tow boat with the open bow as possible to tell they have a boat of their own in the future. And that incidentally is what is in the recommendation by the P & Z that muffle into the water and don't have the noisy pipes going out of the top of the engine or anything like that. So it's a very fine type of boat that will be on the water. The use of jet skis, personal water craft fishing boats and other types of boats shall be prohibited. If you flip to the next page it takes at the top there about a minimum age of an operator being 16 years of age and most importantly the second item there will be a process of training drivers and only trained drivers will be permitted to drive. This is a requirement of insurance and safety purposes as well as protection of the slalom course and other property. And that training is based on again the National Associations basis for training. Just below that under guests - guests will be your responsibility and must sign a liability waiver before using the lake in any way. A single membership may bring one guest, no guest after 4 p.m. - you have to realize that these people are here for a purpose of getting some high quality skiing and they're not going to share it with a guest so there's no guest after 4 p.m. and no guests on weekends or holidays. Right there you've got some things that uh very specifically limit how many uh you know people are going to be down there. Uh also pets - please leave your pets at home. On the next page about the middle of the page, no skiing, driving or riding in the boat again if alcohol has been consumed - no exceptions to this rule. Those are just the highlights of a few things that uh - what's being proposed out there is not some sort of big public gathering type of activity and uh that the uh the intent is to get a high quality skiing experience and get a feel for that - a good skier, slalom skier, if he goes down there to practice, uh if he's got an average to a good day, he'll make three what they call sets and if he's really pumped up and somebody's in good conditioning might do four. And a set takes about 10 minutes to do - so basically it's six trips up and down that course. So it's not just racing all over the place and uh know having general hub la in that area. I wanted to point out that the - I did earlier - there's not tournament proposed down here - there's no loud speakers - uh to you know cause obstruction to the neighbors uh they will allow the membership to do uh some fishing and some swimming but the primary focus is the folks get in there, do their skiing and get out of there. From the traffic side of it, we in the application, did our best to try to present a physiological representation of what the level of traffic would be there, it's uh fairly minor compared to the overall traffic of that subdivision uh additionally it will tend to be sort of offsetting sort of peaks, they'll have very limited activity at the lake during the week time uh they'll tend to have when traffic is higher in the subdivision they'll have a little more traffic on the weekends when there's less traffic in the subdivisions. The bridge, uh, I don't know the details on that other than in - Tom you'll have a comment on that but we just don't have anything heavy going over it.

Tom - it's my understanding that the bridge is a 10 - 20 and 30 ton rating which is for two axles, three axles, and four and more axles uh 10 ton would be 20,000 lb.. If you had a car and a boat trailer or - it wouldn't come anywhere near the 10 tons. These boats are round 2,000 to 2,500 lb. for we have a factor of safety of 10 between - boats aren't an issue. Uh there is some concern for construction kinds of equipment crossing that bridge and certainly they would meet the requirements for that. The City of Rifle is in there now with their construction activities for the ponds - I think they probably took them on across and they've been caught on that and or putting in a culvert is what I understand. We'll either meet the tonnage or put a culvert in. So that's - however the bridge didn't fall in. So we've tried to give an idea that the traffic is not something of significant contract in any way whatsoever to the traffic within the subdivision. I would like to put into the record an additional letter we've received from uh one of property owners that sits on a bluff overlooking and that's from Jody and Kendall Lee at 119 Shotgun Drive.

Chairman Smith - this will be Exhibit

While we're in exhibits I'd like to enter the map.

Chairman Smith - and the map would be F and that would be G. Enter these into the record.

And Tom added that letter, the applicants assuming that those folks would be most likely to have concerns did talk to at least occupied residences along there. There have been two residences that have started this Spring, they have not found a occupier of those, there may be by now but they did talk to the three and we have letters from two of them uh stating their position and I think we have a very - a good hearing with the P & Z where uh I think a fair amount of mis-information was clarified and the recommendation of the P & Z is something we're totally uh in agreement with and acknowledge the prescriptive right of that access to that uh two acre parcel. So with that I'd be happy to answer any questions and uh anything else we can clear up for you.

Ron - I have one minor point of clarification, the uh proposed augmentation plan which is 95-CW147 allows for West Divide Contract for a Green Mountain Contract and uh Eric commented we had a Green Mountain Contract and we have a West Divide Contract.

Chairman Smith - oh I'm glad you clarified that cause I was wondering how you were managed a Green Mountain Contract.

Ron - I figured it was going to be an issue.

Chairman Smith - okay, uh in the application I noticed that you're actually saying typically ski activity will be 10 a.m. until sunset and they'll be no water-skiing after dark, so I guess the hours that uh the P & Z gave you -

Ron - yeah the 10 uh the applicant's desire when they in their rules and regulations - sunrise to sunset they knew that occasionally there'd be someone who would like to do the uh early morning ski but the majority of the activity would be a you known, mid-morning or so onto the rest of the day. And the evening is a very - probably the most important - as well as they say - they kick the guests out at 4 o'clock so it's a critical evening for them.

Chairman Smith - I guess I'm still a little confused on and it may not be straightened out but you've got 15 right to use memberships are projected and it'll vary between the individual family memberships and I guess the question I started to ask, Mark wouldn't let me, how many are involved in the family membership -

Ron - we have not said uh a maximum limit on that as such, our experience first off, that the higher number of memberships, look like they're going to be single membership and the typical family membership is a husband and wife. I think they've had inquiries from a couple people about family membership where they would include kids in that.

Chairman Smith - age limit is 16

Ron - so it's not specifically defined but again the character and nature of the skiing is not a bunch of joy-riding, it's out there doing some real intense skiing.

Chairman Smith - questions?

Commissioner McCown - not at this time.

Chairman Smith - and Ron the other question that I had in your future improvements, there's no date on them at all, that is where you include the facility for the gasoline.

Ron - yeah, that would be - we don't know when exactly that would be or we'd look primarily to a contract provider just to avoid the membership having to haul their own gas in and out and uh in the long run that seemed to be a more convenient way to handle it. And appropriate protective measures with that at that time.

Chairman Smith - Comments from people in the audience. We need you to come forward and give us your name and address for the record.

My name is Sanford Boyd better known as Sandy Boyd, I live at 121 Remington Drive and to start out I'd like to ask a question uh on them notifying by letter by adjacent property owner Rifle South Village is that considered?

Don DeFord - Certain properties in Rifle village South probably would be because adjacent, under our regulations, means actually touching.

Sanford Boyd - okay, some things along that, I'll start my comments once you enter, uh seven street Rifle South, you take a right and go down approximately 2 blocks you've got a 90 degree turn very narrow road, then you travel about 4 blocks, maybe 5 blocks, then you've got a right turn, 90 degrees, very narrow, actually both are accident prone. Then you travel approximately 9 miles and from the curve on Hwy. 320 is the turn off. That's a 90 degree turn. A very short distance. 20 - 30 feet away you've got a bridge. That bridge - two cars can pass on that bridge if they happen to be compact cars. Two normal vehicles cannot pass at the West end of that bridge there's an 80 approximately 80 degree turn, start with the bridge, and for a vehicle the size we are talking about there's no way any two of them can pass on that road. Something will have to be done there. Right now there's no traffic speed limits posted. There's a lot of kids in that area. There's going to have to be some sort of traffic control or it's going to get somebody hurt - get some kids run over.

Chairman Smith - oh did you mean in the stretch from where you cross the irrigation ditch on 320 there is no speed limit. Now if they don't stop and really look, even if they do stop and look, they're going to be half way out and someone's going to get them either coming West or traveling Southeast cause you can't see around it and we already have a speed problem out that on that and this will be adding to it.

Chairman Smith - now wait a minute, there's been some boat traffic on these ponds - as any of them had traffic accident when they come back on 320? You know?

Sanford Boyd - I don't know. No I don't. I've lived out there now for approximately 4 years and uh because I know - just like myself in fact when I pull up there I stop and I pull up there and I stop - I look both ways. And if you don't gun it, to get out into the other lane, the outer lane you are supposed to be in, you pull out there, somebody's going get you cause I've been pretty close myself - you know - I've had people to hit me there - they're coming around that curve, they can't see the inlet to - from

Chairman Smith - right there by the Church.

Sanford Boyd - and if you're coming around that curve you've got big problems there and I do suggest if this goes through or whatever that there be some traffic control - speed either designated traffic through there or speed cause - and that area is building up all the time and we're going to have more children out there. That's all I have to say.

Chairman Smith - okay thank you. Anyone else?

I'm *Arthur Scribner* the address 0580 Village Drive and uh I would elaborate a little bit about Mr. Boyd's that since I brought this up the other night at the PC meeting, the distance from the stop sign at the head of the road on Drammon Drive - the bridge is .07 of a mile. I clocked it the other day, and from the stop sign to the ditch which he refers to as where 320 intersects City line Rifle, that's 1.9 miles and from that stop sign again to the DOT building (Department of Transportation) that's 2.4 miles; to the Fire house at then end of the North side of Rifle, that's 4.1 miles. I spoke with the Fire Chief in the district the other day and there is time for running and this is within the confines of the City of Rifle is 12 minutes, so from the Fire House into South Village is 4.1 miles, 12 minutes in town going over there, if you do have any problems then you do have three bridges, I consider bridges if you look at it. The bridge across the river, the ditch because that was almost washed out two weeks ago and then you have the bridge from 320 into Village Drive. It is a very narrow bridge and in all likelihood there's a stop sign to make entry from Village Drive onto 320 with a trailer you're going to be almost extended or right to the edge of the bridge, if not on the bridge and like he said, there is a warning when you come around going Westbound on 320 saying that it is an intersection but before you see that sign you have to go around the hill right there. So you're coming into a blind spot and the trucks move for that matter - you're feeding up to 320 and 321 at the top of the hill going out toward Rulison. The other features is the amount of traffic. Actually you are looking at an area that it a cul-de-sac - Village Drive is the main route in there and it'll be the main drag as far as pulling boats besides having 90 degree angles coming in all over the place from City limits to 320 to Village Drive when you get up into Rifle, South Rifle, you're not going down, I haven't seen them do it in the past, to

make the right on to Shotgun Drive to make entry because then it's another right 90 and another right and then you have to make another left 90 degrees to back up to go down that road to drive straight down there. It, right now as it stands, a very narrow entrance. And the other thing is I haven't got the clear understand is the access road, that's a public access road. I believe from Brownie? and is that going to be made available to the community as it has in the past - they make reference to re-routing that road or that access and the okay with the adjoining property owners or is it going to re-route their road or public access on the Brownie continuation. Is that going to go through City property where they're putting up or tax sale.

Chairman Smith - I'm not sure - do you want to address this.

Ron Liston I can address the - the easement will be exactly as it is today.

Chairman Smith - the same easement?

Ron Liston - uh huh.

Arthur Scribner - are we talking about - well if that's case it goes straight through the property in that blue area up there.

Ron - the easement will be relocated to - physically it will be relocated but the terms of the easement will be the same.

Chairman Smith - the easement will go around the new area.

Arthur Scribner - not going to fenced or closed to the area residents.

Ron - no it's a public easement.

Chairman Smith - Ron do you want to show us on the map, Ron.

Ron - the new road easement will come down here off of Browning Drive continues around to the access of the interstate.

Commissioner McCown - so that will remain open to the public?

Ron - I don't think it's been open to the public in the past, it's been

Carol Allemon - now it's owned by C-DOT technically.

Ron - for the benefit of people they cut off by the Interstate

Sherry Caloia - for the benefit of the property owners on the other side of the highway and it's not an easement that is used

Arthur Scribner - it has been by the residences in the area have used that to go to the other side to get at the river.

Commissioner McCown - is that use restricted to the people that were cut off by the interstate?

Carol Allemon - I don't believe so.

Commissioner McCown - so it is considered a public easement.

Sherry Caloia - I'd have to check that and let me check my files here. I believe that's the case.

stated in the past she was trying to purchase the property and the road of discussion always had a lock on it.

Chairman Smith - there's a letter in here from C-DOT someplace.

Commissioner McCown - I saw it, I read it.

Chairman Smith - we did have a letter in here from C-DOT. It may have been the one to C-DOT. It's a letter to C-DOT but I thought there was one from C-DOT.

Ron Liston - It's a letter to C-DOT addressing the easement- the letter is in response to the change in easement submitted -

Chairman Smith - it must have been the letter to and not from

Sherry Caloia - I don't see a copy of that right now so I can

Arthur Scribner the other thing is the gate that was across the road has been locked where it hadn't been a couple months back and I don't know who put a lock on it but before it was always open.

Carol Allemon - 365 Vail Valley Drive we did involve in time to purchase and in purchasing the property for it will be two years at the end of May and it has always had a lock. We always had to have a Realtor when we were looking at the property before we bought it but we always had the Realtor there - the only time it's been open is when the sometimes the people who work at the sewer plant would go right through there and left it open. But every time we went down there we had to have a Realtor to open it for us.

Arthur Scribner the only other question I have is there's no mention of I understand they have a special use permit but is there anything that omits snow-mobiles down there. I mean we have ours from 7:00 to 9:00 at night for boating - what's to prevent them from snow-mobiles down there? They are noisy.

Ron Liston - stated this is not a requested use of the Special Use Permit by the Club Membership anyway.

Chairman Smith - snow mobiles is in your concept is not going to be allowed.

Arthur Scribner is that going to be in writing so we know that for sure.

Chairman Smith - well we can certainly make that a condition.

Commissioner McCown - do you have anything in your covenants that keeps your next door neighbor from riding a snow machine.

Arthur Scribner - my understanding of the covenants is that uh and I don't see anything about a snowmobile but I believe it did state a noise as far as noise or what they used it for if it disturbs the residence. But the problem seems to be - enforce these as an association which at this time they don't have but we are in the process of looking into that.

Chairman Smith - absolutely

Arthur Scribner - the other thing is emergency services. We've spoken about the bridge and the traffic. I'm aware of an incident last year with a seller - they had a fire on the tractor trailer at the main bridge going across the river - that held up traffic for over 1/2 hour and we're not talking about a 12' road or length but if we were to have something else like that, we are the mercy of the conditions over that on South Village - there's no way they can get in there with emergency vehicles and if there should be an accident on any one of them - either you make it wider or plan to do something about it and post it a little bit better. You do have a sign indicating that you have a code up there on 320 but where it's located, if you're unfamiliar with the area you come flying around there you could still wipe someone out.

Chairman Smith - well, we definitely need some signage and I'll jot that down.

Arthur Scribner - there is a sign of Village Drive as you come in - just as you start going West on Village Drive that is 20 mph.

Chairman Smith - and I think that is something in your general rules you should be going to putting in noting the 20 mph as people come down with their boats uh certainly should be one of your rules that they will obey all posted speeds.

Sherry Caloia - based on public discussions, we've already agreed to put - feel that we should put in the no speed and noise, trash even from and we've already addressed discussions.

Chairman Smith but you don't have it in there now.

Sherry Caloia - We certainly will be happy to.

Arthur Scribner - the other thing would be your storage of gasoline as to

Chairman Smith - that's a long way down the road. That's why I asked the question and it's just future potential but that nothing they have definitely

Arthur Scribner - but currently if they store boats down there and it depends upon how much and I understand these folks the - about 25 gallons so if you have 5 boats down there we're talking about 125 gallons. It's an area that's - there's no protection down there - it's adjacent to I-70 and anybody can walk right off the road and do most anything. Again it's a peril to the rest of the neighborhood.

Chairman Smith - well let me ask you, do any of your neighbors have boats?

Arthur Scribner - yes they do. That's something we'll have to regress in the future I would think due to the closeness of the homes whether it's just by - whether it's a lawn mower or anything else. Including sheds if you keep propane tanks in there all you need is one fire. I have no other things that I find pressing at this time. They pretty much covered what they feel they are going to do, it's whether or not it's enforceable. That's the other thing.

Chairman Smith - well I think that if it's a private co-op and there won't violate them, I think it's provision that renewal of their membership dealt with these rules in the year so people are very serious about being slalom skiers and practicing but they'll lose their practices. I think that is a sort of a hammer you have over their head.

Arthur Scribner - but is the - my understand of this special permit - what is it - how often do they renew that. Or is lifetime with that particular group.

Don - it's permanent and it primarily goes with the property. The Board can specify the review period of or of at if violations they can ask it be brought back to the board for review.

Arthur Scribner - can you put it in this agreement that if you agree with it it is subject to review if there are violations of these rules.

Don - that's in essence how it works.

Arthur Scribner - well that's all I have, thank you.

Sherry Caloia - with respect to that easement, I'm getting the document from my office and I can let you know what it is but uh it's our understanding that C-DOT has that easement specifically for the gravel pit access across the highway uh however, it is the intention of the applicant to honor whatever access has been there historically and so if it's the case where these residences can use it then they could continue to, if it's a case where they cannot, then they would probably restrict it so and I will let you know which one it is.

Chairman Smith - thanks Sherry. I guess since we've locked part of this area to the East of there because of drainage problems, uh you've got a wetlands there that sort of interferes with a lot on the East end of that that interferes with too much traffic through that area anyway.

Sherry Caloia - that's correct. And I also did confirm with King Lloyd, the bridge rating there - King says for tandem axles it's 20 tons.

Chairman Smith - okay, thanks Sherry. Other comments.

LaDonna Bannon - 0016 Winchester Rifle Village South I won't take up your time with going over all the things that we spent two hours the other night going over just to say that we still feel that there are very serious considerations for all of the residences of Rifle Village South concerning traffic safety and all these things already been talked about. I do want to very definitely uh I guess submit you might say, my concerns about the way this has all been, has taken place. The mis-information and I know your County Attorney stating in the beginning that this was all clarified at the Wednesday meeting. We don't feel that it was clarified. Uh

Chairman Smith - what questions have you still got?

LaDonna Bannon - concerning number one the public notification of the application and the meetings. Uh it was just a week ago Sunday that Commissioner McCown informed me personally on the phone that this had already been before the Planning and Zoning Commission and had been approved. The mis-information in the paper - I've always said, don't believe everything you read in the paper, however it to my mind at least I don't understand where the newspaper get the fact that the Planning and Zoning Commission is on a Monday night on April 6th at 7:00 P.M. A couple of residents showed up at that 7 o'clock meeting only to find that there was no meeting. Uh when I left Monday at your meeting I questioned about this again the County Attorney said well the paper of record for the County is the Rifle Telegram. The only notice of this application was in the Glenwood Post on March 21st. Now there are 65 residents in Rifle Village South who I would probably take a guess I read the Glenwood Post - it did not occur to me to read the Glenwood Post for the announcement for something happening in Rifle Village South from a legal standpoint. Uh if there are 10 other residents in Rifle Village South that read the Glenwood Post, I'd be surprised. So what I'm saying and I think it should be obvious to everyone that that in my mind does not constitute sufficient legal public notification of this group's application to come into our residential area as a commercial enterprise. Uh since we've had approximately one week of knowing we have not had the time to get the true feeling of the residents of the community. These people have talked to two residences out of 65 that hardly constitutes a total feeling concerning the application. Uh that's uh a - we've already talked about the road situation between Rifle South and Rifle Village South uh about two months ago we were blocked from getting over to the Rifle Information Center where we volunteer on Friday morning because a truck was blocking that second curve. There had been some type of difficulty and we just - all we could do was to turn around, go back home, try again an hour later to see if it had been cleared. There isn't any way that - if you had anyplace to call to say - can you get through the road. Now these are things that I think all of us you know have to honestly face that are serious concerns not as ones thrown out to us on Wednesday night that we were being paranoid. We are not paranoid. We are seriously concerned and I think that I'm not being paranoid or anything else to say that any of the Commissioners at Wednesday night's meeting as well as you folks if this proposal to bring a commercial enterprise through your residential community that the only way it can get there, I hardly feel that your decision would be a yes. And I would respectfully request that you give those of us 65 residents of Rifle Village South the same consideration because these are our concerns not only for today but for the future. Thank you.

Commissioner McCown - one thing, uh to make sure we have it on record. My initial phone conversation with you, I think, I did indicate that, but in the same day did I not call you back and give you exact times and dates for hearing.

LaDonna Bannon of Monday's hearing yes, with you folks. Uh

Commissioner McCown - Monday was the Special Use for a totally unrelated area of the excavation of the lake.

LaDonna Bannon - that is right

Commissioner McCown - did I also tell you that Wednesday night was the Planning and Zoning Commission hearing for this particular item?

LaDonna Bannon - not at that conversation no, we found out that the Planning and Zoning Commission meeting when I talked to Commissioner Smith that afternoon uh she said I have nothing in my packet said anything about their having been to Planning and Zoning. And Monday morning when we checked with Planning and Zoning is when we found out Planning and Zoning meeting was Wednesday night.

Commissioner McCown - thank you.

LaDonna Bannon - uh huh

Chairman Smith - Don, the legal notice was published in the Glenwood Post was it not?

Don - yes it was published in the Glenwood Post and while by statute we're required to designate a legal publication for the County and we have done that and it is both the Rifle paper and the Carbondale paper, uh our land use regulations permit publication in any paper of general circulation in the County and the Glenwood Post meets that definition.

Chairman Smith - and sometimes it's more convenient simply because they do publish 6 days a week versus once a week.

Don - I suppose

Chairman Smith - I would

Sherry Caloia - that is the case since this - when this hearing was scheduled we needed to get the notice in, we could not make the deadline for the Rifle Telegram because you have to get it in two days in advance and it comes out once a week that's why we went to the Glenwood Post.

LaDonna Bannon - excuse me but I still have to object to that. It may be legal but it certainly is not informing the people who are concerned about it - it giving them the opportunity - the notice said anyone who has anything to say about this come to the meeting. Well, if the people cannot know about a meeting or what it's all about, they hardly can come and voice their opinions. So why would they be legal, I really do question the ethics of it.

Commissioner Martin - was there a requirement to post the property?

Don - no

Commissioner Martin - okay

Chairman Smith - further comment.

Arthur Scribner - did you say that it's not required to post.

Don - yes, posting is not required for a Special Use Permit.

Arthur Scribner - would it be possible in the future to make that a requirement.

Don - certainly, the Commissioners can change their regulations.

Arthur Scribner - at least the people in the area read the local newspaper but not the Grand Junction paper to find out what's going on here. Uh we'd be aware of something in the neighborhood.

Eric - when we change those regulations for Don what

Arthur Scribner - or at least say it's being considered

Commissioner McCown are you familiar with the posting we are talking about.

Arthur Scribner - yes

Commissioner McCown - yes

Chairman Smith - what steps do we have to take to change those regulations.

Don - for a Special Use Permit you'd have to amend your Zoning Regulations - that certainly can be done it takes 60 to 90 days.

I'm Carol Allemon - I live at 365 Vail Valley Drive uh I'm one of the owners of the hopefully Lake Toueye Water Ski Club I would just like to uh answer a few questions that have arisen at the meetings which I feel is our last opportunity to perhaps correct some mis-information so I'll try to be brief.

Chairman Smith - okay

Carol Allemon - uh, as far as and I'm just going to take them in the order that I jotted them down so they may not seem to follow, uh particularly, the trailer and boat of the major that we will be using at the Lake is only 4" wider than a Chev Suburban. These are small boats, they are small trailers, they are light weight, they can be towed by a light weight vehicle and therefore should present no problems on the roads from a safety standpoint. Also along those same lines, I want everyone to understand that we have significant investments tied up in our boats, in our vehicles, in our trailers and obviously on this Lake. And there is absolutely nothing that we are going to abuse or put of them at risk. We have worked hard for these things and we want the opportunity to enjoy them in a very adult, very respectful manner. We are not a bunch of wild teenagers, we are grown ups with jobs with responsibilities with homes and we certainly understand the neighbor's concerns for protecting their investments but we have every uh uh we certainly have every intention of protecting our and that means being the most respectful and concerned neighbors that we can and certainly taking good care of all of our investments as well. Uh, I would also like to state that this type of activity uh really promotes a very healthy lifestyle that doesn't promote smoking, doesn't promote drinking, doesn't promote those kinds of activities - it's an athletic endeavor and it also promotes environmental responsibility. We intend to improve this site certainly not to run it down or not take care of

it. We're not a bunch of wild teenagers. And as far as fires, gas storage, the boats containing gasoline - uh obviously there's no way to prevent an act of nature or the very odd accident that can happen to anyone, to any neighborhood to anything at any time, but we certainly have rules, regulations uh and expectations of preventing anything that can possibly be prevented. We will exert extreme caution in the way that we handle any flammable materials and I would like to point out that people have automobiles sitting right next to their homes all the time, they have barbecue grills with propane tanks everywhere throughout rural areas. There are other types of storage tanks or other types of flammable materials but certainly boats, cars, barbecue grills are designed to safely contain these materials.

Ron Liston - are boats required to have fire extinguishers aboard.

Carol Allemon - yes, thank you. Every boat is required to have a fire extinguisher so this really I think is a necessary concern uh there are made for what they are made for they're made for and certainly have to pass very rigid standards you know to contain these materials. I would also like to say that while we did not contract every person in the subdivision personally to chat with them, uh we did contact more than two people and not all of them directly adjacent property owners although we felt that the people that live right above the lake would certainly be the ones most impacted by this and along those lines this lake has been used for this theme as you all know uh same activity for a number of years, all we plan to do is regulate it. We're not a big commercial venture. The word commercial and resort are being used because the County only has those terms to define things and we have to use the County's work but commercial is really not a good description. We are a few people who have invested a lot of money in this and will have a lot more by the time we are done digging it out and we want to have a few people buy a few memberships to help us defray the cost of this activity. As far as we're concerned, the fewer the better. So I think commercial is a little bit of a misnomer at least. Uh in closing I would just like to say that this is a beautiful piece of property. We want to enjoy it the way it has been used in the past with added degrees of responsibility. We will be paying taxes in the County and uh there are considerable higher than residential taxes so we will be contributing our fair share and we intend to be very good neighbors. Thank you.

Chairman Smith - Carol I do have a couple of quick questions. In your general rules that you put together and I think you have done an excellent job, but in the closing statements a couple of things I just want to clarify.

Carol Allemon - sure

Chairman Smith - the rules and regulations may be changed by the owners at any time.

Carol Allemon - well uh we don't know exactly how

Ron Liston - I take that is an example - these regulations were written by the owners of how they are going to self-regulate uh and they are putting the membership on notice they can make them more stringent or whatever. That did not take in to account that these regulations being adopted as part of this special use permit and any act - to clarify any significant change to those rules and regulations.

Carol Allemon - one of the main reasons that was put in - we want to have the ability to reduce the number of members if we find out that this is more than we want. Or reduce the number of members and just we want to see how things run and we want to make sure it runs smoothly and that was our main intent to give us the option to change things a little bit if we find that we have that we either have too many people with the 15 memberships or there just needs - if we want to change the time limit say we find that a 10 minute set needs to be a 12 minute set or something like that.

Chairman Smith I guess the concern that I have, part of the recommendations always is that all representations of the applicant either within the application as these are or stated before the Board of County Commissioners and they've been referenced are conditions of approval. So to me these are in your conditions of approval and I would certainly - that bothers me just a little bit and I'm sure that's one of the concerns of people are afraid something will get in place and then some of these rules that are very good might be dropped.

Carol Allemon - well, I can't address that specifically but I would just add one thought to that. In that we will be carrying quite a large insurance policy and that will be issued through the American Water Ski Association and most of the very important rules go right along with that insurance policy put down by this governing body - uh that is an indirect but I think that it is relevant.

Ron Liston - Marian, I think it is very appropriate to clarify that and it's not the intent of that statement to be there too. Circumvent the Counties rules and us to change without the County's involvement in those rules.

Chairman Smith - Sherry

Sherry Coloia - uh, if I could propose something that we could orchestrate pretty easily, if we could have a Conditional Approval that requires for certain rules that we can't do it without County approval, for other rules, such as the length of the set,

Chairman Smith - something that doesn't concur

Sherry Coloia - something that doesn't concern uh what's going on here today - usage rules - that we could have the flexibility to change that and I'm sure we could work through them - they are not very long and just mark which ones are - need County consent and which ones don't so we would have some flexibility.

Chairman Smith - the other thing in that closing statement that - despite Ron assuring me - but tournaments aren't part of your consideration uh - that says it's been created to provide a safe oriented tournament type ski site.

Carol Allemon - can I clarify that.

Chairman Smith - yes

Carol Allemon - uh tournament style skiing is the term for slalom skiing through a course as opposed to trick skiing or weight boarding or other types - that's just how this is defined. Uh because well, that is just the proper term.

Ron Liston - why don't we just add - there's no tournaments.

Chairman Smith - that's very appropriate. yes - come up here and give us your name and address for the record.

I'm already on record - Bob Bannon - 0116 Winchester - I'd like to ask the County Attorney for a legal definition of public access. What does that mean?

Don DeFord well generally when you talk about a public road it is a road that is available for the public to use for any purpose and it meets public needs, just that - it's for anyone. It is generally considered to be a road that is available as long as you don't destroy it or injury it you can use it for almost anything.

Bob Bannon - In other words just not public utility vehicles, service vehicles, etc.

Don DeFord - that's correct. If it's was termed public access then that means all of the public. It's usually more restrictive if it's limited to utilities or something like that.

Bob Bannon - being that is a statement of record, why even though it's private property are they allowed to have a locked gate keeping said public from using this.

Don DeFord - I have not seen the terms of this easement/road or whatever it is so I don't know that it is in fact a public access easement. I'd have to see the document that created that.

Bob Bannon - if I may step up to the map too which is kind of hard to see from back there. The road now comes into the property, there is a locked gate here. They propose to make this going around here. The other night at the P & Z meeting it was pointed out that it was an old cattle trail that goes down, the lady that owns this property was unable to be here today because of illness and she asked me to point out that at the P & Z meeting that this old cattle trail which ends abruptly and a drop off to what I call the "land that time forgot." It's nothing but erosion and it looks like this but this mentioned as their public access - now the applicants have stated that they will make this public access going around over their landfill which they dug up and coming around through here so that these people can access to their property. Now is that in writing?

Chairman Smith - it's a part of the record, they stated that here in the record.

Bob Bannon - in other words these people don't have - to get a 4-wheel drive and then go down that cliff that's approximately 20 feet to get to their property. This was mentioned at the P & Z and I just thought I'd mention it.

Chairman Smith - well it's a matter that's why I brought the matter up. All representations either within the application or stated before the Board of County Commissioners are conditions of approval and that certainly was stated here today.

Eric - it's also a specific condition of approval under condition Number 7 it states: that the applicants provide an access easement along the North and East sides of the lake for the property owned by the Anderson estate.

Commissioner Martin - yeah, it's in there.

Bob Bannon - thank you

Chairman Smith - it's a written condition as well as

Bob Bannon - I just wanted to make that clear

Sherry Coloia - what we're willing to do with that is to recognize whatever prescriptive easements has been there for very limited purposes - the use of that lot I think is very narrow - it was created outside of the subdivision process for the County and so I think there are some other problems with that but we are

willing to recognize whatever prescriptive easement uh for very limited purposes they have historically used.

Chairman Smith - well I think the term, Sherry is a little broader than - maybe I'm misinterpreting it but Don will let the recommendation that came from Planning Commission it just says that the applicant provide an access easement along the North and East side of the lake.

Don - and that was the recommendation of the Planning Commission and I was at that meeting and I think the discussion was somewhat broader than a prescriptive use and limited use of that lot in fact I think there was discussion of a more extensive use of that lot.

Sherry Caloia - I don't recall a more extensive use of that lot - I mean it is questionable what it can be used for right now by your own regulations I believe. Because it wasn't created through the subdivision process. So it's an oddity and there's nothing on it right now.

Don DeFord - well the discussion at the Planning Commission and Eric may have a better record than my memory, but there was not a discussion of a limited use of that lot that I recall at the Planning Commission. Ron Liston - the statement was made by Herb that we maintain the access to that property around the North side of the lake.

Chairman Smith - and that's probably why it's written exactly

Ron Liston - and I don't think his statement was as specific

Eric - that's my recollection and it wasn't necessarily specific or is there anything specified as how that would be used. However, it's zoned, it could be used essentially.

Sherry Caloia - well depending upon how it was created Eric.

Don - but this was not a discussion at the Planning Commission that we went into. In fact there was no question raised as to the limited use of that lot and so

Chairman Smith - these are older plans, this whole area

Sherry Caloia - well this particular lot was carved out recently, in the 80's I believe. In the late 80's actually. That's why I think there could be a problems with it and I know the County's not looked at that issue that why I bring it up.

Chairman Smith - did you have your hand up?

Yes I did, Rick Berlini - 5923 County Road 233 I should start by apologizing the folks misunderstood when I was standing over there they - I was speaking of their legitimate concern and I said what is the word I am looking for - not paranoid and I turned around and everyone heard paranoid. They said he said we are paranoid and they got upset. It was not saying you are paranoid and do apologize if that's what you heard me saying - I was looking for a word and what I think it was misdirected concerns. They all have legitimate concerns - ours of course is a concern as stated before, boats have sealed tanks which are safer than cars that of course have the fumes coming out so I'll try not to drag it out and uh if there is a fuel facility and boat parking it would be up on gravel away from bushes and shrubs and uh other buildings, out buildings. The other concern was the bridges and traffic through the subdivision - these are not incredible large roads but I drive dump trucks and heavy equipment for a living and I know that I can maneuver through all those roads which if you drive through there you'll see lots of backhoes and other equipment running in and out of there and uh that's a much larger concern that the small boats and vehicles that will be traveling that route in and out of there. But like I said I just wanted to apologize if they misunderstood what I said about paranoid - their concerns are legitimate but I think they if they need speed limit signs and other reinforcements on the bridge and all should be done just in general not depending upon whether there is a ski lake going in down below. Cause that traffic we determined would be approximately or equal to another two maybe three homes with the amount of influx back and forth you know because of the limited times you would go in and out each day. Thanks

Chairman Smith - thanks - anyone else?

Arthur Scribner - I just wanted to - the concern that you mentioned in the width of the trailer is only 4 " wider than a Suburban - the other concern I would add to that is that you take a vehicle and you put a trailer behind it, you're talking about something that's at least 30 feet long. And the concern is the traffic in from 320 in to 357 or Village Drive that is a blind corner. If you go along with this at least we mentioned before, put posted but also post a possible trailer entering at that location but put that far enough away from that curve so it could

Chairman Smith - on both sides

Arthur Scribner - and then also where it crosses on 320 where 320 crosses the ditch making them aware of the vehicle or the danger of it because if you go up there and you look where the guard rail is over that

ditch, that has already been taken out on one side so you've got an open ditch - that's the concern I have on it. Thank you.

Chairman Smith - yes

LaDonna Bannon again - the gentlemen that just spoke and your name was -
Rick

LaDonna Bannon and your address was

Rick - County Road 333

LaDonna Bannon - that is considered what -

Rick - Silt

LaDonna Bannon - you do not live in Rifle Village South

Rick - correct

LaDonna Bannon - well my question for you is uh maybe pertinent, maybe not, what particular interest do you have in supporting this application?

Rick - actually since this - I've been in Colorado about 20 years now- came out to visit and although all the times I've driven by the lake on the highway, I like water-skiing and I've driven down and tried to become a part of the skiing experience and were told it's a private facility and we're very sorry, we don't want have - I even spoke about having me improve the road or something down fixing up some of the pot holes, but no they said they wanted to keep it very low key - it's just a quiet thing but thank you very much for your interest and I was - just driving through the neighborhood, like I said, I'm in construction and excavating for over 20 years and I know that I can pull my dump truck/trailer back through everything else and it simply wouldn't be a problem and pulling a standard size car with a boat trailer in the size we're talking about here would not be any kind of a problem. You know as far as the road so I just do it because I think it's a good idea. I go skiing at the one up in El Jebel and again it's very quiet and very low key - it's for a specific purpose you know it's not a bunch of people going down to Lake Powell whooping and hollering it's for a specific purpose and I'm not really familiar with the type of skiing or the mentality that goes with this type of skiing but if you're more familiar with it you'd probably go great - these people are going to take care of the place. They will have respect for the roads as they drive through neighborhoods. I kind of respect other people's property and I just know the mentality of the type of people that have this type of activity and their very similar to the way I feel. You're here for a specific reason and you don't want to do anything that's going to spoil that like I said, we're under the microscope and if you guys are going to be looking for any little thing - I shouldn't say that - people that don't want something in there generally tend to see a little bit harder than somebody that wants it. So you'll be looking or people will be looking at us a little bit more closely. People are going to want to cause more problems, we don't have any reason to want to stir up the water and keep this as a nice facility and be able to use it and utilize it. The fact that the type of skiing is generally self-governing - you can't have a bunch of people there cause you don't get to use it - you become selfish - you want it to be quiet keeping as few people there as possible. It's not like going up to Rifle Gap, you know, it's just a big loud kind of activity and more wide open and free for all - this is a private type of activity - it's dedicated type of water skiing.

LaDonna Bannon - that answers that questions, I really don't have specifics any more specific questions just a very serious request just one other things, when we spoke with the applicants after the meeting on Wednesday night out in the hall, one and I don't remember who it was, a number of them, we questioned about this Special Use Permit they would be given and if they decided to sell, give up or whatever, what happens with that Special Use Permit and the person whoever I was talking to said well they said that's just for them, anybody else after them would want to purchase that property does purchase the property that they would have to go before the Board and get another Special Use Permit. Now I know that your attorney has stated that that Special Use Permit goes with the property. That means exactly what sir?

Don - that means that if they were to sell the property, the Special Use Permit will go with the property of course under the same conditions but still it would go with the property.

LaDonna Bannon so it would have to be the same type of operation.

Don - yes the same use.

LaDonna Bannon - not any other type of commercial operation.

Don - no

Eric - it would be exactly the same type of rules, same type of membership if unless someone were to propose amendments which would have to come back before the Board.

LaDonna Bannon - which brings us to our concerns the idea, this group, as they have assured us have every good intention in the world and the way everything is A1 Number 1 perfect but if this use permit

goes with a sale to another group there is no guarantee that they would be of the same inclination, same caliber

Chairman Smith - that's very true, but if it's not used in the same way it would come back to the Board of Commissioners.

LaDonna Bannon - again but you brought up, Commissioner Smith, about that statement at the end of their application that the rules could be changed and the young lady said well maybe we'd drop it down and then again maybe they'd hick it up, that certainly has to be addressed. I guess our main feelings and request is that approval of this application at least be postponed whatever word you would use until well, giving us residents the rest of the 65 the opportunity to get together and present all these things and get the true feelings of this residential area before approval is given.

Chairman Smith - may I ask you, I understand a flier went out to all the residents in the area. It may not have had the facts right but people were notified that this was on the -

LaDonna - that's right, we talked to people - you know - they got this, this and this - the notice in the paper went out March 21st now if we had been made aware of this on March 21 we certainly would have had more opportunity to get a real feel over what the whole residential community feels about it and what their wishes are certainly what you feel you people ought to hear to consider first and far most.

Chairman Smith - well my point is, I'm sure it's been talked about since that flier went out.

LaDonna Bannon - last week

Chairman Smith - and we don't - I'm sure that most did know that this was back on the agenda today.

LaDonna Bannon - not the most of them, no, it's been difficult to get a hold of people - the people we have contacted because of not everybody - the people we talked to said I haven't opened my mail since - if this had been noticed a month ago, whatever, March 21st we certainly would have made it a certainty that everyone was well aware of possibly what was going to take place. Thank you.

Eric - I have a clarification in regard to the letter that was discussed, someone brought this to the Planning Department either on April 3 or 4 and showed it to us and it did contained erroneous information. We've not been copied of it but at that point and time the Planning Department were made aware of that letter and did the best possible to address this erroneous information and correct it to the individual who did bring in the letter.

Chairman Smith - thank you, Sherry.

Sherry Coloia yeah, two things with respect to the easement, I don't have the actual document. We believe that the document to C-DOT is fairly general and I think we're all subject to whatever C-DOT wants to do with that road so there's nothing you guys can do with respect to that either they'll open it to the public or they don't. Uh., with respect to the rules, if you turn to your handout in going through those I really see only two items that seem to pertinent to the County's approval. That is on the first page under "boats" I see that that is something that should be part of the County's approval and perhaps under "usage" on the last page where it says, third one down - "only one boat at a time may use the slalom course" that's what was talked about here and I can see that that might be important. I don't see that the other rules -

Commissioner McCown - Sherry I like the first one under "guests."

Chairman Smith - "single membership member may only bring one guest."

Commissioner McCown - "no guest after 4 P.M. No guest at all on holidays, members must always be present with guests." I like that one.

Chairman Smith - uh huh I would also like to see instead of saying "boat operators will be 16 years age should be accompanied by an adult." Change that to "shall."

Commissioner McCown - "as far as the number of passes the boat makes on the course" that is no concern to us.

Don - the one addressed earlier on "pets." Should that be put into mandatory instead of

Chairman Smith - Well, I would think they have emphasized it twice and go on to say, "if you must bring them, they must be under your strict control." Unfortunately what I've found a lot of times is that everyone has their own interpretation of what "control" is and I think that lease should be in that strict control. Uh they should be tied to a lease because you get in the boat and your dog decides to wander as they do, uh I think sometimes everybody's got their own interpretation of "strict control." Yes

Lee Allemon - 75 acres down there and I own a well behaved dog I don't think taking him down there and making him walk around on a 6 foot lease constantly. If he's not barking, chasing birds, chasing people, I'm really....

Chairman Smith - but in your own rules you say leave him at home. So are you planning to do that or not?

Lee Allemon - well we asks for guests because we're concerned about guests bringing dogs.

Chairman Smith - but it's over under - it's in two places.

Sherry Caloia - what if we add something like - uh "no pets off the property."

Chairman Smith - I think that's very valid. I think these people that live above certainly don't want to see someone else's dog running around.

Sherry Caloia - so no pets off the property at all.

Chairman Smith - well you better qualify Sherry both places or cause it's on the last page as well as the guest page. See it under "grounding."

LaDonna Bannon - excuse me may I ask a question? When you say clarify.

Mildred cautioned that only one person should be talking at a time so we need you to identify yourself again.

LaDonna Bannon - you said clarify, just now you said "pets on the property." Are you saying

Commissioner Smith that that should include being on a lease because if they're off in a boat, who's going to see to it that that animal does not stray off the property.

Chairman Smith - I agree

Sherry Caloia - that the control issue again and I think it is very clear that if you say "pets can't go off the property boundaries." There's 79 acres there and you might want to let the dog swim or something but that's a control issue.

Commissioner McCown - then the normal control of the West usually takes place if that isn't done.

Sherry Caloia that's right

Ron Liston - plus you can bring this back to the County if that's being abused. I think if you just add "no pets off the property."

Sherry Caloia - then the last thing I would like say with respect to the guests that Larry brought up, uh, we are limited to 48 people maximum occupants and I think that they would like the flexibility of bringing two guests during the week or something if they don't exceed the 48 maximum occupancy and so that would be a little bit restrictive and might like the opportunity to amend that. Uh, so that's why I

Commissioner McCown - then are they going to want to amend the none after 4 P.M.? Are they going to want to amend the holidays and weekends? You know, we're adopting these things as written and now we're

Carol Allemon - I can answer that. uh According to the AWSA you have to have a certain number of people and if it's a one person membership, they have to have - a driver, a spotter, and a skier.

Commissioner McCown - then why do we have these rules?

Chairman Smith - why is that in here then?

Commissioner McCown - you are the ones, you folks are the ones that came to us with these rules, now you are saying they don't work.

Carol Allemon - we want to limit it.

Sherry - I see your problem. If we could say "a single membership may only bring three guests, maximum of three guests or something.

Commissioner McCown - two guests

Sherry Caloia - two guests

Commissioner McCown - so change the one to two

Rick Berlino - just as far as the amount of people, like I said earlier this morning, this is self-limiting as far as what is being the minimum and just looking for the flexibility is the same thing. And I don't want to ski with this is a problem. The general rules will not change, on the boat and type of boat, I think we are looking for a little more flexibility as far as in those kinds of situations rather than saying you can have 3 - 4 - 5 guests but if you could just have what it takes to ski.

Commissioner McCown - and I think it's important. And you understand we're not trying to hamper your operation but if you come to use with a set of rules that your membership has approved and written and they're adopted here today that's exactly the rules we'll play with.

Rick - once more we're trying to keep the rules to try and keep this from being out of control but we may see that this isn't going to work. Under general rules to try and juggle in case this doesn't work

Commissioner McCown we didn't have any participation in developing these rules.

Rick addressed this issue stating a single members should only be able to bring 2 guests - a spotter and a skier. The absolute maximum is 48 people.

Ron Liston - I think it would be relative simple if we could just add a sentence to this that says "no guests after 4 PM- no guests on the weekends if more than 48 people are at the lake. So that gets you the minimum number and when you've got that few people it shouldn't be an issue anyway.

Commissioner McCown - I don't have any heartbreak with that.

Sherry Caloia - I apologize because I wasn't involved in these rules. Carol, Lee, Steve and Anna never did this before and so I think they are not well thought out and Larry your point is well taken, you didn't do these. Now, except I am thinking there's no telephone there so if I'm going to go skiing, I don't know how many people are there.

Chairman Smith - perhaps somebody will have a cell phone.

Sherry Caloia - probably true, so all I'm saying is that you are asking for a absolute maximum number of 48 so if we could say, guests will be your responsibility and must sign a liability waiver before using the lake in any way and members must be present with guests. Does that do it? Noting that your maximum limitation is 48 people. That way these people can regulate guests internal and make it work for however it's going to work.

Chairman Smith - well, it's back Sherry then are you dropping out the no guest after 4 PM and no guests at all on weekends and holidays.

Sherry Caloia - that would be my proposal. They have the flexibility to do that in an internal matter because your number if 48, maximum.

Chairman Smith - that 48 is the maximum, is everyone aware of that?

Ron Liston - maybe you'd like to put that right in here. Guests and members - a maximum of 48.

Eric - you then could in fact have one member and 47 guests. Really what we want to do it

Commissioner McCown - that's exactly how it would be though.

Eric - that would be exactly how it would be written.

Ron Liston - all right put - leave it that a single member can only bring two guests - leave that part in - I don't think you should take that out anyway.

Sherry Caloia - a single member can only bring two guests.

Ron Liston - so then if you limit a single member to have two guests, it works and

Chairman Smith - and leave the rest of it in

Commissioner McCown - still looking at your 48 max

Ron Liston - 48 max

Sherry Caloia - 48 max and then take out the 3rd sentence, "no guests after 4 PM" and 4th sentence "no guests at all on weekends or holidays."

Chairman Smith - Sherry, I guess the question I've got for you is, if these are what they wanted to stay in the rules, I don't see any point in taking them out.

Sherry Caloia - I'm responding to a point that was made by Rick that on a weekday you might not anybody else there and might want to bring two guests so you could ski so that's where the 4 PM goes in and the same might happen on a weekend of a holiday. And that could be up to the Club whether or not I just don't want to see it as a County rule because I think they didn't think it out well enough is what I'm trying to say.

Ron Liston - yes, but the Club may leave those in and still do that, but we were talking about which ones you wanted to have back to review on -

Chairman Smith - well the 48 maximum and as you say I think Eric raised a very valid point, you don't one person with 47 people sounds illogical but it might happen. Leave the two in there.

I'm Tony Barron

Chairman Smith - I need to swear you in - do you swear to tell the truth and nothing but the truth?

Tony Barron - yes

Chairman Smith - you were here you just didn't do that.

Tony Barron - well I just didn't expect to -

Don - would you come up to the microphone sir.

My name is Tony Barron I happen to own a lot in Rifle Village South and just a concerned citizen, and I'm in agreement with everyone else. There is so much disagreement could we not in fact table this and maybe put it in before final approval and maybe get some concerned citizens of Rifle Village South, maybe a Commissioner and some of these other people here that haven't really figured out what they are doing on their plans and kind of have an Executive Session spend an hour

Chairman Smith - can't do it that way

Tony Barron - Commissioners to hammer these rules and regulations out? Can't do it this way.

Chairman Smith - this was not possible as this is a public hearing and these types of things are handled in an open hearing with public input.

Tony Barron - I'm all done, I just thought this would be faster and easier.

Annie Campbell - from Edwards, Colorado - uh in reference to the one member and the 48 guests, that would be impossible because if the member and guests has to have their sponsor or actual member there too with them before they could ever stick their foot on the property. So that would be impossible for one member to have 48 guests. I think that might have been looked over slightly because we are concerned about the numbers. We're not trying to create Disneyland on the water ski site. And I want to clarify that Ms. Bannon keeps insisting that it is commercial and it is private property it's not a recreation site open to the general public and I want to clarify that and also that concerning the possibility that there would be a proposal to wait and discuss this and have their neighbors all talk amongst themselves and so forth, that strikes me somewhat as discriminatory in a way. We've been working very hard over the last two years to do everything above level and above board and make it very public what is going on rather than in the past they just have the property in the same capacity but didn't ask for a Special Use Permit. Uh if anything, we are trying to do everything we can to be as cohesive in neighbors as possible and I don't know what their residential does but I don't think they go out and take a vote whether or not someone can move into the house next door and that's essentially what's being proposed here and I can't help but take some exception to that - I don't think that's fair.

Chairman Smith - no decision has been made on that issue either.

Annie Campbell - I realize that but I guess I'm reacting to what Ms. Bannon has said and that's how I feel about that - so thank you.

Chairman Smith - Sherry it looks like to me under usage and rules that those are all things that would come under your rules for skiing. I can't see a one other than the pet clarification that has anything I would think - if you're going to have to abide under the rules of this - whatever - U.S. A. Water Ski approved. I'm sure they've got rules. It looks to me like those are things that we wouldn't deal with. The insurance we definitely are concerned that everyone have insurance - I'm still hung upon the one thing under the guests when you're talking about deleting things Sherry members must always be present with guests. Were you talking about deleting that?

Sherry Caloia - no

Ron Liston - to clarify, the way I picked up from everybody - "guests will be responsible and must sign a liability waiver before using the lake in any way. A single membership may only bring two guests. Members must always be present with guest and then we're talking about adding a 48 maximum - that's with members and guests.

Chairman Smith and uh I'd uh definitely do want to keep in the no skiing, driving or riding in the boat if alcohol has been consumed, no exception to this rule as it is very important.

Ron - that's the last page

Commissioner McCown - Don as a point of clarification for me as the land currently stands now the three people that are shown on the front as the limited liability corporation is - am I understanding it right, they can't go down there and water ski and invite as many friends as they would like at this time?

Don - well they could go down there and water ski and invite some friends. We have a public assembly standard.

Sherry Caloia - and what I would propose to do is give the County the rules that are going to be a part of the approval so that the County could attach that to the approval if we got it and you would have a clean copy of what we will be accountable with the Special Use Permit.

Ron Liston - modified closing statements reflect what we're doing.

Chairman Smith the other one Sherry is the small children will swim with life vests and adult supervision; I think it's sort of like the alcohol - you will be visible along the highway.

Ron - actually taken from the P & Z recommendation to incorporate the time frame into the rules, we are talking about the practicality implementing this.

Chairman Smith - 7 - 9

Ron Liston - and the exhaust thing is actually covered by the boat definition.

Chairman Smith - external lighting - do that and the thing you do with the club house has to come back before us anyway. Do you uh - anything that you do with the club house, you'll have to come back before us anyway for a Special Use Permit for that - a building permit rather. Not a Special Use - I'm sorry.

Commissioner McCown - I'm sure you don't want to do this again.

Eric - before you close the Public Hearing I'd like to have a few clarifications.

Chairman Smith - okay

Eric - there's been some discussion regarding amendments to these rules, uh there was some discussion by the Board on the drivers of the boats, currently it says they should be they should be accompanied by an adult - in this Board consideration thing, should that be "shall be accompanied by an adult?"

Chairman Smith - I suggested if they are driving a car they are still under - supposed to have a licensed driver.

Correction - by several stating not after they are 16.

Chairman Smith - should sounds fine then.

Eric - additionally, under the guests section, the way it reads says a "single membership" I suppose that should read "an individual membership member" cause memberships are as individual and essentially with the language that was discussed by Ron; then there is the pets, adding "at not time will the pets be allowed off the property" - okay.

Chairman Smith - now the one question I've got and back to you Tom, we still don't have anything in writing from the City of Rifle.

Tom - we met with Louis Thursday

Chairman Smith - you've got verbal but nothing in writing.

Tom - we'll have it.

Eric - do you want me to make that as one of the conditions as well?

Chairman Smith - yeah - it's a letter of commitment for relocation of the sewer line.

Commissioner Martin according to his paperwork it is listed as Condition No. 9 and the other one that has come up numerous times here - I think we need a letter of review of the approval of the use of the road and bridge from King Lloyd just to make sure he has had proper review of that bridge and it is a part of the record.

Chairman Smith - well Sherry talked to him today and he called Mary Lynn back

Commissioner Martin - well what I'm looking at is also the use of the road that it is suitable for the type of traffic and I would like to have his comments.

Sherry - the only problem I have I have is knowing King Lloyd I wonder when you are going to get that.

Commissioner Martin - upon deadline - you always establish a deadline with him. And of course no snow-mobiles allowed - amended rule - No. 10

Chairman Smith - yeah that can actually go in the rules under tubing or similar activities will not be permitted and you can put snow-mobiles in there.

Commissioner Martin and the other one was a copy of noted change of rules and regulations attached to this application. That's the four that I had.

Chairman Smith - any other comments? Okay - we need to close the Public Hearing.

Commissioner McCown moved to close the Public Hearing; Commissioner Martin seconded the motion; carried.

Commissioners McCown made a motion to approve the plan for Lake Toueye with the recommendation so noted by the Planning Commission and adding these:

- Any change to the regulations regarding boats, guests or use of the course shall be approved by the Board of County Commissioners, as an amendment to the Special Use Permit.
- The applicants shall submit a letter from the City of Rifle stating its approval of the relocation of the existing sewer line that crosses the western portion of applicant's property.
- The applicants shall submit a letter from the Garfield County Road and Bridge Department supervisor stating that the existing roads and bridges providing access to the site are adequate for the traffic that will be generated by the proposed use.
- That the regulations governing operation shall be amended to the following language:

Guests will be your responsibility and must sign a liability waiver before using the lake in any way. An individual membership member may only bring two guests. No guests after 4 p.m. No guests at all on weekends or holidays. Members must always be present with guests. At no time shall there be more than 48 individuals, members or their guests on the site.

Pets: Please, leave them at home. If you must bring them, they must be under your strict control. You will be responsible for their actions and will be expected to clean up after them. At no time shall pets be allowed to wander off the property.

Commissioner Martin seconded the motion. Discussion.

Chairman Smith suggested that a condition be added for the Special Use Permit be subject to review, by the Board of County Commissioners, on November 3, 1997, at 11:30 a.m.

Commissioner Martin seconded the addition of the review date of November 3 in the motion; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Marvin Stephens were present.

Chairman Smith mentioned the request of Colin Laird of Healthy Mountain Communities for \$500 suggesting that Building and Planning may be able to contribute 1/2 of the amount and King Lloyd from Road and Bridge, the other half.

Marvin Stephens presented a request from a list of homeowners in Mineota Estates who requested the Commissioners look at the roads. Homeowners want County to take over 1/10's of a mile. King stated this has never been a County Road. This will be turned over to Don for review.

The letter requesting services on the Slaughter House Road was mentioned and tabled to discuss on the road tour.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Alexandra Swaller - County Road 107 - presented a plan for a recreational area for BLM on Red Hill. Davis Farrar put this before the Carbondale Recreational Department. The proposal included building trails for bicycles, hikers, and horses. The property is surrounded by Cattle Creek Road, Road 102, Road 112 and Road 103 and Highway 82. She personally wanted the County to know about the proposal and stated it has in-kind work furnished by the County included in it. Carbondale has it tabled for the present. She has concerns for the wildlife for wintering grounds and calving in the area. She added that there was 140 elk in her meadow just this morning and also the road is heavily traveled presenting a concern that it would not handle the additional impacts.

Chairman Smith stated the Commissioners were not aware of any proposal and thanked Alexandra for bringing the information to their attention.

King stated there was no available parking areas on the proposed trail beginning.

Alexandra said she spoke with Mr. Mendoza and River Valley Ranch turned them down for funding.

Executive Session - King's Salary Discussion

Commissioner Martin made a motion seconded by Commissioner McCown to go into an Executive Session to review King's wage survey and hold a discussion regarding an increase.

PUBLIC HEARING - ZONE TEXT AMENDMENT FOR THE ADDITION OF A LIGHT INDUSTRIAL ZONE DISTRICT IN GARFIELD COUNTY. APPLICANTS: MID-CONTINENT RESOURCES/DALE EUBANK LLC

Eric McCafferty, Don DeFord, Dale Eubank and Dave Michaelson were present.

Don determined that published notification was adequate and advised the Board they could proceed.

Chairman Smith swore in the speakers.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Application; Exhibit C - Project Information and Staff Report; Exhibit D - a copy of the Garfield County Zoning Amendments of 1978; and Exhibit E - Comprehensive Plan for Area I.

Chairman Smith entered Exhibits A - E into the record.

This is a request for a Zone Text Amendment to allow the creation of a Light Industrial Zone District for Dale Eubank, LLC/Mid-Continent Resources, Inc.

The applicants are proposing the creation of a Light Industrial Zone District (L/I) and associated Performance Standards, which would be added, as an amendment, to the Garfield County Zoning Resolution of 1978, as amended.

Exhibit F - matrix, was submitted for the record.

Chairman Smith admitted Exhibit F into the record.

Dave Michaelson, with Rock Creek Studios presented the zone text amendments.
The following represents the changes approved in a motion by the Commissioners:

Recommendations:

On February 26, 1997, the Garfield County Planning Commission recommended APPROVAL of the zone text amendment and approved the following language and terms to be included with Section 3:00 of the Garfield County Zoning Resolution of 1978, as amended.

The sections, sub-sections and wording that will be adopted and codified, at this time, shall read:

- 3.12 L/I -- LIGHT INDUSTRIAL
- 3.12.01 Uses, by right:
- 3.12.011 Retail/Wholesale Uses: building supplies and materials; electronic and mechanical supplies; industrial equipment sales and leasing.
- 3.12.012 Manufacturing/Processing/Assembly Uses: cabinet woodworking and metal working shops; outdoor storage of building supplies and assembly of structures; manufacture of machinery, equipment and consumer goods from processed materials.
- 3.12.013 Storage: storage/warehousing facilities for materials or equipment within a building; outdoor storage of supplies, machinery, equipment, or products; storage of fuel for the conduct of business on site <10,000 gallons.
- 3.12.014 Other Uses: automobile repair shop/body shop/paint shop; truck repair shop; contractor construction yards and facilities; general service establishment; office for the conduct of business or profession; welding and welding shops.
- 3.12.03 Special Uses:
- 3.12.031 Retail/Wholesale Uses: bulk sales of LPG (>2000 gallons).
- 3.12.032 Manufacturing/Processing/Assembly Uses: assembly of small appliances; brewing, bottling plant.
- 3.12.033 Storage: bulk storage of LPG (<2,000 gallons); storage of petroleum, natural gas, methane or other volatile substance; storage of hazardous materials requiring a special state or federal permit.
- 3.12.034 Other Uses: asphalt batch plant; concrete batch plant; recycling metals, paper, plastic or automobile oil; cold storage plants; electronic switching stations; electric power substations; electronic satellite or microwave receiver stations; storage, repair and dispatch center for transit uses.
- 3.12.04 Minimum Lot Area:
- 3.12.041 When individual well and individual sewage disposal systems are utilized: Two (2) acres and as further provided under Section 5.00: Supplementary Regulations;
- 3.12.042 When central water is provided and individual sewage disposal systems are utilized: One (1) acre and as further provided under Section 5.00: Supplementary Regulations;
- 3.12.043 When central water and sewer are utilized: One-half (1/2) acre and as further provided under Section 5.00: Supplementary Regulations.

3.12.05 Maximum Lot Coverage: Fifty percent (50%).

The County Commissioners may require adequate screening of all parking and roadway areas, from adjoining residential uses and public streets, in light industrial zone districts. A maximum of ten percent (10%) of the total parking and roadway areas may be required to be devoted exclusively to landscaping of trees, shrubs and ground cover to reduce visual impacts.

3.12.06 Minimum Setback: *Front Yard:* (a) Arterial Streets: seventy-five (75) feet from street centerline or fifty (50) feet from the front lot line, whichever is greater; (b) Local Streets: fifty (50) feet from street centerline or twenty-five (25) feet from front lot line, whichever is greater. *Rear Yard:* twenty-five (25) feet from rear lot line. *Side Yard:* ten (10) feet from side lot line, or one-half (1/2) the building height, whichever is greater.

3.12.07 Maximum Height of Buildings: Thirty-five (35) feet.

3.12.08 Additional Requirements: All uses shall be subject to the provisions under Section 5:00 (Supplementary Regulations). Compliance with Section 5.03.07 (Industrial Operations) and Section 5.03.08 (Industrial Performance Standards), inclusive, shall be required. If the proposed land use is a "Use-By-Right" compliance must be demonstrated at the time a building permit application is made to the County. Conditional and Special Uses shall require permitting by the County, consistent with the applicable Sections of this Resolution, for which compliance shall be demonstrated at the time of Conditional/Special Use Permit application submittal.

All fabrication, service and repair operations shall be conducted within a building or obscured by a fence, natural topography or landscaping.

Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way.

At the discretion of the County Commissioners, all outdoor storage facilities for fuel, raw materials, and products shall be screened by natural topography, or enclosed by a fence or wall adequate to conceal such facilities from adjacent property. All outside storage abutting or facing a lot in a residential or commercial zone shall be screened by natural topography or enclosed by a site-obscuring fence, which shall obstruct the storage from view on the sides of the property abutting or facing a lot. The fence shall be of such material and design as will not detract from adjacent residences and shall be built according to plans submitted by the owner to and approved by the Garfield County Planning Department. If the design is rejected by the Planning Department, the applicant can appeal the decision to the Garfield County Board of Adjustment.

If landscaping is proposed to screen the site consistent with these regulations, a landscape plan shall accompany the submittal for a special use, conditional use or building permit application to Garfield County. This plan shall effectively buffer the proposed use from surrounding residential uses and shall be of sufficient detail, for review by the Planning Department to determine compliance with these regulations.

Evidence must be provided that all industrial wastes shall be disposed of in a manner consistent with State Statutes and requirements of the Colorado Department of Health.

3.12.09 Traffic Impacts: All industrial use zone district amendment applications shall include an analysis of the expected traffic generation of each use, based on currently accepted Institute of Traffic Engineers (ITE) trip generation rates.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve Mid-Continent/Eubank application for the creation of a Light Industrial Zone District and its addition to the County Zoning Resolution as recorded above in the recommendations; carried.

Mineota Estates - Public Roads VS Private Roads

Don will draft a letter for the next meeting to be held on April 21, 1997.

PUBLIC MEETING: CONDITIONAL USE PERMIT/HOME OCCUPATION LOCATED SOUTH OF RIFLE ON COUNTY ROAD 332. APPLICANTS: JERRI ANN AND MATTHEW RENNER

Eric McCafferty and Jerry Bauer were present.

Eric stated this is a request for a Conditional Use Permit - Home Occupation for a barber shop for Jerri Ann and Matthew Renner on an 8.29 acre tract of land located at 0130 County Road 332.

The applicant is requesting a Conditional Use Permit to allow a Home Occupation and proposes to develop the site with a single family residence that would include a barber shop located in the lower portion of the structure. The barber shop is proposed to be equipped with one (1) chair, a tanning booth and would operate during "normal business hours," likely seeing 10 vehicles per day.

Recommendations:

1. That all proposals of the applicant made in the application and at the public meeting with the Board of County Commissioners shall be considered conditions of approval, unless specified otherwise by the Board.
2. There shall be no signage indicating the business use of the property.
3. If the nature of the barber shop/salon business ever substantially changes, then this Conditional Use Permit shall be subject to further review and additional conditions placed on the operation.
4. That the barber shop portion of the business shall be limited to one (1) chair and only immediate members of the applicant's family shall work on-site.
5. That all operations be conducted between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
6. All parking of vehicles shall occur on the applicant's property. At no time shall parking be allowed on or within the right-of-way of County Road 332.

A motion was made to approve the Conditional Use Permit - Home Occupation for a barber shop for Jerri Ann and Matthew Renner by Commissioner McCown as described in the and Martin, carried.

Bershenyi- Amended Plat

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an amended plat for Bershenyi; carried.

Cedar Hills Ranch - Amended Plat

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an amended plat for the Cedar Hills Ranch; carried.

Antler's Orchard - Amended Plat

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign an amended plat for Antler's Orchard; carried.

Christie Subdivision - Amended Plat and Resolution

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Theodore W. and Katherine S. Christie and an amended plat; carried.

Administration - Continued

Software for Road and Bridge was briefly discussed suggesting that Dennis from Road and Bridge may be of some assistance to Chuck in locating the most useful software.

Sheriff's Vehicles - new and used was discussed. A concern was expressed for the ones being replaced as to whether or not they would be going up for auction or have other uses.

Guy Meyer stated the Jeep Cherokee was replaced by the GEO Pick-up and the Jeep would be used for emergency purposes for Search and Rescue, etc.

Chuck was requested to write the Sheriff a memo asking for clarification on the status of these vehicles and requesting a plan be submitted for replacement and location of where the new vehicles for patrol were to be used.

Sheriff - new cage in the basement for storage Chuck stated due to the construction that he had a request for this and stated the garage must be cleaned before he would allow any construction. The storage would be for items stored in the current facility such as commodities as well as evidence.

County Business

Chairman Smith presented the CCI fax requesting an appointment to Child Welfare Services by the Board of Commissioners by April 16.

The Welfare Reform Bill and the input from the Commissioners regarding support or opposition for the state-wide cash assistance provision. Chairman Smith added she would like to have Margaret Long's opinion on this since she has been attending the meetings before the information was filled in and faxed for input into a decision.

Commissioner McCown submitted information on House Bill for AGNC. He added there was a conference call scheduled on Tuesday and wanted feedback.

MARK CHAIN - INTERGOVERNMENTAL AGREEMENT BETWEEN TOWN OF CARBONDALE AND GARFIELD COUNTY - REVIEW ISSUING A BUILDING PERMIT FOR A WASTE WATER TREATMENT FACILITY AND ADMINISTRATION BUILDING

Eric McCafferty, Mark Chain, Sherry Caloia, Don DeFord and Chuck Deschenes were present.

Eric submitted the Planning Commission Report stating this was reviewed on April 9.

Mark Chain, Planner for Carbondale presented this Intergovernmental Agreement to construct improvements for its Wastewater Treatment Facility and to construct a new administration building.

Sherry Caloia - stated the Town of Carbondale plans to annex the property hopefully from the railroad tracks to the river. The waste water treatment facility and administration building would be built in the present location but enlarged.

A motion was made by Commissioner McCown to authorize the Chair to sign the IGA between the Town of Carbondale and Garfield County; Commissioner Martin seconded the motion; carried.

Job Service Center - One Stop Center

Chairman Smith stated the five Counties - Garfield, Eagle, Pitkin, Summit and Lake - would be clustered for the "One Stop Center for the Job Service Centers." She stated it was narrowed to five counties versus ten. She requested Don take a look at it and stated there were time frames connected to the information. She mentioned they will have one fully staffed office and perhaps some satellites. This Board will have a say on where the center will be located.

Chairman Smith added the state gives the money but at the present the County that will administer the program has not been decided. She requested that Chuck take a look at the document also.

Weed Management

Chuck stated there is not an exclusive contract with Dave Gallagher for these services. He added he had received a letter from a Vegetation Management Service up valley.

Executive Session - Litigation - Ferrin

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss litigation on the Ferrin issue; carried.

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

Ferrin Litigation

Eric McCafferty, Don DeFord, and Chuck Deschenes present.

Don stated Mark Bean had mentioned a week or so ago that there were some difficulties and he had received some complaints from the Foushi's and would have someone contact Ferrin's to go do an inspection but Don was not certain of the update.

Eric stated he has not been involved directly. He did know that Mr. Foushi has been making a big issue however he was not certain of how it stands at the present. Eric stated if Mark has not been out there that he would check into it at the Board's direction.

Chairman Smith stated until this crossed her desk, she thought everything was going okay.

Don stated the County has an injunction in place and nothing has been done recently because he has not had a complaint of a violation of the injunction. What is related to in this letter is a new issue and Don was not aware of this.

Chairman Smith stated the first thing would be to contract the licensee and find out what is new.

Don agreed. The other practical problem is Mr. Hackett and he has two pending fairly significant zoning violations - this would be a third. Mark and Don have discussed some issues and have put zoning enforcements as a secondary issue given the other things on their individuals agendas. Some action can be taken on this case if there is found to be a violation.

Chairman Smith indicated the ones in violation are not paying attention to the court orders.

Don - this happened to Mr. Stone; another is a storage yard - Chipperfield area.

Commissioner McCown asked for clarification.

Chairman Smith stated there was a history on the wells. Foushi bought from Ferrin originally and Ferrin let Foushi use one of the wells, and they were good friends. Then they had this cabin that didn't have a permit and Foushi wanted a well. This is what started the battle.

Don stated the Board turned down a request to subdivide by Foushi for a number of reasons. Don added this appears to be a State issue and not a County.

Commissioner McCown stated without a well they cannot be approved, because they have to show proof of water.

Eric - added another piece of the puzzle. When the Building and Planning Department reviews the application, in this case, they require some type of a source of a legal and adequate water supply that normally takes the form of an approved well permit that allocates resources or either an exempt domestic well or in this case an individual well. Now as far as building permits necessarily, it is rare if not ever occur when someone applies for those domestic dwellings, cabins, or whatever do they nor are they required to submit some type of pump test. Normally, the Building and Planning Department takes a look at the approved well permit and approve a building permit on those terms.

Minutes Approved

A motion was made by Commissioner Martin to approve the following Board of County Commissioners Minutes:

February 18; February 24; March 3; March 10; March 17; March 18; and March 18 for the Joint City Council/Board of Commissioners. Commissioner McCown seconded the motion; carried

Jail Issues

Dale Hancock, Don DeFord, Chuck Deschenes, Dave Ash, Vice President of Francis Constructors Mark Francis, Project Manager Sean Haas and Sheriff Dalessandri were present.

Dale presented the proposal from John Bennett Space Master Buildings which included the following cost: Dismantle the existing 56' x 60' modular building, relocate buildings to the new site and re-install. Tear down and dispose of the existing day room and one (1) site built connector - \$14,531.00

Design, build, deliver and install one (1) modular facility of 8,820 square feet according to the specifications and scope of work for \$419,226.00.

Additionally, Space Master stated they can complete the scope of work by July 7, 1997 as long as the contracts are received by April 17., 1997.

Their lease is based on 11% interest rate.

Alan Matlosz stated to Chuck that he could place it at 5% on a two year deal. Chuck commented that based upon that information, Alan did not advise not going with Space Master.

Discussion

Mr. Francis suggested to the Commissioners to market the temporary jail facilities as soon as it was in place and projected amount it would see in two years.

A decision was made to have Dale and Sheriff Dalessandri along with Mark Francis and Dave Ash to travel to Denver for an arranged 7:00 A.M. meeting with Bob Johnson of Reilly/Johnson Architect Firm. The purpose of this was to prepare rough sketched site layout and site elevation drawings for the purpose of submittal to the City of Glenwood Springs Planning and Zoning Committee meeting by 5:00 P.M. on Tuesday, April 15.

Based upon that decision to use the Reilly/Johnson Firm, a motion was made by Commissioner Martin to award the contract to Francis Constructors with a fixed cost plus 8% fee not to exceed a total of \$300,000. Commissioner McCown seconded the motion; carried.

Executive Session - Wilkenson

Commissioner McCown made a motion and Commissioner Martin seconded the motion to go into an Executive Session to discuss Wilkenson litigation; carried.

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

Recess

APRIL 17, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Meeting of the Board of County Commissioners met on Thursday, April 17, 1997 at 6:00 p.m. with Chairman Marian Smith and Commissioners John Martin. (Commissioner McCown was reached by telephone). Others present were: Advisory Board Jail Chairman Al Maggard and Dave Sturges, Community Operations Dale Hancock; Sheriff Tom Dalessandri; Don DeFord County Attorney and Mildred Alsdorf, Clerk and Recorder.

Call to Order

Chairman Smith called the meeting to order.

Telephone Conference - Commissioner McCown was on the telephone.

Don stated the first thing he wanted to discuss with the Board is the concerns RFRHA. There is a meeting scheduled for 8:00 A.M. Friday April 18 and as he is representing the Board he asked for direction regarding positions he may have to take.

Executive Session - RFRHA

A motion was made by Commissioner Martin to go in to an Executive Session to discuss direction for Don on the RFRHA meeting. Commissioner McCown seconded the motion; carried.

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

Don stated other issues needing to be discussed were:
Howerton Litigation; Wilkerson Litigation; and developments on these specific cases.

H-Lazy F Mobile Home

Don and Mark need direction from the Board on potential legal proceedings.

Commissioner Martin amended his motion to include these issues expressed by Don DeFord. Commissioner McCown seconded the amendment; carried.

Commissioner McCown stated a motion was needed to send a notice.

Commissioner Martin made a motion to direct Mark Bean to write a letter to the owner of H Lazy F which is John Seigel to give him notice to appear before the Commissioners to answer problem of the shortage of water a violation of Special Use Permit. Commissioner McCown seconded the motion; carried.

Howerton

A motion was made by Commissioner McCown to send a letter to Howerton and his attorney informing him the County will not provide either a defense or indemnification for damages on the claim of Angela DeFoor. Commissioner Martin seconded the motion; carried.

Rotello

A motion was made by Commissioner McCown directing Don DeFord to send a letter to Mr. Rotello and his attorney informing him that the County will, through CAPP, provide a defense but will not provide indemnification for damages. Commissioner Martin seconded the motion; carried.

Dale Hancock stated the reason the Commissioners re-convened was basically to address the very short time frame the County had to work within as it relates to the temporary facility and its construction on the UPL site due to the fact that we were contemplating an agreement with a manufacturer who had production schedule to take into account and how it relates to our regulatory process with the City, etc. Dale stated they have spent the last three days going through floor plans and numbers reviews and now everyone is at the table who has something to say about what kind of a deal we make, if we make it, and we're on the right day to make a deal.

Sean Haas from Francis Constructors, Dave Ash from Francis Constructors, and John Bennett from Space Master Builders from Dallas, Texas also Atlanta and Denver. Tom Dalessandri was also present.

Dale stated we had at one time in front of us \$411,000 version of the Space Master's project and we had \$418,000 version also. This is what we have been working to accomplish here today. So Francis is also working acting as an owner's representation as far as getting a configuration that's livable that the Sheriff and the architect put together and this is where we are at.

Q: Are we still at the same square footage as we started.

Dale - actually we shaved off the original building was 8,800 sq. ft. and we are now at 5860 sq. ft.

Don - but we are going to have to add another building.

Dale - yeah, there is a 1400 sq.ft. modular office building now that is apart from the new detention facility.

Commissioner Martin - that is going to be used for what?

Dale - office and admin. for the Sheriff.

Commissioner McCown - we are still down about 1500 sq. ft?

More than that.

Sean Haas - what we've done in the original proposal was basically a shell with a shower. We have not added even though we have reduced the sq. footage we have added some security requirements in and some linear sq.footage of partition walls to meet the needs of the facility. So we have decreased the actual sq. footage but we have increased on the amount of wall space we are putting inside that sq. footage. Your sq. footage price is actually is going to go up somewhat but you are building less building now by 1500 sq. ft. approximately.

Don - is that a total of 1500 sq. ft. counting the new building as well?

Sean - yes. 1400 sq. ft. of administration building and now you

John Bennett from Space Master added we need to make sure which buildings we are qualifying. I think this is confusing. What we have done is minimized the sq. footage of the new modular facility. We have submitted a proposal for 8800 sq. ft. that new modular facility has been reduced to 5860 sq. ft. What has happened over the past few days is that the evaluation going on here is that it appears to be more cost effective overall to take some of the functions that were going to be in buildings that were going to be renovated and move into them into the new modular facility. It makes it a bit difficult to evaluate the price per sq. ft. and suggested to look at the whole scope first. What we are talking about is a new modular building that sticks out an 6860 sq.ft. that has a dormitory space, some office, and booking space and kitchen facility. This is the first issue. The second issue is evaluating a 1400 sq. ft. purely administrative purely office space facility. We believe we can accomplish that 1400 sq. ft. perhaps even using a piece of equipment we have in stock. Our intent is to look further at the need of the Sheriff Department layout for that facility and evaluate if we can utilize an existing piece of equipment for the 1400 sq. ft. also Space Master is prepared to offer to allow you to lease that facility or to purchase because it is a more standard configuration.

Commissioner Martin determined from Tom if this meets all his needs in that department. Security, etc. that he is comfortable with?

Tom stated there were security measures that needed to be built in but he was comfortable that this could be done as far as electronics, etc. The structural needs and security needs it is all there.

Sean - Dates on the floor plan that we received yesterday and the specifications put together we are looking at a price for the new 6860 including the relocation of the existing Space Master Facility - the 1990 model building - a total cost of \$390,730. The specifications in terms of the admin. building have not been truly detailed in terms of specific floor plan but a building of that size which is 1400 sq. ft. delivered and

installed to this site should cost \$50,000. You are looking at a total project cost of \$439,870 if you purchase it. We would take about \$15,000 off if you lease that building. Which would mean we would give you a lease rate at two years plus delivery and set up. This includes removal of the unit at that price also.

Commissioner McCown clarified the amount stating he came up with a different figure of \$440,730.

Sean corrected this to the same figure - \$440,730.

John Bennett - please correct my math to indicate the correct number.

Don stated he has a question on all the Space Master Buildings and that is foundation. Can you tell us what we are going to look at in terms of foundational requirements as far as from the City to site your buildings.

Dave Ash - Space Master is going to supply a stamped engineered foundation plan and that would be adequate for the City.

Don - but the cost of foundation included in either Francis or Space Master.

John Bennett - Dave Ash is in possession on a soils report showing soils bearing capacity of a minimum of 3,000 lb. per sq. ft. provided the City is willing to set the foundation plan that shows the blocking and leveling of this modular building being on top of the existing grade with that soils report, then that foundation cost is included in the price of this proposal.

Don - unless there is some unforeseen surface condition.

Dave Ash - based upon the soils report in hand, it is unlikely that this would be the case.

Don - this is pretty typical.

Commissioner McCown - it seems like the urgency of this if we are one day late signing this contract it slows the production of these units 30 days. Today being Thursday, tomorrow being Friday, I don't see how missing one day could slide a 30 day production schedule and we meet regularly on Mondays, can you explain that to me.

John Bennett - it is simply a matter of the orders that any factory receives - factories produce modular buildings in the sequence that they receive those orders. If Eagle County Schools decide that they want to build 32 modular classrooms and a particular factory is awarded that order, then their backlog just went out 60 days.

Commissioner McCown - so you are assuming if we don't get this order placed today the orders placed tomorrow could slide us 30 days.

John Bennett - there is a possibility of this happening.

Commissioner McCown - is I am running my numbers right, with the new and approved adjusted prices of \$440,730 - \$300,000 from Francis Construction we are looking at a \$740,730 - am I in the ballpark?

Don - Chairman Smith asked a question that Mr. Bennett would like to answer.

John Bennett - what I would prefer to do is to - I'm not opposed to the contract being issued on Monday, as a matter of fact, it is in everybody's interest to be very specific in our proposal, dot the i's and cross the t's, count the number of doors, windows, etc. so everyone understands what they are purchasing and I'm not opposed to that happening on Monday.

Commissioner McCown we have a very narrow window we are working with and why we are in the meeting at 6:15 p.m. and why he is on the telephone because we were told that it was due today.

John Bennett - perhaps someone should tell me what the intent of today's meeting was.

Don - the reason is, and I have a question on timing as part of this response to this, John, the opening date is the middle of July - absolutely critical for us to start the construction of the main jail facility and what was represented to me and Larry was that if we couldn't award today, that you couldn't guarantee a facility that we can occupy until the middle of August and that was an important consideration for us. If we wait till Monday, are we back in that mode again? If we are looking at August instead of July.

Commissioner McCown - that is my question - that's why we are doing what we are doing because it was explained to us that if we miss the 17th award proposal we would be looking at a 30 days extension sliding our opening date 30 days and then that's closing the window for us.

John Bennett - my comment is that this could happen, not that it would necessarily be the case. That is a possibility. I cannot forecast other orders that might come into this factory. We were looking at schedules today. Shall we discuss those. What we are looking at today is: the first modules - there are 7 modules in this proposal - the first floor would come off line the first of July; the last module would come off around the 11th of July. We are not building 7 pieces and then shipping, we are shipping them as we complete them and we are setting them up. This will allow Francis Constructors to come in and do their scope of work in terms of interior finish issues on our buildings as they arrive at the site and set into place. So realistically I believe we are looking at an August 1 move in date for Garfield County on this project.

Don - is that if we award today?

John Bennett - yeah

Don - if we wait till Monday, could that change?

John Bennett - it could.

Chairman Smith - John never answered my question if we place an order today, have you lost a day anyway - what time do you close for business in Texas.

John - we are closed for business today. I think we are talking semantics, placing an order, you verbally committed to giving me an order, it does not constitute me accepting an order. Me accepting an order is having an approved signed document that my office has approved. Anything other than that this is not confirmed.

Chairman Smith - so even Monday, we may not have that document in place.

John - I think tomorrow should be set making sure a document can be put together which can be fully executed by our office and yours.

Don - can you get me a form of your contract.

John - I have that with me tonight.

Don - you have a different form.

Commissioner Martin - we need to go ahead and put our contract together as soon as possible so that this will be accepted as an order if we have to have a signed contract.

Sean - this is a question for John - John, can you at what time could you have a bonafide proposal and contract ready for the Garfield County to review.

John Bennett - the answer would be 10:00 a.m. Friday morning.

Commissioner Martin - I think we need to make this happen so we can move on.

Sean - part of the function of the meeting today is to say yes we want to commit to spend this money with Space Master providing we can come to mutually agreeable contract in the amount of \$390,730. This is the intent of this group to go on record that a decision was made to spend that money with Space Master Building for that amount.

Commissioner Martin - contingent upon a legitimate contract signed - mutually agreeable.

Chairman Smith - does this meet with your approval Larry?

Commissioner McCown - yes it does. I think we definitely need - I don't have a problem with the commitment, but I still need to see the contract and make sure it doesn't change between now and 10:00 a.m.

RFRHA

Don determined that he was not needed at the meeting tomorrow and Commissioner Martin and Walt Brown would go alone. This would allow Don to work with Space Master and Dale on the contracts.

Dale - it probably should be noted Commissioner McCown that one of the reasons that we ended up with this configuration was so that we could honor the City's regulatory requirements with regard to setbacks and other things that we understood to be placed upon us by their Community Development Director.

Commissioner McCown - I understand the reason for the change, Dale. I heard this yesterday.

Don - Commissioner McCown - you want to see this agreement in final form before you authorize the Chair to sign. Am I understanding you right?

Commissioner McCown - or I would like to have it scrutinized by you and then I wouldn't have a problem with the Chair signing it.

John Bennett - last issue, does it make sense - based upon the fact that the 1400 sq. ft. facility has not been laid out or proposed, does it make sense that two contracts should be executed? One for the modular building, the critical issue getting it in line with the factory, the other issue, the other building may be an in-fleet building that will take a lead time. So given the fact that I have not seen a floor plan of that unit yet, I think what I would ask is could we direct this to two separate contracts so the form of , the specifications and floor plan of that other building need to be tied to that contract, and haven't been refined yet.

Commissioner McCown - this makes sense to me, as far as I am concerned. The bigger facility is the one on the critical....

Commissioner Martin - let's go ahead and do this.

Don - John you are going to be here tomorrow. Then I would like to see if we can wrap this up tomorrow while you are here. Easier to deal in person.

Tom stated he would be here to lay out the building.

Commissioner McCown - be here when?

Don - probably not until after noon.

Commissioner McCown will make a commitment to be here.

Dale - do we have a legal notice we have to fulfill while we are here as regards tomorrow.

Chairman Smith - no this is a continued

Commissioner McCown - but this has to be ratified at our meeting on Monday.

Don suggested to set this for a 1:00 P.M. meeting on Friday, April 18.

Don and John agreed to meet before 8:30 a.m. and begin work preparing for the 1:00 p.m. meeting.

Commissioner McCown stated he was relying on Don to review the contract, his main concern was the numbers and as long as Don is comfortable with the contract, Commissioner McCown does not have a problem authorizing the Chair to sign.

Don stated he was focusing on two major items - cost and date of delivery. These are critical. Also, in the past, Space Master Contracts we've had to have some long distance negotiations because I haven't always seen eye to eye with whomever drafted their agreement so I know I will be having some discussion on their terms. So he anticipates having some technical language discussions on this.

Chairman Smith reiterated what Commissioner McCown was saying was if Don is satisfied, you can come in and report to us.

Dale - in other words, you could have a vote on the motion.

Commissioner McCown - yeah

Don - two contracts: 1) in the approximate amount of \$390,730 for a structure of 6860 sq. ft. for a detention facility and 2) a second contract for an administrative structure of approximately 1400 sq. ft. for a cost of approximately \$50,000. And date of delivery for both structures no later than, no date of occupancy no later than August 1 and delivery to meet with that time frame.

Commissioner McCown - yes

Don - now that I said that and I think it could be put in the form of a motion authorizing the Chair to sign that agreement so long as that agreement comported with the County Attorney's authorization. Do you agree with that Commissioner McCown?

Commissioner McCown - and I would make that into a motion.

Commissioner Martin - okay, I will second that motion.

Chairman Smith - asked if there were any other questions. Motion carried.

Don stated if we do not have such as agreement Friday, it will be Monday before we can do anything else. Commissioner McCown agreed this was okay.

Commissioner Martin stated he was also in agreement with that.

Contract Pending with Francis Constructors

Don stated he has some questions on the contracts within AIA contracts. The form of the AIA agreements contemplates an architect and that's particularly important when you get the arbitration and dispute sections of the agreement. To my knowledge we do not have an architect on this project.

Dale - we do have Reilly/Johnson Architect.

Don stated he did not know this.

Recess - until 1:00 p.m.

A motion was made to recess until 1:00 P.M. Friday, April 18, 1997 by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair; carried.

APRIL 17, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Meeting of the Board of County Commissioners met on April 17, 1997 with Chairman Marian Smith and Commissioners John Martin. (Commissioner McCown was reached by telephone). Others present were: Advisory Board Jail Chairman Al Maggard and Dave Sturges, Community Operations Dale Hancock; Sheriff Tom Dalessandri; Don DeFord County Attorney and Mildred Alsdorf, Clerk and Recorder.

Call to Order

Chairman Smith called the meeting to order.

Telephone Conference - Commissioner McCown was on the telephone.

Don stated the first thing he wanted to discuss with the Board is the concerns RFRHA. There is a meeting scheduled for 8:00 A.M. Friday April 18 and as he is representing the Board he asked for direction regarding positions he may have to take.

Executive Session - RFRHA

A motion was made by Commissioner Martin to go in to and Executive Session to discuss direction for Don on the RFRHA meeting. Commissioner McCown seconded the motion; carried.

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

Don stated other issues needing to be discussed were:

Howerton Litigation; Wilkerson Litigation; and developments on those cases

H-Lazy F Mobile Home - Don and Mark needs direction from the Board on potential legal proceedings

Commissioner Martin amended his motion to include these issues expressed by Don DeFord.

Commissioner McCown seconded the amendment; carried.

Commissioner McCown stated a motion was needed to sent a notice.

H Lazy F

Commissioner Martin made a motion to direct Mark Bean to write a letter to the owner of H Lazy F which is John Seagel to give him notice to appear before the Commissioners to answer problem of the shortage of water a violation of Special Use Permit. Commissioner McCown seconded the motion; carried.

Howerton

A motion was made by Commissioner McCown to send a letter to Howerton and his attorney informing him the County will not provide either a defense or indemnification for damages on the claim of Angela DeFoor. Commissioner Martin seconded the motion; carried.

Rotello

A motion was made by Commissioner McCown directing Don DeFord to send a letter to Mr. Rotello and his attorney informing him that the County will through CAPP will provide a defense but will not provide indemnification for damages. Commissioner Martin seconded the motion; carried.

Chairman Smith called the meeting back to order.

Dale Hancock stated the reason the Commissioners re-convened was basically to address the very short time frame the County had to work within as it relates to the temporary facility and it's construction on the UPL site due to the fact that we were contemplating into an agreement with a manufacturer who had production schedule to take into account and how it relates to our regulatory process with the City, etc. Dale stated they have spent the last three days going through floor plans and numbers reviews and now everyone is at the table who has something to say about what kind of a deal we make, if we make it, and we're on the right day to make a deal.

Sean Haas from Francis Constructors, Dave Ash from Francis Constructors, and John Bennett from Space Master Builders from Dallas, Texas also Atlanta and Denver. Tom Dalessandri was also present.

Dale stated we had at one time in front of us \$411,000 versus of the Space Master's project and we had \$418,000 version also. This is what we have been working to accomplish here today. So Francis is also working acting as an owner's representation as far as getting a configuration that's liveable that the Sheriff and the architect put together and this is where we are at.

Q: Are we still at the same square footage as we started.

Dale - actually we shaved off the original building was 8,800 sq. ft. and we are now at 5860 sq. ft.

Don - but we are going to have to add another building.

Dale - yeah, there is a 1400 sq.ft. modular office building now that is apart from the new detention facility. Commissioner Martin - that is going to be used for what?

Dale - office and admin. for the Sheriff.

Commissioner McCown - we are still down about 1500 sq. ft?

More than that.

Sean Haas - what we've done in the original proposal was basically a shell with a shower. We have not added even though we have reduced the sq. footage we have added some security requirements in and some linear sq.footage of partition walls to meet the needs of the facility. So we have decreased the actual sq. footage but we have increased on the amount of wall space we are putting inside that sq. footage. Your sq. footage price is actually is going to go up somewhat but you are building less building now by 1500 sq. ft. approximately.

Don - is that a total of 1500 sq. ft. counting the new building as well?

Sean - yes. 1400 sq. ft. of administration building and now you

John Bennett from Space Master added we need to make sure which buildings we are qualifying. I think this is confusing. What we have done is minimized the sq. footage of the new modular facility. We have submitted a proposal for 8800 sq. ft. that new modular facility has been reduced to 5860 sq. ft. What has happened over the past few days is that the evaluation going on here is that it appears to be more cost effective overall to take some of the functions that were going to be in buildings that were going to be renovated and move into them into the new modular facility. It makes it a bit difficult to evaluate the price per sq. ft. and suggested to look at the whole scope first.

APRIL 18, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Continued Meeting of the Board of County Commissioners met on April 18, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown. Others present were: Advisory Board Jail Chairman Al Maggard and Dave Sturges, Community Operations Dale Hancock; Sheriff Tom Dalessandri; Don DeFord County Attorney and Mildred Alsdorf, Clerk and Recorder.

Call to Order

Chairman Smith called the meeting to order at 1:03 P.M.

Don DeFord began the meeting by stating the reason for a continued session from yesterday. He stated he had talked with Mr. Bennett and spend a lot of time working on the agreement with Spacemaster's office in Texas. In terms of the legal form of contract regarding terms, it reads straight forward and no problems.

Dale Hancock reported on Francis Construction. He stated things are moving along and Francis Construction staff are meeting with Andrew McGregor at the City regarding additional design features with respect to conduit in the admin. building for computers, record logs, and small details.

Don - stated the Board would recall the Chair has been authorized to sign a contract with Space Master for approximately \$440,000; and the Chair previously authorized to sign a contract with Francis Construction for about \$300,000. Given the turn of events at City Council, Don voiced his concern with proceeding with the actual construction contracts at this time. He encouraged

discussion as to where we are at this point. In his discussions with Mr. Bennett, if we enter into a contract with him, in a very short period of time the building is ours and in a contract that we can not cancel.

Where we are with Francis he wasn't sure. On a cost plus fee contract, at the point of termination, you owe what you've got. Spacemaster is on a collateral matter also and we are at a point with Johnson that he will start construction drawings and need a commitment for construction. What is the pleasure of the board? Should we proceed based upon these factors?

One other thing Don suggested for discussion was the reactions to City Council's actions last night.

Therefore, he suggested the Board could continue with the permitting process but hold up the construction design and actual construction of the facilities until we get a definite decision from the City as to where we are. This will set us off as far as the time-line is concerned. The advantage is that it would save sufficient costs.

Discussion and Direction from the Board:

Commissioner McCown - stated he had spoken to Sam Skramstad who is of the opinion that there will still be no problem at the Planning Commission. He feels there are five solid positions there and basically will go forward through the process. Don Vanderhoof is a key vote. Sam talked to Don and Don will continue his objections due to the fact that he feels the jail should not be downtown which he has stated from day one but he realizes the need for a new facility. Sam feels his support is forthcoming. Commissioner McCown stated he was not in favor of proceeding with contracts until after he personally heard from Don Vanderhoof stating he would support the concept. This morning, Commissioner McCown put a call in for Russell George requesting as an alternative to move the courts out of the county seat. Should we take any action to relocate all the courts? The UNOCAL building in Parachute on 215 road was looked into last Friday. He did not have the total square footage available. However, the building is large enough to accommodate the Courts, Sheriff and Communications. There is room in there to put a jail facility. It would be an amendment by Russell George and Wattenberg supposedly will support it. They can walk an amendment through at this late date in the Session. May 7 is the last day of the Session.

Commissioner Martin - stated he still feels comfortable going ahead with the plans. He stated he had talked to Sam Skramstad and Don Vanderhoof and last night did not come as real surprises to him. There was a lot of political protection involved and personal stances. He stated he feels the project will continue to go forward and we can build. He stated he has talked to others who have protested and others have opposed it

in the past and now they can support us even though they didn't in the past. Therefore, he voiced his opinion to go ahead and stay on schedule.

Chairman Smith stated the concern she has is, if it is going to end up in a lawsuit no matter what we do, then why don't we go ahead and fight the lawsuit on the UPL site.

Commissioner McCown stated he does not see it going into litigation as this would be political suicide for Glenwood City Council.

Don - because of the way it is structured it is more than zoning. Zoning does not give you a jail. It requires a Special Use Permit and both have to be accomplished. There are also some other small items that could block this project such as an alley vacated. This is something we can work through. Because it appears in the code structure of the City, they would have to pass an ordinance one way or another. From a legal perspective, you really now have to finish the permitting process. We can't just stop. If we start we have to exhaust remedies. Even if we get denied. This led to the permitting process. This is in the Board of County Commissioner's court.

Commissioner McCown stated Sam indicated that he saw no problems there at all, it is a clean 5-2 going in and to overrule the Planning Commission it still takes the 5-2 to override the Planning Commission and he doesn't see that. He sees the 4-3 as of last night. Sam reiterated he was very comfortable with 5 and this is the majority.

Don - Special Use Permit if approved by the Planning Commission is the end of it - he didn't think it went to City Council however, the major development permit is approved by City Council after it goes to the Planning Commission.

Commissioner McCown stated Teresa Williams, City Attorney was under the impression on the major development, that if Planning Commission came out and approved that it still took a 5-2 to overturn at City Council. He stated he would feel comfortable proceeding after he talks to Don Vanderhoof and he tells me that he will vent every time it comes up because I don't like it...

Commissioner Martin stated he has talked to him twice before and knew that he would be doing just what he did. If you look at the vote, you will see that Don Vanderhoof changed his vote. Greg Jung also changed his vote. However, Tripp and Adler voted no.

Mildred Alsdorf asked a clarifying question - there wouldn't be 330 beds unless you move admin. out. This was an issue and the correct number needs to come out. Don Vanderhoof kept saying 330 beds last night which is incorrect.

Commissioner McCown - the problem is through mis-information and changes made by the County, and added there definitely needs to be clarity along with the maximum potential number of beds given out to the press. He further suggested a News Release so as not to be mis-represented.

Al Maggard added this especially needs to be done for Sam and Don Vanderhoof's benefit.

Sheriff Dalessandri stated there were a number of misrepresentations.

Commissioner Martin stated he still feels we should stay with the program.

Discussion included even buying space if a News Release was not a possibility.

Mildred mentioned "My Side."

Commissioner Martin again stated we should all stay within the time-lines as discussed. And put out our information which is truthful and upfront.

Dale Hancock do a contract with Space Master.

Commissioner McCown added that Sam did have a problem with vacating the alley. If they want to put a chink in the armor somewhere it could be here. Sam therefore indicated he sees this as a very critical issue. If the alley is not vacated then we would need a variance.

Dale - This could force us to minimize the building square footage and added it could change the roof line to 3% out.

Commissioner McCown stated it was 5% of the total sq. footage without the alley. Under 70,000 square feet.

Chairman Smith stated they liked the direct access into courts and taking out the alley.....

Commissioner McCown mentioned last night the question arose - is Colorado West going in there. We have no letter of agreement but that is what the six weeks is for, it is designed to let us to iron out all the questions.

Tom stated he has a meeting with Ken Stein on Tuesday.

Commissioner McCown stated that it takes cooperation.

Chairman Smith stated if she was in the shoes of Colorado West after all the battles they fought with the City, she'd want to cover all the bases since they are permitted where they are located.

Commissioner McCown added the City of Glenwood is trying to open up negotiations and verbiage with the County on this 3 mile sphere and 4 mile corridor and their reaction on the jail is probably going to set the direction for future negotiation on additional projects for which they have a particular interest. Sam realizes this.

Commissioner Martin another large issue is the landfill and the State Department of Health is going to be asking the County to get involved and we need to be prepared.

Commissioner McCown stated again he would be more comfortable talking to Don Vanderhoof.

However, the contracts are to be signed today and if we sign it doesn't matter if he talks to Don or not.

Commissioner Martin added the he believes for Commissioner McCown comfort is important to go ahead and talk to Don.

A decision was made to take a brief recess and have Commissioner McCown talk to Don on the telephone. Tom stated as far as Space Master goes, as discussed yesterday, the fact of the matter is that if we do not proceed, if we decide to litigate, hold off for a year, go back to the drawing board for a new location, we need bed space tomorrow. The Space Master or a contract with Francis to construct the perimeter wherever that may wind up being is of bad investment. Certainly, the building at \$440,000 will pay for itself in 2 years in prisoner boarding alone. The bottom line is that we spend \$225,000 a year right now. Even if the whole project got pushed back two years, two years of putting in a temporary building at the airport and transporting them would save us the cost of the building over a two year period. He added he was only saying this to give a cost picture.

Don - Space Master - in talking with Mr. Bennett this morning, it is not entirely within ADA standards as it is designed; it is close but not there if looking at for a long time especially with rest room facilities.

Commissioner McCown did not support of a remote center, but suggested to find a location for the new one - move the entire operation. and not have two operations.

Don - suggested permitting may be an option. If you buy it today, it is your building.

Commissioner McCown stated he was not at the "warm fuzzy" stage that John has reached but stated he still agrees with the need of additional space due to the overcrowding that the Sheriff is facing and the cost incurred in boarding the prisoner. He will endorse going ahead.

A 10 minute recess was called.

Commissioner Martin made a motion to take a 10 minute recess. Chairman Smith stepped down as Chair to second the motion; carried.

Commissioner McCown called and spoke directly with Don Vanderhoof.

Call to Order

Commissioner McCown stated he had talked to Don Vanderhoof. Don informed Commissioner McCown that last night at City Council when the zoning issue passed so did the jail pass. He made a commitment that you'll never hear me out on the street beating a drum for it but no more opposing. This is what Commissioner McCown stated he needed to hear.

Don - there are two things to work on then. Mr. Ash and Mr. Bennett are close to being ready to give the Commissioners presentation. We need to talk hard about time frames. He said we are looking at a contract right now - Bennett had a pretty good idea a few minutes ago where we structure a contract with Francis that the date of completion three weeks after delivery of the 7th modular. The reason being that is really how their contract is structured. Unfortunately, the order came in, that will go ahead of the County so we are back with Space Master an additional three weeks with them. Bennett just explained the process and it looks like we are thinking the end of August.

Chairman Smith stated the point she was trying to make yesterday, it doesn't matter what time we made an order, we're already beat by the close of business in Texas.

Don - stated he was very much afraid of the situation we are in where we will end up with a Special Use Permit effectively approved by the Planning Commission but a major development permit that

Chairman Smith stated she felt McGregor has received his marching orders.

Dale - stated he thinks he has two sets of marching orders. He's telling the elected and the staff one version and one more for the professionals because they know what their requirements are.

Chairman Smith asked then if we have to deal with Andrew?

Dale answered no.

Commissioner McCown stated he felt Andrew was only doing his job.

Don - suggested the County stay out of the City staff and let them worry about it. In this arrangement you have elected dealing with elected is the best way.

Commissioner McCown stated Mike Copp was livid the way it came up last night.

Welfare - Statewide Minimum Standards

Commissioner Martin made a motion to sent notice to CCI and show support for the special concern that it has to be a reasonable cash benefit suggesting \$250. Commissioner McCown seconded the motion; carried.

Contracts - Space Master and Francis

Don DeFord, John Bennett of Space Master Buildings and Dave Ash of Francis Construction were present. Don stated the staff was ready to advise the Board regarding the contracts with Space Master and Francis Construction. He added it was his understanding that the Board was ready to proceed with final consideration and authorization on both of these contracts.

Chairman Smith - yes

Don - Both Mr. Ash and Mr. Bennett need an opportunity to speak to the Board about their roles in the project, where they are today.

John Bennett stated what he has submitted is a form contract with several addendum being a floor plan that has been provided to Space Master by Reilly/Johnson Architect - called Exhibit A; a set of building specifications - called Exhibit B; and a specific scope of work relative to Space Master's role in this project - called Exhibit C. These have not been reviewed by the Board yet.

Don - no. Let me just quickly address the contracts since John introduced it. The attachments Don said he has not seen. The format clearly delineates the roles of Space Master relative to the project. While we need to look at the roles this is really not a legal function because the Board has to make sure what they are getting is what they are willing to accept. It is very clear on the form as to what you are going to get. In terms of the form contract, Don stated he still has a couple of questions about the terms relative to the project. One of the terms requires the seller to maintain insurance on the seller's property while the seller Space Master is relative to our project the seller is not going to have any property if I understand the terms of the contract correctly although this doesn't create any problems for us. There is an indemnification provision but it relates only to workers compensation for our employees or employees who are not Space Master employees functioning on the site. We have to agree we would indemnify any claims for workers compensation insurance. Don does not have a problem with this for two reasons: 1) they will be our employees who we are responsible for or they will be employees of the sub-contractor Francis and 2) our contracts require they have workers compensation for their employees as sub-contractor so this is not an issue. One other thing is the date of delivery and the contract that just came up. There is a provision that talks about time when delivery occurs and John will be more specific about that in a minute. It dissolves Space Master from their obligation to delivery under certain circumstances most of those are standard, acts of God, strikes, riots.... there is a sentence that talks about a contract that's expected by the seller that we either make it impossible to meet the time schedule that is set forth in the contract - that like we have seen today is that type of contract - in other words we could agree on a time today but by the time this agreement is submitted, accepted, and signed by Space Master there might be another intervening contract that forces this time schedule to be moved back. That is the possibility under the contract. But those are the only provisions I see in the form that would create any problems for use. I need to mention there is an easement on this property that you all are aware of - right now you couldn't put a Space Master on that site because it would interfere with the City's easement

John Bennett there is a revised site plan to make this correction and I believe shows the building not located on the City's easement.

Don - maybe it's not an issue then under the revised site plan. So, if not good. If it were to be a problem it should be resolved by July anyway, so

John Bennett - the issue for Space Master is absolutely not wanting to be responsible for their verifying those easements whether they are going to be there or not.

Don - that's fair

John Bennett - with respect to time-frame. One thing is that we were talking about last night a large order was placed; a purchase order has been issued as we call it; and this gets back to my comments last night, the County is verbally committing and actually executing contract with the purchase order issued to the factory. John stated he has spoken to two other factories this morning about production capabilities. One said they could not meet the time schedule and one said yes they could. So we're willing to charge forward based on the time schedule that we committed last night. There are kinds of overlapping scope of work issue with Francis. There are some overlapping scopes between ourselves and Francis Constructors and the City as well . We need to think about how the language of the construction schedule would work. What I mean by that is Space Master has - there are things Francis Constructors has to do PRIOR to Space Master delivering our buildings. Then there are things that Francis Constructors has to do AFTER we have delivered our buildings. My suggestion possibly is to tie some contracts with sequencing. For example, Francis Constructors Contract might be that they are to have the buildings ready for occupancy no later than for example the 3rd week after the last modular arrives on site. Space Master subsequently will be willing to commit to a schedule that says we will have all 7 modules on site by a given date. Maybe that's the way to sandwich this thing - based on a site being prepared and that sort of thing. So there are fairly significant overlapping for scope of work so we want - the factory to who we submitted it specifically addressed that thing but I think in an addendum very easily we could create a Construction Schedule that would tie down our sale.

Don asked if Space Master was prepared to do a contract today?

John Bennett - yes we are.

Don - and if we do one today, what is you anticipated date of delivery of the last module?

John Bennett - the 14th, the last module would be on Friday - by the 14th or 16th - Dave help me

Dave - 14th of July

Commissioner McCown - you mean 3 weeks for completion after that

John - right

discussion among group - middle of August - make our change over - actually we've picked up four days from the construction schedule already.

In a perfect world that's going to happen - laughter

John - we have to contractually make agreements that tie dates specifically but we also know that the reality of construction is very very difficult there's a lot of things that have to happen to make it work - time frames - we deal with uncertainties

Don - does anyone have any questions of Space Master at this point. I know one question I want to address to all parties we talked about the APA standards are there any changes that we're going to accomplish in the building or are we going to go ahead with the square footage as designed?

John - we haven't changed that

Commissioner McCown - there are no penalties

John Bennett - not at this time

Don - whatever breach of contract

Dale - this contract is just for the detention building, not the admin.?

That's correct

Don - Tom's told me that's not a problem and we can deal with that and get that the admin. easily...

John Bennett - utilize a standard Space Master equipment that would function as the admin. building - standard stock equipment - readily available 1344 sq. ft. 56 x 24

Commissioner McCown - what all are we using of the existing equipment? Are we still incorporating the steel box and the Space Master that we already have?

Yes

Dale - a significant amount of scavenging out of the existing jail to put stuff - phased in at a certain time - a change order process - moved over - phased in.

Tom - can make do as the building is and then move after we stabilize everything.
John Bennett said he will take an executed contract back if that happens today - copy and fax it.
Dale - can you fax a copy this afternoon? Does that constitute the legal start date?
John - I don't know
Don - under the terms of the contract, they don't start until they sign the contract.
John Bennett - without tied to a certain amount of days, dates not days.
Tom - Dave, what would the move in date - tangible? August 1 or the 7 - give or take -

John - depends upon all the fixtures and everything else.
Tom needs target dates to know when to figure in some training.
John - and we could follow through ... what is the real downside to Garfield County if you aren't able to get a certificate of occupancy for the third week of August - what does that do?
Tom - the issue is the construction of the new facility. If we have to look at a temporary location of prisoners - we'd talked about the use of the school gymnasium which would be the most ideal for a week to 10 day period while we make the adjustment from one building to the other.
Don - if we could get a gymnasium.
Tom - it would be no later than the early part of August - and that may not work as there is that time when the school begins prepping for their school year. July is more ideal as there is not as much going on. We don't even know if the school would even approve the use. This would be the most economical way of moving a large number of people and take care of them for a couple of days to make the transition. I don't see the building being completed ready - obviously we're going to have locate or put them all in the new Space Master if it was there first.
John - it's not going to be - there's no way
Tom - what's going to happen - you will be moving two units over - you will be displacing these people and they have to go somewhere. Staff up for 10 days and keeping them locked up. Tom added he was not worried about getting the staff.
John - what happens if we do wait and bring the Space Master first even if its the last to be built, from a logistics standpoint will that help you? Will it be easier to control your people in a new Space Master building and then shut down the steel box and the old Space Master facility
Tom - stated he needs space for 50 - 60 people and if that new building were on-site, I could move those people out of the steel box and out of our Space Master into that dormitory - and put women somewhere else. No big deal hopefully.
John Bennett - this might extend your construction schedule slightly but it may increase the inconvenience.
Tom - the other thing we may run into is we will have to change that kitchen.
Dale suggested taking food service from Signature food service - use the one that delivers to Colorado West downtown.
Don - we may be able to contract to transport for a week or two.
John - if we did it this way we are going to be adding a week so we are looking at
Dale - Commissioner McCown's original question, then demo beginning July 23rd.
John Bennett - which means clearly the metal box and the Space Master are re-located first. The overall construction schedule will not get shorter. We can look at what's best for sequencing. There is this many weeks - this is the project - will either shift this way or that. The time we had for moving the existing structures would be moved to the end.
Tom - the most efficient way would be to have the property all set up, move your buildings over there and ... it's almost going backwards going the other way.
John Bennett stated he didn't get that - will the steel box and the Space Master units be first or last?
Tom responded, first.
Tom - suggested it would be better to get your site ready, then move the buildings over there in time for your arrival, when your buildings arrive, you're ready to go.
John added if you move the other buildings first, it makes a difference as to how they move the buildings on the site and adds a day or two of the set-up process.

Foundations

This was discussed and Space Master made it clear they provide the foundation accepted by the UBC Code. If there is a further requirement by the City, they do not have that in their contract.
Don clarified that this was correct.

Commissioner Martin added that he had conversations with the building inspector for the City and was informed the UBC code was what they went by.

Dave Ash implied if the City did require a different standard, it would add cost and time to the project.

Don ascertained if there was a change order necessary that Francis could complete that order.

Dave Ash said yes they could.

Payment Schedule

Don determined that a standard Contract with AIA practices was acceptable. Along with the Contract, scope of work, and specifications were ready today and Space Master would accept a payment schedule along with it.

Payment - John stated they would be open to standard AIA payment practices. None was due today. The schedule he would be wanting would be typically 10% of the contract at execution and substantial at closing.

Don indicated the Chair has previously been authorized to sign the contract with Space Master already.

John Bennett clarified this was a contract as well as a Notice to Proceed.

Motion to sign Francis Constructors Contract

Don stated there was not an authorized motion to have the Chair sign the contract for Francis Constructors. Don stated he has reviewed the Contracts and with the exception of his usual objection about Arbitration in AIA contracts, he didn't have any problem. Francis Constructors' representatives said they had not problem striking the paragraph. The actual contract lists Bob Johnson and his firm as architects. It is a very workable agreement on behalf of both Francis and the County. Gives us a great deal of flexibility. Don was concerned at time of completion because the document states "time of completion three weeks after the date of delivery of the final module from Space Master." This is not a date certain but it is realistic.

Dave Ash stated he would need to amend 3.2 in Article 3 in his contract.

Don stated the motion needed to be to authorize the Chair be authorized to execute a Contract with Francis Constructors in the fee plus cost AIA form cost not to exceed \$300,000 with specific exclusions for certain work recognizing that change orders may be needed to complete certain portions of this project.

Commissioner Martin so moved.

Commissioner McCown seconded.

Discussion.

Dave stated there was one question earlier - whether or not they were to work directly with Reilly/Johnson within the architectural requirements.

Dale clarified that was with bookkeeping stuff. If you fail to complete, \$2000 per day.

Commissioner McCown added we need to make sure URS and Reilly/Johnson are on this temporary facility, all are on the same page so they don't have contractors scheduled July 23 to demo the existing site, because then we would have to start paying for that equipment.

Don - in terms of my understanding, URS is not involved at all in this project.

Correct.

Dave Ash asked if they would be at any point.

Dale stated URS has not executed their contract.

Dave Ash - as far as us finishing this project and the demo on the other one it would be real easy if Francis Construction was involved in that process. We could phase the demo.

Motion carried.

Don stated that Dave is going to meet with Mr. McGregor at the City yet today specifically for the purpose of making sure that this major development permit application has what they are looking for.

Dave stated he would not give him any information he merely responds that he hasn't had time to look at it.

He did say he would take the time and we would get through it today. So if there are any things lacking,

Dave will get them in as soon as possible.

Dale mentioned he was meeting today with Bob Johnson as well.

Commissioner Martin stressed the importance of keeping communication with the City.

A Joint City Council/Board meeting was scheduled for Tuesday, April 22 at 7 A.M. Al stated he would coordinate with Sam and Don.

Don asked Dale to coordinate with Chuck as the contractors would need 10% in 10 days of purchase.

Railroad Update

Commissioner Martin stated QWest easement has been settled and there are still questions and on-going negotiations but they have not come to the table. Union Pacific/Southern Pacific are still answering the questions. U.S. West is tied in there somewhere and that has not been resolved. The GoCo grant has not been accepted. There is still three or four questions on that. Indemnity is still the one as well as joint severance and total acceptance of the conservation easement. He stated he has all the documents and have given them to Don to review. We also advised them we stand firm on our grant and the way it was written and presented by Don and himself last meeting. Mr. Emerson and a couple other attorneys have said they will not accept that language. The GoCo Budget may be re-written; that's where we left it. The closing date has been moved from the 25 of April to June 5 or 6. This is only a request, it has not been granted. Dave Sturges interjected there was a question about what if they didn't approve it and John Worcester considered it a breach right now because they had not provided the QWest documents.

Commissioner Martin added they wanted a letter stating this applied only to financial review.

This letter has not been received as yet.

Commissioner McCown stated Wooster is indicating if they don't wish to extend the closing time, that they have some recourse.

Don asked if the contractors needed anything else from the Board today.

John Bennett stated he would like to fax us on Monday a scale document of the standard box - the 1400 sq. ft. facility.

Don stated the Board has not been authorized to sign a contract for the 1400 sq. ft. building and the next Board meeting after Tuesday's meeting will be Monday May 5. Will this be a problem?

John answered no.

Adjourn

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn until Monday, April 21; carried.

APRIL 21, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 21, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Deputy to the County Clerk and Recorder Marian Clayton.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

BID AWARD - TWO 4X4 UTILITY VEHICLES AND ONE 4-DOOR SEDAN

Deputy Sheriff Jim Sears and Mike McBreen were present.

Bids for (2) 1997 Four Wheel Drive, Four Door Utility Wagons with Police Package and a 1997 Four Door Sedan, Front Wheel Drive were presented for review, discussion and award.

Berthod Motors 1997 Jeep Cherokee	\$22,718 each 45,426 for two
Columbine Ford 1997 Ford Explorer	23,883 each 47,766 for two
Western Slope Auto 1997 Explorer	24,223 each 48,446 for two
Glenwood Ford 1997 Ford Explorer	24,660 each 49,320 for two

A motion was made by Commissioner McCown and seconded by Commissioner Martin to award Berthod Motors for the two four wheel drive, four door utility wagons with police package for \$45,426; carried.

Bid for Motor Pool

Columbine Ford 1997 Ford Taurus GL	\$15,011
1998 Ford Contour	15,060
Glenwood Ford 1997 Ford Taurus	15,060
1998 Ford Contour	15,680.25
Western Slope Auto 1997 Ford Taurus	16,952
1998 Ford Contour	16,052
Haines Chevrolet 1997 Chev. Lumina	18,000
1997 Chev. Cavalier	
Bozarth Chevrolet 1997 Chev. Lumina	16,131.64
1997 Chev. Cavalier	13,298.49

Mike recommended the Ford Taurus at Columbine \$15,011 or the larger vehicle - 1998 Ford Contour at Glenwood Ford for \$15,680.25.

A motion was made by Commissioner Martin and seconded by Commissioner Martin to award the bid to Columbine Ford for \$15,011; carried

Mike stated the plan was to replace one of the vehicles at Rifle in the motor pool, a 1982 Toyota. The inventory for the Sheriff's Department vehicles was reviewed.

Sweetwater Fire

Road and Bridge circled the fire and did a great job. Commissioner Martin requested the names of the crew that were there.

PAYMENT OF BILLS

Chuck presented the claims against Garfield County for the second run of March 1997.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the payment of bills; carried.

COUNTY OPERATIONS

Fairgrounds

Chuck said the treasurer of the Fairboard, Grey Mello had issued a complaint about the circuits overloading at the Fairgrounds. Chuck added he would have Jerry Senor Electric take a look at the situation. Also, some provisions will be made in assigning vendors where more power can be moved.

Financing of the Jail Structures

Chuck stated that Alan Matlosz had discussed the various options on financing regarding the temporary and permanent facilities. He mentioned he will figure out the best way to approach this however one way was just paying for the temporary buildings out of the money they have.

Ratify Motion made during Special Meeting held on April 17.

H Lazy F

Commissioner Martin made a motion to direct Mark Bean to write a letter to the owner of H Lazy F which is John Seagel to give him notice to appear before the Commissioners to answer the problem of the shortage of water regarding a violation of a Special Use Permit. Commissioner McCown seconded the motion; carried.

Howerton

A motion was made by Commissioner McCown to send a letter to Howerton and his attorney informing him the County will not provide either a defense or indemnification for damages on the claim of Angela DeFoor. Commissioner Martin seconded the motion; carried.

Space Master

Commissioner McCown stated he was relying on Don to review the contract, his main concern was the numbers and as long as Don is comfortable with the contract, Commissioner McCown does not have a problem authorizing the Chair to sign.

Don stated he was focusing on two major items - cost and date of delivery. These are critical. Also, in the past regarding Space Master contracts we've had to have some long distance negotiations because he hasn't always seen eye to eye with whoever drafted their agreement so he knows he will be having some discussion on their terms. Therefore, he anticipates having some technical language discussions on this.

Chairman Smith reiterated what Commissioner McCown was saying was if Don is satisfied, you can come in and report to us.

Don presented two contracts: 1) in the approximate amount of \$390,730 for a structure of 6860 sq. ft. for a detention facility and 2) a second contract for an administrative structure of approximately 1400 sq. ft. for a cost of approximately \$50,000. The date of delivery for both structures to ensure the date of occupancy no later than August 1 and delivery to meet with that time frame.

Commissioner McCown - yes

Don - now that I said that and I think this could be put in the form of a motion authorizing the Chair to sign the agreement so long as that agreement comported with the County Attorney's authorization. Do you agree with that Commissioner McCown?

Commissioner McCown stated he did and I would make that into a motion.

Commissioner Martin - okay, I will second that motion.

Chairman Smith - asked if there were any other questions. Motion carried.

Don stated if we do not have such as agreement Friday, it will be Monday before we can do anything else. Commissioner McCown agreed this was okay.

Commissioner Martin stated he was also in agreement with that.

Bernadette Flohr

Chairman Smith requested Chuck to send a card from the Commissioners to employee Bernadette Flohr who suffered a stroke.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard, Dave Sturges, Don DeFord, and Chuck Deschenes were present.

Jail Count

Total in jail: 108. 47 in the main jail; 32 in Work Release; 7 females; 3 Home Detention; no Day Reporting; 1 State Hospital; 15 DOC; and 18 in other jails.

Discussion was held regarding how to best inform the public that mis-information was being printed in the press with respect to the number of prisoners at the time of opening the new jail.

A decision was made to have Dale, Al and Sheriff Dalessandri put together a press release. If however, the papers refused to look into purchasing an outright ad in order to ensure accurate information.

A negotiating meeting with City Council Jail Committee members was set for Tuesday at 7:00 A.M. in Room 301, Courthouse.

Tom reported they had cleared a transport of an elderly gentlemen suffering from Alzheimer's' in Tri-County ambulance to the VA Nursing Home who was arrested on domestic violence and should never have been in jail. He had no control of bodily functions and was finally placed in Rifle at the VA Nursing Home.

Reilly/Johnson

A telephone conference was held with Architect Bob Johnson. The required height issue which required a shadow schematic was discussed.

Francis Constructors

Dale reported there was increased attention on displaced parking and the City of Glenwood Transportation Committee was working on it.

Francis Construction wants this issue addressed. This becomes part of their major developmental review.

Don had questions with respect to the Special Use Permit. The Chair needs to be authorized to sign the Special Use Permit for both the temporary and main jail.

A motion was made to authorize the Chair to sign the Special Use Permits for the temporary and main facility by Commissioner McCown and seconded by Commissioner Martin; carried.

Vacation of Alley

The application for the City of Glenwood to grant an easement of the alley was discussed.

A motion to sign the second application on vacating the utility easement in the alley was made by Commissioner Martin and seconded by Commissioner McCown, carried.

Bills for the Jail

Dale reported there were bills in the amount of \$45,205.64 to be paid which gets us to the current bills. This takes us through the March 26th conceptual review process with the City. In the interim there were expenses of approximately \$14,000 and another \$1,000 dollars for the site plan on UPL. Commissioner McCown clarified this was all due to Reilly/Johnson.

Chuck stated basically this will come out of capital expenditures. Architectural fees were capitalized as part of the project.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to pay the Reilly/Johnson bill of \$45,205.64; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Mark Bean, Donald Willman of 1309 Oakway Ave. and Dana Yraian Construction were present. Mark stated this was a review of Mr. Willman's request to move the building envelope. He added it is the recorded Deitz Exemption and is trying to create some building envelopes. This is in the Elk Creek Subdivision and the homeowners asked for building envelopes. Mark added the Building and Planning had no problems with this request; he added the access is off of the County Road. Mark issued a photo of the old abandoned ditch. The access is 25 foot for a driveway. This is a single family home. Mark added they are obligated to meet all the plat notes and they are only moving the building envelope. An amended plat will come before the Board.

COUNTY BUSINESS

4-H - Goats

Regina Broughton, Kim O'Neal and Pam Burger were present with a couple of goats as a fund-raiser for 4H. Kim stated you send the goat to your favorite business and they pay you to have it removed. A Mr. Anonymous had sent them to the Commissioners.

All three Commissioners donated to the fund-raiser and the goats were removed.

Farm and Ranch - Fairgrounds

Commissioner Martin was personally thanked by Chuck Deschenes for participating in the judging of the best booth at the Farm and Ranch show at the Fairgrounds over the weekend.

Additional discussion regarding the Jump for Jesus Fund-raiser and how the Fairgrounds could use more spectator interest generated activities was discussed. Commissioner McCown stated he would like to see a better rental rate quoting Grand Junction charging \$500 rental versus Garfield's \$360.

Dogs on the Fairgrounds

Discussion took place regarding the "No Dogs Allowed" at the Fairgrounds. Some are not obeying especially if the dog(s) are on a lease or in a vehicle. The rule is enforced for local tax payers and not for out-of-towners. Some problem-solving techniques were suggested.

AMENDED PLAT - ASPEN GLEN - FILING 1, LOT D-7. APPLICANT: ASPEN GLEN GOLF COMPANY

Mark Bean presented the amended plat for Aspen Glen for filing 1, lot D-7 stating this is outside the floodplain and it is a request to move the easement for the golf course. He added the Building and Planning Department did not have any concerns.

The Commissioners granted approval for the amended plat as requested.

AMENDED PLAT - DAKOTA MEADOWS - LOTS 21 AND 22. APPLICANT: CHAFFIN/LIGHT ASSOCIATES

Mark Bean presented the amended plat for Dakota Meadows for lots 21 and 22. He added it was for a multi-family unit splitting into smaller duplex lots and a redefinition of the open space with respect to putting in a berm and landscaping.

The Commissioner stated they did not have a problem granting the amended plat.

Mark requested a motion.

A motion was made to authorize the Chair to sign the Final Plat and Subdivision Improvement Agreements for Dakota Meadows Lots 21 and 22 when presented by Commissioner McCown and Commissioner Martin; carried.

Larry Lang - River Project

Chairman Smith mentioned Larry Lang of the River Project has some money they want to spend and want to do a purchase order and they will do all the review of the project.

Mark interjected that we ask them to certify the work anyway.

Chairman Smith stated he has the documents and will bring them if a motion can be made to approve the Chair's signature.

Commissioner McCown made a motion that the Chair be authorized to sign the purchase order for the River Project. Commissioner Martin seconded the motion. Discussion. Mark added the intent here is to basically have the Colorado Water Conservation Board go back in and redefine the floodplain and eventually what will occur is the Board will have to essentially do what is equivalent to the zone district amendment and send this all the way back to the Federal Emergency Management Agency, however, the part undefined is who will pay for the cost as FEMA doesn't do this for free anymore. They will review the plan and make sure they meet the hydraulics in terms of definition of floodplain and will then officially result in a change to the floodplain designations within that stretch of the Roaring Fork River. The improvements being put in there will hopefully keep the river a little more stable. Motion carried.

AMENDED PLAT - LARSH EXEMPTION PLAT. APPLICANT: ED LARSH

Mark Bean presented the amended plat for the Larsh Exemption Plat. He explained that Mr. Larsh was trying to approve a fisherman's easement and conservation easement. When Mr. Larsh did this he did the conservation easement as a separate easement. Mark stated he needs to designate these as easements. Basically he is re-defining the size of the lot. Mark will ask that they define the lots this way. Discussion. A suggestion was made to put a plat note that this is a "private access easement" that can be revoked.

Resolution - Floodplain Special Use Permit - Robbins

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution concerned with the approval of a Floodplain Special Use Permit for Philip Robbins; carried.

Resolution - Conditional Use Permit - Renner

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution concerned with the approval of a Conditional Use Permit for Jerri and Matthew Renner; carried.

Resolution - Floodplain Special Use Permit - Bradley

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution concerned with a Floodplain Special Use Permit for Lauren Bradley; carried.

Request - Town of Carbondale - Setback for Residential Trailers

Mark presented a request from the Town of Carbondale for an exemption on setbacks for residential trailers within the 100 ft setback for a sewage treatment issue for employee housing.

The Commissioners instructed Mark to draft a letter stating their concerns regarding the disregard of the setback in line with the recent decision on Zilm regarding a similar issue.

DEPARTMENT HEADS

Guy Meyer presented emergency services completed an exercise training last Friday. He added the group has completed 48 hours of command training. He mentioned the ones who originally started have completed the I100, I200, I300 Basic Incident Commander and Type II team which shared a lot of knowledge. This last Friday was with the Hazards Material Exercise and added realism by adding radios and actors come in and disturb the group as they were managing these incidents and this was the key to demonstrate the skills of the commanders on the incident. Guy stated he applauded these guys as they were put in some real difficult spots in managing this stuff. They were given complex scenarios up to a type two incident and suggested some recognition be given.

Chairman Smith asked that Guy give the Commissioners the names and stated a letter will be sent to each one.

LIBRARY BOARD - ANNUAL REPORT PRESENTATION

Stephen J. Thomas submitted that State Statute 24-90-109 says that at the close of the fiscal year, the Board of Trustees of the legally established library will present a report to its funding body of the condition of its trust during the year. Stephen stated this was a good year in 1996 in which the Library recovered from the cutbacks made in 1995. He gave the following statistics: 200,000 people came into the Library throughout the County; and of these 226,000 items were borrowed; asked 22,000 reference questions; and 12,000 attended over 400 programs both for adults and children. He added it was a very good service-wise year and they had their best record yet. More books were circulated and more reference questions were answered in a one year period than ever before. The two largest branches, Rifle and Glenwood Springs, went to the automated catalog and circulation system and this year in 1997 they finished out the remaining three so as of right now all six branches will be on computerized cataloging. Economically they spent \$37,000 more than they brought in so they ran a deficit budget in 1996 and will be running a deficit budget in 1997 therefore he added funding for the Library will have to be addressed in the near future. The Library cannot continue running deficit budgets before they run out of money. There was a three year goal to bring the buildings to ADA standards and this is completed. Through the use of grants and the Library's own money they put in a bunch of access micro computers for the public to use and in the Fall they had a series of focus group sessions throughout the County that will help in the planning efforts for the short and long term future.

Commissioner Martin added he had visited each of the libraries except Parachute.

Commissioner Martin complimented Stephen on a good report; Commissioner McCown also.

A motion was made to accept the Library Annual Report as presented by Commissioner Martin.

Commissioner McCown seconded the motion; carried.

SOCIAL SERVICES

Commissioner Martin made a motion and Commissioner McCown seconded to go into the Board of Social Services; carried.

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

Communications Authority Agreement

Don DeFord, Daryl Meisner, Dale Hancock, Georgia Chamberlain and Tom Beard were present. Chuck stated the Commissioners can review the budget but he needs to formally publish for public input. Georgia Chamberlain stated she had called the individuals in Denver who do the transfers and they informed her they would need to change procedures to meet the quarterly payments, which can be done. Tom Beard indicated whatever was most efficient would work for the Authority.

Chairman Smith inquired as to the legality of approving the budget. Chuck responded it would be subject to the public process and something the County would pursue then he didn't think it was a problem.

Commissioner McCown stated it was critical to get the money mechanism in place because the City of Rifle and Garfield County have been carrying this for four months out of each of their own prospective budget. It should be apportioned properly and be on record that isn't going through the Authority since the Intergovernmental Agreement went into effect.

Additional discussion was held regarding budget items.

Chuck stated he would put the numbers together.

A Public Hearing was set for May 12 at 11:30 A.M. for the Communications Authority Budget Hearing.

Community Operations

Dale Hancock and Don DeFord discussed the City wants both short term and long term parking issues addressed. Discussion was held which included the UPL property as well. Don mentioned that Dave Ash had been contacted and the parking lot would be part of the major project.

Dale stated Mark Donaldson indicated the UPL parking lot in the long-term plan should be asphalted and landscaping.

Don added this discussion was necessary as direction was necessary for Bob Johnson regarding the number of spaces to be included in the site plan/permit process for the City.

ROAD AND BRIDGE DISCUSSION

King Lloyd reported the Fairgrounds entrance would be a good demonstration for use of tar sands.

April 22nd at 9:00 A.M. was scheduled for the Road Tour for County Road 117 and discussion of bid awards. April 23rd was set for the Road Tour in Silt.

Slaughter Gulch

King reported the agreement with Mr. Whittington was reached and Sam Phelps was finalizing the easement. Road and Bridge took advantage of free fill material and repaired the area. King suggested the Commissioner look at this on the Road Tour on April 28th.

Cattle Guard on Road 333 - Hunter Mesa

King reported that he had spoken to both Harold Shaeffer and Marvel Covey and they agreed to work to smooth things out. In respect to the cattle guard, Harold has said he will contribute to the cost of the replacement cattle guard.

Chairman Smith commented that the person needing it makes the first expense, then the county maintains. Another cattle guard discussed was on County Road 222 that goes to public land. No fences were in place and they are working with the cattle guard. Someone has to buy it other than the County.

King mentioned that Marvel was not at the last meeting.

Commissioner McCown suggested that King should talk to Mr. Shaeffer and the gas companies and see if they will help. It was also suggested that maybe Marvel could grant an easement also.

Direction was provided to King by the Board for him to hold off on the cattle guard until finances are worked out.

Comments from Citizens

A group from Leadership Glenwood - Susan Barena, Yvonne Allen, Rhonda Skyberg, Dina Drinkhouse, Steve Vanderleest and Susan Glenn-Jamas - were just sitting in and observing the proceedings of the Commissioners. They stated they had taken a tour of the jail earlier.

CONTINUED PUBLIC HEARING - OAK MEADOWS FILING FOR WATER AND SEWER SYSTEM. APPLICANT: REDSTONE CORPORATION

Mark Bean, Don DeFord, Robert Delaney and Larry Green were present.

Mark clarified for the new Commissioners about the on-going hearing mentioning it is intended to deal with Beaver Court final plat not dealing with continued expanded development by Redstone or anything else. Part of the issues here is to demonstrate the compliance with the water and sewer.

Larry Green explained for the new Commissioners, back in 1995 the county and Oak Meadows signed a document for Oak Meadows Ranch, which addressed the status of final plat for the Beaver Court which had been recorded in the records in the mid to late 70's. Over the course of those years, it was determined that the security previously given by the developer for some of the subdivision improvements associated with the development was not longer adequate to make sure these improvements were completed in a satisfactory fashion talking primarily about water supply and sewage treatment capacity. That documents stated, as such time as the applicant completes certain items of performance related to water and sewage then the previously recorded plat of Beaver Court which had 11 units on it would be considered final and the developer could go ahead and convey those 11 units in Beaver Court. The performance required of the applicant involved getting some water rights and doing some testing and enhancements to existing sewage treatment system. The water rights necessitated a Water Court proceeding. That was undertaken and we have appeared every 3 - 4 months over the last 18 months to keep you updated about the progress being made on the water and sewer problems. This time Larry commented he was happy that the legal water issues have been resolved. All objectors have stipulated out of the case, agreements have been reached, there are two water rights at issue; in one case a decree has been issued in the court and in the other case a ruling by a referee has been issued based upon the stipulation. There is a 20 day protest period after the water referee issues his ruling before the Court enters the order. And right now they are in the middle of that 20 day protest period. Because the ruling of referee was issued based upon a stipulation between all the parties unless there is somebody totally new that comes out of the woodwork, there's no reason to expect an objection to the referee's ruling and the decree should issue in the next several days and the water matters will be resolved.

The second aspect is the sewage treatment facility and the primary issue that was involved was obtaining a discharge permit for the existing facility. In going through the process of trying to obtain that discharge permit it was determined that there may be some problem with the containment in the existing facility and the applicant has now made the decision to change the method of sewage treatment from a lagoon system presently in place to a type of a mechanical plant. A site application was delivered to Mark this morning for the new proposed waste water treatment facility. A site application requires that it be reviewed by the Planning Commission and this board; the Board then comments or sign off on the permit and then it goes to the State for action. Larry stated that now they expect this to be on the agenda for the Planning Commission for hearing on this application and then subsequently before the Board for consideration. Based upon this, he suggested the applicant is showing diligence in moving forward with the August 1995 final plat amendment and what should be done is this matter should be continued yet again either at the same time the Board considers the site application or shortly after that public hearing. However, the final resolution of the issues should be settled by the August '95 agreement.

Chairman Smith asked when this was going before the Planning Commission.

Don inquired if the water decrees would be finalized by early June.

Larry confirmed that it would.

A new date of June 9 was set by motion of Commissioner McCown and seconded by Commissioner Martin at 11:00 A.M. to consider the site application for the Oak Meadows Sewer Plant; carried.

Joe Kaplan stated he would like an opportunity to address the Board.

Chairman Smith suggested he postpone any comments until June 9th.

Joe added he had something written and asked to submit it to the Board.

Don stated he did not see any problem with this being submitted.

Chairman Smith asked Mark to submit this letter as part of the packet when it comes before the Commissioners.

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

BOARD OF HEALTH

Mary Meisner, Margaret Long and Mickey Remmel were present.
Video Conference - changed to today and Sandra Barnett is there for Mary.

Awards of Merits

Mary submitted Certificates of Merit Awards for the signature of the Chair to sign for the Grand Valley Fire District, Tom Beard, Dr. Debbie Garcia and Dr. Claudia Nelson.

Mary added that the Carbondale Clinic was up and running and an agreement with Dr. Garcia and Claudia Nelson had been reached. They had met last week and Dr. Garcia has a draft copy of which she wanted to go over with the landlord.

It was determined that Mary signs on the lease.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign Certificates of Merit Awards to Tom Beard, Dr. Nelson, Dr. Garcia and Grand Valley District; carried.

Regarding the Parachute clinic, the Fire District voiced some concerns of being fearful of running over a child in a rush and also referenced the danger in other respects. Therefore, they are looking for a substitute site.

Several options were discussed and Chuck volunteered to meet with Mary also.

Immunization - Hepatitis B Update

Mary reported that all 6th graders had received their series of 3 shots in the Glenwood area.

WIC

A total of 950 voucher clients on the WIC program; a new staff member has been added - Mary Riddle as the Office Assistant. Mary commented that a total of 13 staff was planned in the next two years.

Master Contracts

Ruth Robinson of the State Health Community Nursing is looking at Master Contracts which means the Board signs them every 5 years and the time in-between, if the Board is comfortable, Mary would sign the work orders instead of contracts. Mary stated she was to respond to the State Health Department if the Board was not comfortable with this arrangement.

Chairman Smith asked how the management level worked

Mary stated they would be standard and built in requiring that standards were met. This would be determined by audits and if for some reason they didn't meet them, then there would be a one year grace period to comply and if not they lose the money.

Healthy Beginnings

Fund-raiser

Mickey Remmel stated their fund raiser was 3 weeks away.

Participants

Mickey reported there has been a slow down period down from nine per week to 6. Also they have reached 1,000 patients that has entered care.

Dr. Binkley has agreed to teach the method to use the IUD.

State Medicaid

There will be a meeting held this week to show these doctors how to file for Medicaid. The time and energy involved to bill Medicaid has been a problem.

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

CONTINUED PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED IN MISSOURI HEIGHTS, SOUTH OF COUNTY ROAD 102. APPLICANTS: STANLEY AND ETHEL GLEN

Eric McCafferty, Don DeFord and Glen Horn for the Glens were present.

Eric presented the following:

The Board will recall that the Glen exemption petition was continued to allow the applicants time to explore the opportunity to become participants to a Road Maintenance Agreement for Harmony Lane, the quasi-public road providing access to County Road 102. Additionally, the Board requested the applicants attempt to reach an agreement regarding the shared well (Mid-Valley Well #2) that would be the water supply for the proposed lots. This agreement was suggested to reflect the degree the Glens would be responsible for physical upgrades and continued maintenance on the subject well.

Herb Nelson - 0621 Davis Point, Silt, CO was present and provided a drawing on the board depicting the general description on the 2" water line. The 4" line off of Sunrise is his property.

He anticipated a cost up of up to \$10,000 to upgrade on the 4" line and added that this has not transpired. Don stated they may not have the right to tap this line, they may be able to tap into the well, but not the line. The tank is an issue and they would need a shared use agreement for the two wells.

Glen Horn 215 South Monarch - Aspen for the applicant stated page 10 of the staff reports shows they do have the right to tap into the line.

Don stated the question is whether or not this line will deliver enough water to the property and if so, is it a physical source of water.

Glen provided an update that Herb and Glen worked out a concept for the physical improvements to the line and to the well.

Glen - submitted that a revision has become necessary and requested a continuance to finalize the agreement.

Commissioner McCown made a motion to continue this until June 16 at 3 P.M. Commissioner Martin seconded the motion; carried.

Upper Colorado River Habitat Priority Area

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter supporting the concept of a public/private partnership as outlined in a document titled "Upper Colorado River Habitat Priority Area." Motion carried.

RICHARD HUNT - UPDATE OF RIVER DISTRICT

Richard Hunt presented this past week the River District had their quarterly meeting and reviewed on application that was about 2 inches thick.

He reported the run off may be down at the present time.

Richard stated that Buford Rice of the Colorado Farm Bureau made a presentation titled "What's Going to Happen in Colorado Between Now and the Year 2100." Observation shows a decrease in the rate of growth where in 2100 the population would be 9 million on Eastern slope adding they will want the Western slope water.

The endangered species is driving the River District nuts and creating a furor and not getting to a solution. In order to clean up the river you'd have to poison the whole river and then bring in the original.

He added that specifics on this River District has been a real learning experience. The job has been what he thought it would be. He says he wonders if the River District should be involved and monitoring the things they are doing. Government entities are fighting each other. One thing he has been requested to do is

review the insurance coverage the river district has. Additional, Richard commented that he was impressed with the staff and they are very hard working.

The Board asked Richard to come in once a quarter and bring them up-to-date.

Richard mentioned that water is the key to the world.

CONSIDERATION - ANNEXATION PETITION - CITY OF GLENWOOD SPRINGS - MIDLAND AVENUE

Don DeFord presented that this is the issue that Commissioner Martin addressed with the Board last week. He suggested to take it off the table until the County is asked by the City to do something. He added he's heard nothing from Jolley/Rippy.

CAPITAL IMPROVEMENTS PLAN STATUS UPDATE. DISCUSSION OF FOUR-MILE TEMPLATE.

Dennis Stranger presented a memorandum that outlined the work effort stating they have been interviewing, discussing and making notes, filling in the holes where they did not get the information. He added the team has also held meetings with building users including social services, Clerk and Recorder, and met with the three elected officials - Steve, Mildred and Georgia. Mildred has a real problem with space. He was doing an inventory of the building space and knows how many sq. feet there is in the County buildings.

Steve Rippy has updated all the County property and major constrains have come to the surface. The team has started monitoring the budgets.

Dean Gordon is starting in the West end and inventorying the roads. He is addressing volume capacity, level of services, width of roads, etc. Then he will prioritize these with the planning staff and municipalities of the most likely impacted roads. Mark Bean divided the County into 18 traffic areas and projected built out. Dean will apply these to the traffic counts. Oil and Gas is impacting the roads with weight.

Dennis reported on the meetings with the Municipalities. He added that Peter is heading this portion of the study and suggested the Commissioner in that district attend when the meeting is being held. In June they will set priorities to finalize the program.

He asked for comment regarding the Town of DeBeque as to them being invited to the Parachute District meeting or did the Commissioners want them set them up separately. Chairman Smith - suggested that this is a joint effort and they should be included in the Parachute meeting. On Roads - King Lloyd stressed that more traffic is coming down the lower part of the Corridor. Dennis stated they estimated it would cost 10 million for the Four Mile section and about a good portion was above the Dry Park Road which includes the Black Diamond Curve. From this point upward toward Sunlight, the cost per mile skyrocketed. The lower section is the cheapest. King added that further up the road, the dirt work increases considerably. Issues they are addressing includes road widths and looking at land use. Going further up King sees three road widths. 11'6' has been adopted from Dry Park on down.

Dean presented that Lee Engineering is to come up with a grid that works with all county roads. This is geared toward residential development. County Road 346 and 117 will change to traffic impact versus residential per se. With respect to the oil and gas industry, this would need to equate to daily traffic to use this approach. Axle loads or ATD would need to be dealt with differently. He added that on Four Mile Mark Bean has come up with build-out zones for some of the residential roads without looking at oil and timber. They were looking at a better level of service for a general investment versus the Four Mile Road. They still need to develop some priorities or goals based on roadways. Regarding some of the gravel surfaces, some are very low and into an "A" category. This breaks down when you get into the numbers. Dennis commented it was essential to maintain some level of impact in order to develop fees. Service level "D" has been determined for Four Mile. King inquired if there was anything wrong with trying to put together the County's own definition of levels of service or is it necessary to follow an engineering study.

Commissioner McCown commented on the impact from Stillwater onto the County Roads.

Commissioner Martin added that County Road 100 and the Spring Valley Road would be greatly impacted as well.

King stated there is a need to identify current level of service and for some identification as to what level they should be.

Dennis responded that this is part of the inventory being done.

Dean - the first level is a capital improvement assuming the County does not get improvements in width. The level of service is width. County Road 100 for example - there's a dollar value to keep this providing the same type of service as now. He explained in detail.

Dean - Service Levels C or E: all residential has been categorized as Level C as opposed to E, except in some areas. These would not increase in the width, rather structural improvements and into better roads. Widening roads is a major expense. The decision about how you classify these roads will have a dollar impact.

King - Level C is easy to accommodate on Silt Mesa but on this end of the road some dirt work may need a mountainous level C and some not so mountainous level C. Again, a C that accommodates residential. However, in natural gas, perhaps not a large volume but single axel loads to accommodate the weight.

Commissioner Martin added that many Counties have gravel roads and these appeal to many for the rural setting it provides. The strength of the road is the issue.

Dean - commented he was looking at this from an engineering standpoint and not social engineering outlook. Commissioner Martin makes a good point, once you get over servicing arbitrarily 100 units or so you are going to be in a paved situation per an engineer.

King - State law prohibits fugitive dust and his department has been reprimanded. If trends keep going, it may get worse. It doesn't require a very high number before you get the dust.

Commissioner McCown commented on Four Mile stating the more you improve the road, the more the traffic volume and then the better the road, people tend to drive faster consequently you have a higher rate of more serious accidents.

Dennis - regarding the level of service from A - E stated the County can enforce this and restrict this and come up with some consistency and the impact fee. Again, he rated Level of Service as D on Four Mile and implied the impact fee would go very high.

Dean - added his concern is to identify 20 roads to develop impact fees for. These are the ones identified for development. His approach from an engineering approach is to issue a uniform use and then estimate road impact fees. If you go up to Silt Mesa \$300 per residential per se then Cattle Creek - \$3,000 per unit you would have people react to the amount.

Mark stated that rolling and mountainous roads is a combination and they have had to look at these. The State highway department does the same thing and alluded to Tennessee Pass and Independence Pass as examples.

Dennis commented that the level of service is what they need to concentrate on. Some roads will not have much money to maintain a level of service.

Commissioner McCown stated there was no way to impact the oil and gas industry.

Mark - commented there may be some ability to enforce road impacts on the oil and gas industry through State regulations. He stated that LaPlata County does it through road impact.

Chairman Smith - stated the bill got defeated? She inquired what is the solution level of service?

Dean - it is something we can defend.

Mark needs a standard recognized by the engineer study, like it or not, the courts will not allow anything else.

Commissioner Martin added he thought the terrain should dictate it.

Dean - if you modify the level of service for terrain types, then a key is if you are comfortable to establish on terrain types you would get some significant differences in those numbers.

Dennis - make a finding that the impact fee is identified and each resident on that road is the same.

Commissioner Martin with respect to the terrain impacts, his is a different conception than Dennis who concentrates on buildout and the future. He is looking at the now.

Mark - it is semantics. The narrow roads may end up by the same road level of service we have now.

Four-mile Road is a bad example, the reality is that the other roads constituting 900 miles have limitation

on them also. If there is a narrow road and development is requested, do not allow. Mark said the Board has the ability to say NO.

Dennis - level C is what we are building now.

Chairman Smith inquired as to how roads are rated nationwide?

Dean - through a subdivision regulation. Garfield County is different in that it has no level of service at all.

Dennis -stated the County needs a formula.

Dean the level of service is recognized by the Highway Transportation Research - it is their procedure.

King - the purpose is a guide whether it is tested in Court.

Don - the key is the uniformity throughout the County. Easy to defend if it is applied to everyone equally.

Dean - this comes out of C-DOT - high speed, high capacity - if you go to a dirt road, then using Commissioner Martin's approach to get to a level of service you would have to identify a road that only serves residential.

Dennis - this is a concept and this is the type of road we are going to build in the study.

Mark added the County needs a denominator or no impact fee.

Commissioner McCown commented that we can predict build-out but not the volume for the roads.

Mark - develop another type of impact fee based on weights and/or axles.

Dennis - The County does not need a cross-section but they need a formula.

Mark stated the County can't regulate it as it stands now.

Dean stated he was optimistic that something will come out of this study.

Zoning Resolution Amendments

Mark and Don have been reviewing the zoning resolution amendments and Mark requested to have the Board authorize the Planning and Zoning to review and set the public hearing for sometime in June. Commissioner Martin suggested the "Right to ranch or farm, use by right" needed to be tightened up and suggested Mark look at Montrose County.

A motion was made to refer the zoning resolution amendments to the Planning Commission for their May 14 agenda by Commissioner McCown and seconded by Commissioner Martin; carried.

Parking in the Jail Site

Don DeFord commented he had looked at maps and the jail and courthouse is in the improvement district, the UPL site is not. However, required parking must comply with the City. If the County makes a parking lot out of the UPL site, then it must be to City Standards, which is a dust free surface such as chip and seal.

Commissioner McCown asked if the County could specify that once the structure is removed, the UPL site will return to a dust free surface.

Don responded the Special Use Permit would be for a major permanent structure; landscaping and drainage would be required when it is turned back into parking under the City code.

Dale was asked to tell Reilly/Johnson to design a parking lot.

Don also stated the City wants the County to buy into the transportation park and ride that is being investigated. If the City approves of the temporary structure, then the County can say the UPL site will be used for the temporary structure and parking. The smaller lot at Pitkin and School Street could be planned better and could provide more spaces. One idea is to access on Pitkin, implement one-way traffic and it would add more spaces. Reilly/Johnson then should go ahead and give us a design for this lot. This will meet our needs as far as the City is concerned.

Commissioner McCown commented that the park and ride issue will come up. The Transportation Advisory Board will look into it. However, he said he gave his word during negotiations and will help make it work during the construction basis.

Don - suggested to put in the Special Use Permit and do what is legally required for the temporary facility in terms the County meets the legal requirement and leave out park and ride discussions.

The 234 maximum and open at 140 occupancy bed was once more discussed. And when shaving down this budget, we may not open up one housing unit. Commissioner McCown stated he felt better hearing the commitment from Don Vanderhoof.

The meeting was continued until 8:00 A.M. on Tuesday, April 22, 1997.

APRIL 22, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, April 22, 1997 with Chairman Marian Smith and Commissioner Larry McCown. Also present were Road and Bridge Director King Lloyd and Clerk and Recorder Deputy Marian Clayton.

CALL TO ORDER

Chairman Smith called the meeting to order at 8:10 A.M.

Chairman Smith noted that Commissioner Martin was not here for the initial road tour on County Road 117 but would be here for the bid award at 10:00 A.M.

King showed the blueprints to the Commissioners and explained the encroachments and need for culverts. He added it would be easier to explain on-site.

King added the original right-away being deeded to the County was not sufficient in one area and necessitated him negotiating for additional land.

King submitted the following proposals for review and award:

Bogue/Hi-County Engineer - 2,826 feet of roadway for \$346,024.00 - equates to a \$122.46 per foot construction cost.

Gould/Sopris Engineer - 2,935 feet of roadway for \$499,572.72 - equates to \$170.21 per foot construction cost.

Con-Sy Inc./S.G.M. Engineer - 3,217 L.F. of roadway for \$227,470.00 - equates to \$86.24 per foot construction cost.

Recess

Chairman Smith, Commissioner McCown, King Lloyd and Marian Clayton went on a road tour of the proposed road improvements on County Road 117.

Resume Meeting

The low dollar bid was from Con-Sy/S.G. M. If the Commissioners do award the bid, then King stated the contractor and he would sit down and work towards a construction plan.

Commissioner McCown suggested King to have a construction project manager.

King estimated an additional \$20,000 to add this to the road construction.

Discussion on the pavement designs.

King added Appendix A -CTL Thompson recommendations regarding the construction plan suggesting that Bogue's design was rated as No. 1; Con-Sy #2; and Gould #3. He stated that Bogue gave the most strength; Con-Sy second. Bogue proposed to do the aggregate base.

The Project Management was awarded to - M.K. Centennial, Principal - Joe Krakow

King added there was one change which brought the total amount to \$277,470.00 on the Con-Sy Bid; however Con-Sy was still under bid of the others by \$300,000.

Commissioner McCown made a motion to award the bid to Con-Sy for \$277,470 and no problem including fabric in this bid.

King - no matter who the award was given to, King will sit down and go through the project with each one. Martin seconded the motion; carried.

King reported that he had spoken with John Bershenyi regarding his watering schedule. He was told that he could hold off for two weeks. In finalizing the contract with Con-Sy King said he could separate the water crossing and expedite the ditch work before the design if finalized.

Commissioner McCown made a motion to authorize King Lloyd to expedite the irrigation portion of this contract just awarded with Con-Sy. Commissioner Martin seconded the motion; carried.

Don reported he has spoken with Attorney Leavenworth on the Colodney property and stated the deeds have been signed and the banks will be releasing them. The attorney will attempt to have those papers to Don today.

Don stated that the bank has signed on the Bershenyi deed and King will now obtain signature from John Bershenyi.

Limestone Quarry

King and Don will be meeting at 2:00 P.M. regarding the Limestone Quarry. The Commissioners indicated they were not in favor.

Jail

Don shared a memorandum he had received from Donaldson at the City dated March 22, 1997 which states the C-3 zoning legally does not place the jail in jeopardy.

The future use of the UPL property, after the temporary structures were removed, was discussed. Don mentioned the C-3 Zoning and added there was a discrepancy between "does not include governmental administrative offices or criminal justices facilities." This does not affect, by the City Attorney Teresa Williams or Don's definition, our ability to put temporary facilities on the site. The reason for that is when we get to the temporary usage is what they did with their draft - you can - any use that is special review use in a C-1, C-2 or C-3 zone district can be put in a C-3 on a temporary basis. This is still there. If they adopt C-2 as it is, it includes Criminal Justice then we can go ahead with the temporary facilities. What it does affect is our ability to locate any other permanent facility of that site except the temporary facility or parking because by not putting in the general administrative services that means that in the C-3 zone district there is neither a "use by right" nor a "special review use" that under that theory of zoning would include any government uses. Parking can go over there only as an accessory to some other use. It interestingly prohibits us from charging for it. Don talked with Andrew first about this and mentioned it as being an error unless they were amending the zoning. Andrew stated they were not amending it and Don pointed it out to him and Andrew replied he thought it was omitted. Don clarified the potential problem and Andrew referred Don to Teresa Williams. Don then called Teresa and asked her and she appeared not to know about it over the phone. She called Don back about 5 minutes later and replied yes, you are reading this correct, it is not in the published Ordinance. Don asked specifically if this created a zoning issue for us and Teresa said not it was what the City intend to do is not have it in there. Teresa added what was given her by Mark Donaldson did not include this. Don stated at one time he did get a zoning ordinance that DID include it and that's what the County has been operating on. At this point, Don and Teresa discussed the effect or non-effect on the jail. Teresa inquired of Don if the Commissioners had any problem with this. All Don represented to Teresa about it was that the County had hoped to wrap up all these issues at one time and the effect that it will have on the County to put in a general office building on that site down the road. Don advised the Commissioners that this would not directly affect the jail project however, it is to such an extend that the size of the facility - number one - you will not be able to undergo at least with this zoning and this theory of language of the City - be able to re-locate the Sheriff to

the UPL Site which means that's not available for expansion unless you put them in the house and move somebody else outside of the City or some other place. It will not be able to be used for just general offices if you need to expand the Courts. This is down the road a way.

Discussion: Neither Chairman Smith nor Commissioner McCown believes the officials are aware of this restriction due to the fact that earlier in the joint meeting expansion of the Courthouse was discussed as well as elevated parking.

Don stated he honestly thinks this was an error and not intentional but why they are saying it is intentional now - not wanting to permit general governmental offices - he is perplexed.

Another reason Don advised the Commissioners that he thought this was an error included the fact that this particular section was not necessary to be published in the paper.

Chairman Smith stated she was in favor of pressing the City on this issue.

Commissioner McCown reminded the others of Don Vanderhoof's warning about any changes however, he felt moving the Sheriff's administration onto the UPL site with the temporary jail was the plan since day one. If this prohibits us it changes our plans drastically.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter drafted by Don to the Mayor and City Council of Glenwood Springs requesting an amendment to their published Ordinance changed to the C-3 Zone District requesting that they include a criminal justice facility and governmental administrative officer as a special review use in that zone district that was received by the City and explain that this affects our long term plans and we feel this was omitted; carried.

Public Meeting - H Lazy F Mobile Home Park Siegel - Mobile Home Park

Don DeFord, Mark Bean, and John Siegel were present.

Mark presented he had received several phone calls stating there was no water at the Lazy F Mobile Home Park. Mark added he did call and talk to Mr. Siegel informing him the Commissioners wanted him to appear before them about this issue. The issues being reviewing or discussed is whether or not and how we are going to resolve this problem with short-term/long-term solutions.

John Siegel stated the problem and stated his short-term and long-term plans to correct the situation which included having tests for water leaks for short-term to the possibility of drilling another well or adding an additional storage tank as long-range plans.

Commissioner McCown questioned Mr. Siegel if he had plans to upgrade his water storage capacity.

Mr. Siegel stated he did not and the reasons why were - the amount of storage to use was immaterial because they ended up having to haul in all the water in anyway.

Chairman Smith stated in regard to a regional water system that it was talked about several years ago but was never put into place, and therefore went back to what Commissioner McCown stated and that was it might be a long time coming and additional storage might alleviate some of the problems.

John Siegel stated he did not necessarily disagree but the thing that he wanted to figure out first is what happened this year because he wasn't - given how quickly the well re-charged that he wasn't sure - also it functioned 9 years very well.

Commissioner McCown - asked if all his wells were of the approximate depth and same quality as far as gallons per minute.

John Siegel stated no, one is a smaller producer which is the oldest well, but the other two are about the same depth and produce the same quality. Which is about 20 to 25 gals per well each - 50 - 55 gal per minute.

Chairman Smith asked John to explain the network - three wells - do they all feed into a central tank?

John Siegel - into a central storage tank and then when the storage tank is filled, it shuts off all of the wells and then when water levels drops it calls on the wells to produce and fill.

Chairman Smith clarified then the line leaking was one of the main lines?

John Siegel - replied, no after the storage. It was a distribution line from storage to - so if it was a leak it would call for the water all of the time.

The question was asked if others around him were having a similar problem.

John Siegel answered no - he had talked to Wayne Rudd and Mr. Weeken who's on the other side and he offered graciously to let them hook into his well but if there was a water shortage out there John added he did not want to hinder someone else's water supply.

Discussion:

Public Comment was provided by:

Judy Condrick - # 72 - not experienced a shortage except for ditch water they use for their yard.

She also had a question for John Siegel if he was looking for leaks or is the water low?

John Siegel - stated he doesn't really know. The well has shown it was pumping 34,000 gals a day and if you use normal consumption for the number of homes we have that should come to about 25,000 so there is 9,000 a day that is unaccountable for. We thought it was a leak which would make the most sense, but the company was there yesterday and they used a device that used sound and they indicated there is no substantial leak they can pick up. So right now we don't know - if it's a leak or low water. It appears the wells are back to their normal production.

Judy Condrick to today it isn't a leak but it is low water. So your intention would be should this happen again, you would bring in water full time cause we have a lot of elderly people out there and children that need water constantly. This three hours and three hours which we voted on to help you - we were hoping this would help fill the tank and solve the problem. But we have a lot of people that can't get to the outhouses and all that.

John - stated he understands. If this is long-term problem then he has to find a long term solution and he doesn't know if drilling another well or how we would deal with it, but obviously we have to deal with it and given that it cost us about \$1,000 a day to haul water so that is not a long term solution. So, we need to solve the problem and he added he just has to find out what that problem is.

Judy - last summer, Mike found that in the back of her trailer and it had to have been there for a long time because it never affected her home, the water pressure, but there was a leak and they had to bring in the back hoe to - so it had to have been coming in for a long time because it was so deep down.

Commissioner McCown - stated he was trying to tell John how to run his business but stated he still see the definite problem, part of it as being storage. If you can document your wells where you are producing 34,000 gals a day, your reservoirs are not large enough to hold the peak times of usage so it is drawing down and putting a demand on the well that is not putting out enough gals per minute drawing straight out of that well. If you had 30,000 gallons of storage hypothetically you are going to start drawing on your storage - your wells are going to kick on and start replenishing that supply before your storage level is completed. He added that he did not see this as a short term fix - he sees this as a long term fix.

John said he would check with the water engineer currently on-site.

Commissioner McCown stated he has a well himself and knew how the supply and demand works. The larger reservoir and capacity you have and over time you are not drawing that capacity completely down so you're not drawing out of your well and it will alleviate some of your problems. It will give your supply time to replenish during the low usage hours like from midnight till six in the morning. At 50 gals a minute you are going to replenish that supply so when all the people get up to take their showers, do whatever in the morning, you're not going to drain it.

John stated he doesn't disagree but his response today is that for 9 years they never had a problem meeting our demands; if something happened this year and the question I have to ask an expert is if I had another 25,000 gals of storage, do you think this would this have happened? Obviously the more storage the better.

Commissioner McCown stated that he was not an expert but based on his own experience, and he thinks this may an exceptional year. There may be a low water storage table but the water storage would help offset that problem.

Chairman Smith - and at a \$1000 per day to bring water in.....

Commissioner McCown - in lieu of this concern with the well being, the health and the environment of the occupants, this is the Commissioners' prime concern since he is operating as a special use permit is why they asked John to come in and talk to them.

John - very apologetic and stated it was the greatest inconvenience anyone could experience and you just take it for granted that you can turn the tap on we ought - we are very apologetic to our community that this happened and they have been generally very supportive helping us get through this.

Chairman Smith stated in regard to water meters in that long term solution that he will pay to put the water meters on.

John stated most of them are already on but never monitored because it wasn't an issue but now they need to do that. Basically I acknowledge all responsibility and all of this has been at his expense and remains that way.

Ron Leach - Carbondale Fire Chief commented on Fire Protection. He stated not only for the Lazy F but for the entire area. Officially, there is a protection problem in that area - the commercial has outgrown their ability to provide fire protection. This is an attempt to break the ice with the Commissioners. A little bit of water in one cistern and a little bit in another. Mark Bean has worked with Ron but the more we allow to develop in this area, the worse the ability to provide fire protection is going to get. There is not an adequate fire flow to put out Colton's furniture store. Not enough fire flow to put out the sheet rock building either. There is adequate fire flow in Lazy F to put out a trailer fire - but for more than one, there is not. This is the bad news. The good news is that there are good property owners in this area. Mark Gould, Wayne Rudd, John Siegel and Kurt Wigger who are aware of the problem as Ron stated he has made them aware of it over the years. What he needs is a million gallon water tank up on the hill with a simple distribution system. With help from these people, possible funding mechanisms and grants it can be done. These people are paying a 9 on a scale of 10 on their ISO rating. With the water supply and the Fire Station build there it has upped Carbondale's rating to a 5. That is substantial maybe 30 to 40% of the insurance premium being paid down there. If you put this cost against the cost of bonding a water system it makes sense. Ron stated he was proposing continuing to work on this at a community level with Gould, Rudd, Wigger, and Siegel and Mark Bean and someone from Schmueser and see if we can figure out how to fund it.

Ron stated there were three dry hydrants and a 20,000 gal tank at Rudd's and John Siegel has paid the fire district thousands of dollars in impact fees. Mark Gould bought a 30,000 gallon tank last year and he is going to bury it and use it for water storage. This is still not the answer.

Chairman Smith suggested forming a rural water district.

Mark Bean added that the Cattle Creek Water Association has a central water system that sells shares and Los Amigos also has their own water supply.

Commissioner McCown asked what could be done with Lazy F Mobile Home Park if the problem continued and suggested setting a time frame.

Mark Bean - suggested that John Siegel report back findings to the Commissioners.

John Siegel stated he would agree to that.

Mark added for the benefit of everyone here at today's meeting, the County can close down the mobile home park; you cannot force him to drill a new well. This is not the best solution however, it is the recourse the County has. What we are trying to do is to initiate the conversation/communication to obtain a solution and finding a way to solve the problem. He also committed to exploring Ron Leach's suggestions. John Siegel suggested clarification to avoid panic in the Park that shutting down was a worst case scenario and it was a legal course the County has if he cannot solve the problem but that is on nobody's agenda at this time.

The Commissioners agreed and so did Mark Bean.

John Siegel stated they will be putting in meters and take a couple, three or four months of readings. He added he will stay in contact with Mark Bean and will provide written updates so these can be shared with the Commissioners.

Others who commented included:

Mike Cavanaugh - #71 with a question on storage capacity.

Nancy Payne - #29 - asked if the wells were deep enough.

John Siegel stated they had a problem with the water 9 years ago which led them to put in a new water delivery system which led to the addition of two wells. He stated they did go as deep with the wells as possible.

Mark Bean verified this information as being correct.

Nancy Payne - speaking with several neighbors, the immediate thing dealing with is the water, but also concerned with whatever remedies Mr. Siegel decides and will the cost of drilling a new well or whatever cost be passed on to them? She added that currently the month to month leases, the amount of money paid

states it is for water, sewer and trash. Obviously right now we're technically paying for something they do not have full use of. Some have had problems also with their sewage so they don't feel they have full use of two of the things listed. So cost is the issue and not just the inconvenience the Park residents are living with.

John Siegel mentioned at that meeting of the residents, he indicated they usually have rent increases every July and that for this year they would, because of the inconvenience, forego that and as he said, for the expenses incurred, which he thinks by the time - the water's been running all day today, we may be done with the, but he has born these expenses and will not pass them on. This is part of the cost of him doing business. If he goes with a major restructuring of a water system if we have a municipal system it may well be that each home will pay for their own water directly to the municipal district. This is all speculative but in the short run, it has been his cost and not the tenants.

Nancy Payne added that she arrived late but wondered if there was any immediate answer to the current problem. She asked if Friday was still the date John was looking as being the end of problem.

John reiterated what he had previously stated in the meeting. He added the news that Glenwood Ditch was turned on and this recharges the entire aquifer out there. He's crossing his fingers that they are back to normal.

Jill Maynard #4 - addressed short term remedies and was concerned about the high peak time when tenants think about doing laundry, washing cars, etc.

Chairman Smith- suggested they form a neighborhood watch. Tell the neighbors the problem and let the system recover also see if it is going to work.

Chairman Smith stated she would like a report on Monday, April 28.

Commissioner Martin stated he knew how to conserve water and once individuals learn how they can adjust lifestyles.

Jail Updates

Don DeFord stated the permit for the major development is the largest project in the history of this County. It is 6,000 sq. ft. larger than the Courthouse.

Nystrom

Mark Bean stated Nystrom had come in and applied for a building permit. He added he had received the letter from Nieslanik's allowing them to cross over for inspection purposes. Nystrom applied for the building permit knowing they will need to submit some kind of architectural statement or engineered statement as to the adequacy and completeness of the work that was done. At this point they have agreed they are going to bury/close in the privy. They may request the Board Of Health approve under certain circumstances - there is a specific design that is required for a privy in an area without water. Given their experience up there, water table is not real high and they have a long way to go.

Don stated the fact that they have to come before the Board of Health...

Mark added they were aware of it.

Commissioner Martin added they hired a bulldozer and they moved the berm and are going up on the other side across the railroad now.

Don added this is a public road.

Mark added the berm was placed there by the railroad.

Don added this has implications as to what we are doing with the railroad.....protective clause.

Mark stated he will have a photograph taken on the berm for Nystrom.

Zilm Update

Chairman Smith stated on the road tour they saw a bulldozer on the road to Lot 39.

Mark said this is a 35 acre tract and he could build a house on it. There is an existing driveway so King wouldn't have any driveway permit to issue.

Fire Fund Agreement with State Forest Service

Chairman Smith stated the changes in the fire fighting agreement. She stated a motion was necessary to sign the amendment.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Emergency Fund Agreement with the Forest and Watershed Fire Control Amendment I; carried.

Fire Ordinance - Control

Don stated he wanted to have a discussion on the Fire Ordinance adopted last year and this should be discussed when Tucker-Frase came back before the Commissioners. This would be outside of a fire district. And Glenwood Springs has indicated they will not provide fire protection to the Three-Mile Creek area because of the difficulties they experienced. Recent amendments to State law make this the responsibility of the Sheriff. Don has always taken the position that the Sheriff is responsible for wildfires and this is the statutory provision we are directed to. This is either within or without a Fire District. The Sheriff also has the responsibility to call upon assistance from a whole host of agencies including Fire Districts and we have done that. Under the recent statutory changes if there is a residential fire in an unincorporated area of the County the Sheriff MAY fight this fire and the language indicates if there is some serious danger to property or life he MUST take some action in regard to that fire. Don stated the Board needs to talk to Guy Meyer and the Sheriff about the disaster plan. As an example, if there was a wildfire on the Tucker-Frase property, the Sheriff could call upon the Rifle Fire District for assistance and they would have to respond. They get compensated for this but the county has to front this and then get reimbursed from various sources. The same would be true in the Three Mile Creek that if they could get a fire truck up the road they would have to respond. We also have to use our own resources whether this be Road and Bridge and if necessary the Forest Service. Forest Service and BLM will not fight fires unless they are on federal land.

Fire Ordinance

Don stated the Fire Ordinance enacted last year needs to be reactivated when appropriate. The fuel moisture level is not such where it needs to be activated now. Last year we were after the fact. Don informed Commissioners McCown and Martin that in 1995 legislative action was taken that enabled the Commissioners to control various fire situations at high hazard times.

Executive Session - Sunlight View Litigation - Wilkerson and Howerton Updates

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

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize Attorney Walt Brown to represent the County on the appeal of Sunlight View at the rate of \$125 an hour and to authorize a \$500 retainer; carried.

Adjourn - 12: 22 P.M.

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

APRIL 23, 1997

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
GARFIELD COUNTY
AND
THE BUILDING AND PLANNING COMMISSION
WORKSHOP**

The work session with the Board of County Commissioners and the Planning Commission was held on April 23, 1997 at 7:00 P.M. Chairman of the Board of Commissioners Marian Smith and Commissioners John Martin and Larry McCown were present. Members of the Planning Commission present were: Herb Nelson, Dick Stephenson, Anna Price, Calvin Lee, Phil Vaughn, Stacey Ehlers and David Stover. Staff present included: Rob Hykys, Eric McCafferty, Mark Bean, and Don DeFord. Also present was Attorney Walt Brown and Marian Clayton, Deputy Clerk of the Board.

CALL TO ORDER

Herb Nelson called the meeting to order.

DISCUSSION OF PLANNING ITEMS AND RANKING OF PRIORITIES

Mark Beans explained the purpose of the workshop and the agenda items for this evening. He clarified the focus of the work session would be on some zoning issue requests that will be coming before the Board. This involves: correction facilities, communications, and storage of equipment in current A/A/RD zoning. The storage issue has been discussed but never formally adopted. A number of these things are dealing with the regulations and all fall back into the Comprehensive Plan. Mark wanted it stated for the record that there is a Comprehensive Plan but this has not been updated since 1984. It does have goals and policies that we will get into. Some of these carry weight as to decisions that can be made both for Planned Unit Development or Subdivisions themselves.

Rob Hykys was introduced. He's the guy who does the nice maps in the Comprehensive Plan along with a lot of other geographic documentation. He keeps the system updated.

Rob stated he has all 88 quads that fall into County plus all of the details which involve about 30 - 32 different layers of information on most of the populated areas from Carbondale to Parachute.

Mark added we have the tools to finish up a lot of these documents that they started out with; however, a little less for the Western end of the County, basically West of Canyon Creek. The geographic and geological hazards mapping doesn't cover the entire area once we are 5 - 6 miles out of the valley.

Rob added there is also a gap between Battlement Mesa, Parachute area and Rifle which might be a crucial missing part for us now.

Mark - the basics are there for the types of decisions and recommendations to make in terms of this document.

Comprehensive Plan and Subdivision and Zoning Regulations

Within the Comprehensive Plan currently adopted, a couple of things came out particularly with the Sunlight View decision and some of the discretion occurred there. One of the things was related to density designation; therefore we may need to review some of the document itself. With respect to density they go west from two acres then 3- 5; 6 - 9 as 10 - plus so there is gap here in literal interpretation when we use the document in terms of density designation. This was one of the criticisms that came out during that discussion on Sunlight View. This issue will need to be re-visited in the near future. This is probably one of the work items on any Comprehensive Planning effort.

Eric explained that these maps including in the Comprehensive Plan Books are much easier to use which is a composite of all six quads. Also in the older Comprehensive Plan, the maps relative to the Sunlight View shows the higher density residential changed back in February 1996.

Mark mentioned that from a staff point of view there are two work efforts here: regulatory changes and Comprehensive Planning efforts. Both of these require a lot of staff time and committee commitment as well. The Comprehensive Plan is used in making decisions and we want to make sure that this Commission is going in the direction that the Commissioners want us to go in terms of issues to deal with because on a staff level there will be some difficult dealing with both at the same time. Therefore, direction and prioritizing from the Board is what is needed.

Dick Stephenson mentioned resource extraction. There are three gravel pits between Glenwood Springs and Carbondale and there is a lot more gravel than this. Realistically, depending upon the market over a period of 10 to 20 years most of that gravel that is permitted will be gone. There will be plenty of development and unless we have in the Comprehensive Plan some areas that might be permitted in the future, we're going to see 400 - 500 trucks a day coming through Glenwood Springs. Mark agreed.

Densities

Dick Stephenson stated the high density residential areas were the Aspen Glen area and the Four Mile Area.

Zoning Issues

As related to the Conder Decision, zoning issues should be the focus ultimately to allow us to choose the direction of development in the County. What avenue will present this to us in the most legal manner? Will it be the zoning regulations? If the Comprehensive Plan is nothing but a guide then it seems this Commission should be digging its teeth into that area which will hold the most weight legally.

Mark addressed this by saying a short answer would be - it depends upon how you set them up.

DISCUSSION OF THE CONDER DECISION AND ITS RELEVANCE TO THE COUNTY'S COMPREHENSIVE PLAN

Don DeFord provided a brief of the Conder Decision and a Comprehensive Plan in Colorado. For many years as most of you are aware the Comprehensive Plan has been viewed as an advisory document. In case law most attorneys have looked at it as a progressive document where you would start with the Comprehensive Plan or Master Plan Document and use this as a basis for your zoning of a large area - city, county or whatever you were looking at and the move to the more detailed specifications required for subdivision regulations. The Theobald case which is the primary case on Comprehensive Plans did find that this document was advisory. There were some cases determined that when you get to Subdivisions, you are no longer to rely on direction of the Comprehensive Plan but rather it is a document to be used direct for zoning. It is supposed to be from Master Plan, to Zoning, to Subdivision.

The Conder case really turned around the case law that existed and determined that in fact under some circumstances you can use the Master Plan as a basis for decisions at Subdivision stage. It doesn't change the way the Comprehensive Plan is used as zoning, overall, but it does change the way you look at the Comprehensive Plan at subdivision. If the County Commissioners have adopted and put in place regulations that require applications of the Comprehensive Plan then it can and has to be used as part of your review process in the Subdivision process. In terms of Garfield County, to the mid-80's we have had in our Subdivision Regulations a provision that requires that both the Planning Commission and the Commissioners make their determination that subdivision preliminary plan based upon conformity or compatibility with the following - and it goes to list however included is the Comprehensive Plan. His advice for many years has been that you really have to ignore that provision because of the ruling on the Vick case that you can't apply Comprehensive Plan at Subdivision. This case law was changed with the Conder case. And you still have that provision in your Subdivision Regulations. Right now Garfield County meets the terms of Conder.

Don added going back several years, 5 -6 years ago, Mark, the Planning Department and Don had a re-draft of the zoning regulations which included a comprehensive review of those and a lot of discussion with the Board regarding regulations and reached a desire on both Boards to see if we could identify areas for Commercial, light and heavy industrial development within the County that would require looking at areas and rezoning them on a very broad basis. The advice Don stated he gave then and still would, is if you are going to look at this type of Comprehensive Rezoning, you need to first go through the Master Plan Process as this provides legal basis for you to act and enact new zoning regulation.

Calvin - always the intent after we adopted the Comprehensive Plan to try to change our zoning regulations to be compatible with the Comprehensive Plan. For Study Area 1 now we have a Comprehensive Plan that is not consistent with the zoning regulations. Density is one of them and other areas where the Comprehensive Plan is not consistent with our zoning. We have never reached the next stage where we were going to change the zoning or try to be consistent. So when an applicant comes in, the Comprehensive Plan says this should be a high density area, but the zoning regulations say one unit per 2 acres.

Don - added there is a Comprehensive Plan for the rest of the County as well and that plan is also inconsistent with your zoning. This is what happened in Conder - you had a subdivision that on the face was consistent with zoning density and the Board in Larimer County determined it was inconsistent with the comprehensive Plan requirements particularly as it related to compatibility of a Subdivision with agricultural use and denied the subdivision in spite of the zoning densities that were easily met with the subdivision. The Supreme Court upheld this that in spite of the zoning, they were entitled at subdivision to deny the application due to the inconsistency with the Comprehensive Plan. We are in the same position right now. If you have a subdivision that comes in that meets your zoning requirements in particular in the density areas yet inconsistent with the Comprehensive Plan, based on the regulations you have right now, you have to make a finding of both compatibility's with zoning and compatibility with Comprehensive. If you can't make a finding of both of these area, then you are required to deny that subdivision.

The question was required to deny or if we so wish?

Don clarified the language - the Board SHALL make its decision regarding the preliminary plan based on the recommendation of the Planning Commission and on its conformity or compatibility of the proposed Subdivision which follows. But the PC and the Board must be based on a finding of its general conformity or compatibility with all of these things in the Subdivision regulations showing Comprehensive Plan.

Discussion continued on some hypothetical cases.

Calvin suggested getting back to the Agenda Items.

DISCUSSION OF POTENTIAL SUBDIVISION AND ZONING REGULATION AMENDMENTS

Calvin asked the Commissioners what the feelings were with respect to changing the zoning to be more consistent with the Comprehensive Plan for example in Study Area I on the Eastern end of the County? OR does the Board intend to leave the zoning like it is, rely on the Conder decision and closely look at the Comprehensive Plan every time a project comes before them and scrutinize the project to see if it is consistent with the Comprehensive Plan? For example, given what Don said about the Legislature who could change the Conder decision, do the County Commissioners feel strongly enough with what is recommended in the Comprehensive Plan to change the zoning so that its in the zoning and no Legislative enactment or Supreme Court reversal could change the ability of the County Commissioners to require a project to comply with the Comprehensive Plan or be generally consistent with the Comprehensive Plan? That is what is being asked of these agenda items.

Phil suggested there was a psychological answer here and besides a practical issue regarding the landowners whose zoning would be changed and would be sitting down here in the Courthouse protesting? Calvin inquired if the Commissioners wanted to take on this political battle or have the Planning Commission do what they have been doing but enforce or say here's the Conder decision, here's the Comprehensive Plan and we don't need to change the zoning but we're going to scrutinize every project to see how consistent it is with the Comprehensive Plan and not get into a zoning battle with all the private property owners.

Eric - stated the Planning Department is now faced with potential subdivision applicants saying "what is my zoning?" He stated the A/A/RD - 2 acre minimum lot size but you must consider the factor of Comprehensive Plan which is suggesting for instance a 10 acre minimum lot size in your area which leaves me not knowing what to tell the applicants. Should I tell them to go for a particular density that is allowed by zoning or particular density suggested by the Comprehensive Plan?

Mark - explained for the sake of discussion to take a 100 acres, you could do 10 - 2 acre lots with the rest being some kind of conservation easement or open space or ranch or farm consistent with the plan. You don't necessarily have to change the zoning if you don't want to.

He added the other thing is to decide if we can provide the type of level of service that the applicant may be envisioning for one unit per 2 acres. Our zoning is not density it is not one unit per 2 acres density - it is a minimum lot size which is two acres. This may be the direction to think about - consider changing the zoning to a lot for a minimum lot size of less than 2 acres but still ask for compliance with the Comprehensive Plan regarding recommended densities. Go down to more doable acreage as opposed to putting a 2 acre minimum lot size in there but perhaps go down to a 1/2 acre lot size with individual well, septic systems and/or sewer but still complying with the densities that we can serve. This would avoid putting people in a position of having unusable property that is unmanageable that comes in here from downtown Chicago to Colorado and do not want ranching operations. We provide them with a right to farm regulation or ordinance, stating you move in here and this is the way life is in western Colorado and you must accept this as a factor. It all still comes back to how are we going to deal with the Comprehensive Plan. It is supposed to recognize our ability as a County to provide the services that are going to be demanded by the residents. One of the bigger factors that we are dealing with right now obviously is the road impact and the County's ability to pay our share. A developer even with a road impact fee is never going to pay the whole amount of upgrading the road. There will always be a certain amount necessary on the part of the existing residents to pay a portion of that. This is the guiding principle behind all of this.

Commissioner McCown stated he felt water was the driving issue and not roads.

Calvin stated the Comprehensive Plan serves a useful purpose. It was designed to say where Commercial should be, where density should be which is close to services and these should be generally adhered to because that's what the County Commissioners said the Planning Board should look at and then provide a PUD process where people could come in and try to convince us that there should be more or less density in any particular area here and come up with their plan. They tell us I have this plan, it varies with what the Comprehensive Plan says but this is why we want to do it.

The Zilms PUD was given as an example.

STUDY AREAS I, II, AND III

Calvin added the Planning Commission approved his request, but the Commissioners disapproved for whatever reason. This is the political process. He added we have this hours and hours endorsed document by the Board and the Planning Commission and to now say that his isn't going to be used for any purpose so for the Western end, what are we going to do about Study areas II, III and IV? Get on it given Anna's and other people concerns on the Western end and the Board of Commissioners need to decide how serious of what they want to do about the Conder decision and changing zoning. He added the PUD need to be changed to make it easier for developers to come in with an innovative creative design and to promote affordable housing to promote clustering to promote open space not force them but to change the PUD so that they are given some incentives or expedited process if they provide those amenities to the County.

Chairman Smith asked Calvin to give a definition of "affordable housing."

Calvin implied that trailers are affordable.

Chairman Smith stated housing was categorized as "attainable" and no more "affordable."

Commissioner McCown added that duplexes were also more affordable and the ground can be utilized for two family residences versus only one family.

Dick Stephenson added he felt there was nothing wrong with the Comprehensive Plan as long as development falls into the idea put forth here and the developer is willing to comply we are fine.

It was suggested that Eric tell developers that they should follow the guidelines of the Comprehensive Plan. Phil added for someone with 10 acres or less you come before the Planning Commission as discussed earlier making your argument for whatever particular reason the underlying data with our GIS is incorrect or recommend a change.

Dick added the Planning Commission hasn't made too many bad decisions.

Commissioner McCown stated the Comprehensive Plan has kept the flexibility of being amended and changed as our needs in growth predictions.

Calvin asked then if there was a mandate to go ahead with Study Area II and III.

DETERMINATION OF FUTURE WORK SESSION MEETINGS AND TIME COMMITMENTS

Dick asked if there was staff available to work with the Planning Commission to accomplish this task?

Mark stated it is a problem because there are four projects forthcoming this summer that will bury the two planners - he and Eric.

Dick asked then if there was money to get some help. He supported the addition of more staff.

Chairman Smith - agreed.

Commissioner McCown also inquired if the committee members were going to have the time to spend on these Study areas knowing what was coming down the road.

Mark added there is a commitment of significant time being allocated by these volunteers.

The projects identified that were forthcoming included:

Sanders Ranch - Cattle Creek - Rose Ranch - Coryell Ranch - Spring Valley Ranch - Lake Springs Ranch coming back - Blue Lake.

Calvin inquired if all of these are aware of Conder.

Eric responded that he has mentioned it to them but not exactly how it was going to be applied. The Court's decision as to whether they denied Conder arbitrarily or capriciously and this ties into our Comprehensive Plan that the overall objective is the programs and policies section that really doesn't require the County address its regulations but to get those in order and then hopefully move on and apply those either through the subdivision regulations or zoning resolutions. However, the Planning Commission needs to address their rules and regulations.

Don stated this was a part of Conder that hasn't been discussed. The Comprehensive Plan can be applied but it was left for another day on how specific those regulations had to be. There are parts of our Comprehensive Plan in other areas Study Area I and the overall Comprehensive Plan that are fairly specific but there are other sections that are not and by anyone's standards very vague. And in some of these we will not know whether they can be upheld until they are actually in front of you particularly in Study Area I as Eric has mentioned, there are a number of the provisions in the goals and objectives that talk about a need to adopt the regulations. That language is there so in those areas this question will come up in you Comp Plan. It says right there you - the Planning Commission - have to adopt further regulations and you haven't done that. So we would have to defend that. In other areas Don said he referenced in Study Area I is very indefinite about the need to recognize municipal standards, criteria and concerns in their area of influence. Densities based on the Conder Decision which was a density issue, are they specific enough to defend.

Calvin asked if it required a Public Hearing to implement some changes in the zoning.

Don - stated any amended provision in your Comp Plan is a Planning Commission action and a hearing where you invite the public.

Mark - this is what he was referencing was that maybe we need to re-visit the contents in both documents and consider some initial changes in language.

Dick stated he felt the Comprehensive Plan is the number one priority at this point and time for the rest of the County.

Mark stated through the court case have been given some stronger weight to the Comp Plan.

Calvin suggested because it is true politically to change the zoning would take an immense amount of convincing the property owners to be consistent with the Comp Plan; that we need to use the Comp Plan and when developers come in and ask what are they supposed to do, they should tell them the philosophy and what has been discussed and how the Comp Plan will be applied. That way you only have one

developer mad but they are going to have to deal with it, so they deal with it. This is how they've always done it. They have always looked at what's possible, the philosophy of the Board, what is political possible and they go back and tell their attorneys to go ahead. They come to the Planning Commission, if we like it we pass it, if we don't we say hey go back and this is not consistent with the Comp Plan. If it's sort of consistent and we like it, but it is not quite consistent with the Comp Plan we don't pass it.

Eric added it is sort of arbitrary and capricious.

Dick added there is not a county in the state that doesn't act the same way.

Phil - in looking at our entire process, we need to tighten up this Comp Plan so we can defend ourselves in any possible court case does not make sense. We are at a point where we have to take the best we can do on our Comprehensive Plan and put it into place. It has holes in it and try to fill them up the best we can. Calvin recommended for the zoning was this - it would be almost impossible to draft a complete zoning revision that would pass but we can take parts of the zoning and fine-tune it, amend it and those are the types of things we could probably get passed without a huge protest.

Eric - qualified this is what he is talking about. As we identify issues and various problems that we try to fix those. Not a complete overhaul but just where there are some issues out there and we all need to sit down and discuss these stating these are issues that need to be changed concurrently with the zoning. One of the main ones was the definition of a lot as it applied on the Rapids Subdivision. A lot of lots went out to the middle of the river. Is this really a 2 acre lot? No it's not and it creates problems as far as setbacks and how this may be applied in future cases. The majority of us do not like that idea but we are bound by it.

Commissioner Martin added the property owned by Mrs. Earnest whose property goes to the middle of the river and the City wanted to put a trail through. The City could condemn the property due to their ordinances and she would have lost 100 feet of her property. She ultimately withdrew her protest. These are things we need to look at and address.

Walt Brown asked if all of the subdivision forthcoming were Study Area I. This is about 1500 units being discussed immediately this summer. What about the other end of the County?

Mark stated there were two - the Rifle Airport and a piece of property North & West of Silt.

Eric stated another problem is our definition of open space. Is this vertical or unusable space or is it some kind of usable open space that should be defined. If this is a problem and it has been voiced that the space cannot be used for anything, how do we deal with it.

Commissioner McCown suggested usable open space may be given more credit than unusable open space.

Eric stated this is the type of regulation the Planning Commission needs to articulate to the developer.

Stacey suggested the staff put together a list of priorities.

Eric stated the staff makes recommendations but it is up to the Planning Commission and the Board of Commissioners to identify these as problems and then work through the staff to change the regulations. They can initiate the changes, but it is up to the Commission to change it. Eric added the staff looks to the Committee to come to them with suggestions of changes also.

Commissioner Martin suggested the Planning Commission also study the issue of Telecommunications.

He ran this by staff and staff gives the Planning Commission obvious examples and you then decide if its important enough or not to pursue. These are issues that are changing our environment and our entire way of living.

Additional Staff - Additional Commitment to Comprehensive Plan Work Sessions

Herb inquired if it was possible to get an additional staff.

Chairman Smith agreed the Commissioners would look into the budget and a proposal should be submitted to them at the May 5 meeting.

The question was submitted as to how much time Eric and Mark would see this new staff person working.

Mark - added it all goes back to the questions of how much time does the Planning Commission want to devote to non-current issues as this would require at least one special meeting each month.

Phil suggested it could require sometimes 2 and 3 extra meetings as it did during Study Area I.

Mark suggested to hire someone to deal with the existing land use proposals that are coming in and Eric and Mark would concentrate on working with the Planning Commission on the Study Areas.

A decision was made to have the regular Planning Commission the same second Wednesday of each month and add an additional work session for Study Areas II, III, and IV on the 4th Wednesday of each month.

Mark stated he would also like to use this time to address some housekeeping issues that have been discussed. One specific was the 2.99 issue plus the issues Eric has addressed. He suggested each member look at the documents, revisit the goals and powers extended county-wide as well as the implementation section and be prepared to discuss them on May 28.

The Chaffee County Planning Survey of 1997 was submitted as a handout. It was suggested to use something like this to really gauge assessment. It makes people feel they are a part of the process.

This Survey will be discussed more at the May 28 meeting.

Eric mentioned other issues mentioned included the "Open Lands Plan," "County Right to Ranch," and

Mark added we haven't figured out if this should be in the Subdivision Regulations or a separate policy.

Eric added this may need to be included in the zoning regulations and given to potential property owners before they actually purchase property in the County.

Mark stated it would be great for Realtors to handle this so individuals know what they are walking into.

Commissioner Martin stated he would like to consider the potential of a handbook as a "Guide to Rural Living" that contains examples such as referencing to animals with the smell of manure, fencing, weed laws, and water rights to name some. This would enlighten individuals moving into our area that have no awareness of the culture they are moving into, how to cope with the various concerns and who to go to solve some major issues.

Chairman Smith suggested the Colorado Board of Realtors might be invited to come in and ask how the best way to have new land owners....

Stacey mentioned that Cheryl was working on this type of thing.

It was mentioned that the Colorado Real Estate Commission produces all the forms that Brokers are required to disclose. It was suggested to wait and see what they come out with in June or July. Mark could submit them a letter saying to draft a format they like and go from there.

Adjourn

Next Meeting - May 14, 1997 7:00 P.M

Jail Discussion

April 23, 1997

After the Planning Commission/Board of County Commissioners meeting held on the evening of Wednesday, April 23, 1997- the Commissioners, Don DeFord and Marian Clayton went into an open session unrecorded in Commissioner McCown's office at which time Don DeFord updated the Commissioners on some conversations and directions he had with Bob Johnson:

Jail

The list of things to do provided to Bob Johnson by Mark Donaldson appears to be upsetting to Bob. In fact he expressed these go beyond the scope of work he committed to in the dollars we agreed to. The City is asking that he submit work that Bob feels he has already done. At any rate, Don provided the following direction to Bob Johnson:

Keep an account of the hours and documentation of the "change orders" and submit those to Don - Don will bring them before the Commissioners.

Second - because of these requests by the City, Bob is feeling very pressured for time and projects a delay of the schematic of the large facility and does not believe he can meet the Planning & Zoning time frame at this point.

Don informed Bob to proceed and meet the Planning & Zoning time frame on the permitting process for the temporary facility as that is the most crucial. Commissioner Martin indicated that there was a \$30,000 line item in Francis' contract that allowed for the City's review process and in fact it was Francis who wanted Johnson to continue with the temporary facility and the City's requirements since he was the most familiar with the lot, etc. Therefore,

Don said he did not remember this, however, if that was the case, then Johnson could bill Francis and Francis could submit change orders to the Board of Commissioners.

Johnson felt he had met the City's requirements, Larry said whether he did or did not is up to the City.

Schedule - Bob cannot have the schematic by 5/12 to the Board.

Don said if he thinks what he is having to do goes beyond the scope of work, give bill and justify and let the Board decide. He realizes we are asking a lot more of Bob Johnson. However, we must have it done. If he gets bent out of shape, we are dead in the water.

Chairman Smith suggested since this was a 2 - partner business, that if we have problems, we should pull both of them in before the Commissioners.

APRIL 25, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The continued meeting of the Board of County Commissioners began at 11:00 A.M. on Friday, April 25, 1997 with Chairman Marian Smith and Commissioner John Martin and Larry McCown; Dale Hancock and Clerk and Recorder Deputy Marian Clayton were present.

CALL TO ORDER

Chairman Smith called the meeting to order at 11:00 A.M.

DISCUSSION REGARDING JAIL FINANCING ISSUES

Don DeFord stated the architects Reilly/Johnson had contacted him regarding the additional cost of meeting the City of Glenwood Springs' requirements for the permitting process of the temporary jail located on the UPL site.

Bob Johnson on the speaker phone. The discussion covered: updates on both projects.

On April 24 Dave Ash from Francis Constructors met with Dean Gordon, Andrew McGregor and Bob Johnson.

Temporary Jail Site - UPL Location

Bob Johnson mentioned the conversations with Mark Donaldson and Andrew McGregor were different. They went through everything and took notes for both projects. Bob stated they have the marching orders and a record of what needs to be submitted. The concern was if this could all be accomplished by the 30th. Andrew stated he could cut some slack and some things could be deferred until the Special Use Permit. If Bob Johnson and the County make every effort to get things done, then he would be comfortable. Bob Johnson added he knows what they have to do and is committed to burning the midnight oil and working weekends to meet the deadlines. He voiced the city requirements are "unnecessary and untypical" and something his firm does not usually have to provide. At this point it is a risk he assumes for any future requests of the City.

A consensus of the Commissioners was for Bob Johnson to go ahead as discussed. Commissioner McCown and Martin were agreeable to pay \$500.00 to Schmueser Gordon Meyer and \$1750.00 to Reilly/Johnson regarding City permits for the temporary and regular facility.

Permanent Jail Location

Bob Johnson responded to Andrew McGregor regarding the major development project and reiterated this is something architects rarely do at this junction which is site plans with dimension, sidewalks, curb cuts, street lights, setbacks. Bob informed McGregor we had a good plan which included the west elevation and south side of the building. However, Donaldson wants east and west, now we have to draw them. He cannot give McGregor all the new documentation by the 30th, it's not humanly possible. Sheriff Dalessandri commented the requests of the City were real unusual and unreasonable. Bob added they are being very detailed oriented.

Commissioner McCown asked for clarification if this was internal or external changing.

Bob responded the City wants floor plans, both the second entrance, the alley, and one vehicular entrance off the Sally port. He added they are able to redesign the detox area, moved work release to 4th floor, will be some change in character, height with some shifting of things.

Commissioner McCown added to proceed cautiously with respect to exterior changes reminding everyone of the comment made by Don Vanderhoof that he would oppose the jail if major changes were made.

Bob Johnson noted the City has placed a real burden on the County with all the requirements. He stressed wanting to have the building as good as we can and this may require some placement and pattern of windows on the outside of the building but no change in color or height. He stated the building would be compliance with the City's height requirement. Also, added the City still needs to vacate the alley. McGregor did not relay any problem with that concept.

Don DeFord commented on the shadow depiction.

Bob stated these will be shown at the reduced height level projected on June 21 and December 21 - based on an 8:00 A.M. Noon and 5 P.M. pretending mountains are not there. He added they have never done this and it will take time, estimating approximately \$500 or more of time. He was also getting an analysis of the views affected especially from 7th Street looking west and I-70 looking south.

Bob commented he would call Andrew McGregor on Monday regarding clarification of shadow analysis.

Dale stated from an operational aspect, both guys are different and between the two things get very complex. Donaldson is flexible; McGregor is arbitrary - strict. That's why they called him together yesterday and he has record of what they showed us.

Don commented that this is not atypical - McGregor analyses a project in this manner.

Bob Johnson mentioned he was listening carefully and made good notes in order to have a clear record. He brought to Andrew's attention that he has the letter to Dale going through the points. Andrew tried to shove us back to Donaldson with the approach of having "two cooks in the kitchen."

Don questioned Bob regarding how much he would need to meet the permanent site requirements.

Bob again mentioned his honest concern regarding the requests being made by the City stating they are asking them to do very unusual things; he also stated he was concerned about this submittal and what the City may want to do to us later. This is not right and felt we should ask for some conversation.

Additional discussion regarding solar provisions, time frames, projected dates to have submittals to the City and the last day for publication was discussed.

A decision was made that Bob Johnson needs to be in Glenwood Springs on the 27th of May for the Planning & Zoning Meeting.

Don reviewed certain aspects of the phone conference with the Commissioners. He stated the building permits are always a problem to get through. He reminded them that the Valley View Project had 4 stages and we're not finished until we get the last permit. The check-list is 8 pages long. He also mentioned the proposed jail height is over 60 feet high and the City has never had a request of that nature.

Chairman Smith reminded the Board that Redstone Corporation went through the same regulations.

Commissioner McCown asked if the City was requesting anything that wasn't in the Regulations.

Don responded yes, the floor plans and elevations on two sides are not, also the City wants cost and that is not in their Regulations.

Tom added he has a meeting scheduled on Wednesday with Ken Stein with Colorado West although the floor plan in detail has not been finalized.

Don stated a commitment in writing from Colorado West would be needed to show to the City.

Sheriff Dalessandri commented Colorado West was not flinching at \$12 per sq. ft. rental space and would contract for food services as well.

Don reminded the Board they would need to ratify their actions on the amounts to be paid to Schmueser Gordon Meyer and to Reilly/Johnson at their regular May 5th meeting.

APRIL 29, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special Workshop of the Board of County Commissioners met on April 29, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown. Others present were: Chuck Deschenes, Administration and Mildred Alsdorf, Clerk and Recorder.

Personnel Director

Chuck stated he would let the applicant know she had been selected before notifying the rest of the offices. Chuck was also to figure out the salary.

Management Salary Discussion

Commissioner McCown suggested all contract employees be given 5% increase. (2 1/2% already given and another 2 1/2% retroactive to January 1, 1997).

A decision was to revisit at budget time. Chuck was to ask Susan Owens to check figures; and Chuck is to prepare a memorandum for the Chairman's signature.

Jail Finance

Chuck was directed to fill out the forms needed to know where the money will come from as far as annual payments for the \$735,000.00 to be paid semi-annually and bonded until 2021. This was in reference to the April 16 letter from George K. Baum.

New Facility Operation

A discussion of the dollars needed to operate the new jail facility.

Contract - Colorado West

Discussion was held regarding having a contract with Colorado West at the new facility.

Comp Plan - Planning and Zoning

Discussion was held regarding the comprehensive plan discussed at the Planning Commission meeting Wednesday, April 23. The Board indicated they had talked with Mark Bean regarding needing someone to finish the plan since the Planning Department is entering into their busy season.

Executive Session - Personnel Matter

A motion was made to go into an Executive Session to discuss a personnel matter by Commissioner McCown and seconded by Commissioner Martin; carried.

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

Letter from the City

Discussion was held regarding the letter received from the City. A decision was made to wait and not do anything at the present time.

Kathy Greer - Defense - Personnel Appeal

Commissioner McCown made a motion to hire Kathy Greer to defend the Board of County Commissioners in a personnel appeal. Commissioner Martin seconded the motion; carried.

Railroad Rail Bank

Discussion was held on the Railroad rail bank and a decision was pending Chris Lane getting back in touch with the Commissioners.

Juvenile Detention Center

Commissioner Martin reported the youth detention center remodeling had to be changed to extend the wall making two rooms instead of one.

Transport Vehicle-Dumpster

Commissioner Martin reported he had a phone message stating that a dumpster had run into the new transport vehicle.

Don informed the Commissioners that the actions taken today would need to be ratified in the regular meeting May 5, 1997.

Adjourn 2:40 P.M.

MAY 5, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 5, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

Ratifying Business from Special Meetings

April 25, 1997 - Jail Construction

A motion was made by Commissioner McCown and seconded by Commissioner Martin to ratify the action taken to pay \$500.00 to Schmueser Gordon Meyer and \$1750.00 to Reilly/Johnson regarding City permits for the temporary and regular facility; carried.

February 11, 1997 - Letter to Judge Ossola

A motion was made by Commissioner McCown to authorize the Chair to sign a letter to Judge Ossola regarding the use of cells on First and Fourth floors. Commissioner Martin seconded the motion; carried.

February 11, 1997 - State Merit System

A motion was made by Commissioner McCown to authorize the Chair to sign a letter addressed to Senator Wattenberg regarding the State Merit System. Commissioner Martin seconded the motion; carried.

March 31, 1997 Bid - Ace Roofing

A motion was made by Commissioner McCown to award the bid to Ace Roofing with the stipulation that we do not need tab shingles in the amount of \$12,680.00 for the Taughenbaugh Building. Commissioner Martin seconded the motion; carried.

March 31, 1997 - Dakota Meadows - Plat

A motion was made by Commissioner McCown to authorize the Chair to sign the plat for Units 4 and 14 for Dakota Meadows. Commissioner Martin seconded the motion; carried.

April 10, 1997 - Engagement of Reilly/Johnson

A motion was made by Commissioner McCown seconded by Commissioner Martin to authorize the engagement of Reilly/Johnson through the major development as based on the cost figures presented; carried.

April 29, 1997 - Personnel Director

A motion was made by Commissioner Martin and seconded by Commissioner McCown to appoint Barbara Ramirez as the Personnel Director; carried.

April 29, 1997 - Contract Employees/2.5% Increase

A motion was made by Commissioner Martin and seconded by Commissioner McCown to ratify the action taken to pay all contract employees across the board the 2.5% wage increase except for Chuck as there will be further discussion; carried.

COUNTY ADMINISTRATOR

Chuck Deschenes presented the letter to be discussed from King Lloyd regarding current problems involving sewage.

Briefing on Denver/Rio Grande Railroad - June 3, 1997

There will be a public ceremony at 3:00 P.M. on June 3, 1997 regarding the Denver/Rio Grande Railroad at the Eagle County Courthouse/Administration Building.

Road Tour

The Commissioners confirmed a Road Tour of the Western end of the County for May 6 at 7:00 A.M. meeting in Silt.

PUC Meeting - July 11 for the 23rd Street Crossing

Commissioner McCown announced for the record of a PUC meeting to be held on July 11 with respect to the 23rd Street Crossing.

Memorandum of Understanding/Colorado Water Conservation Board/Rex Coffman and the Roaring Fork River Restoration Committee

Commissioner McCown commented that Larry Lang of the Colorado Conservation Board had called him regarding The Roaring Fork River Restoration Committee. Commissioner McCown mentioned that Rex Coffman had also faxed him information on a draft memorandum of understanding on behalf of the flood-impacted communities with respect to funds available; however, there was no need for the County Commissioner's signature on the document.

PAYMENT OF BILLS

The claims against Garfield County for the 1st run of April 1997 were presented for review and the payroll for the month of April 1997 was submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to pay the bills and payroll as submitted; carried.

JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Don DeFord, Chuck Deschenes, Al Maggard and were present.

Jail Count

Total In Jail: 128; 1 at Valley View Hospital; 49 main jail; 20 other jails; 3 Home Detention; no Day Reporting; no State Hospital; 46 in Work Release; 9 females; 17 DOC, and 7 Weekenders. Sheriff Dalessandri reported that it was a very busy weekend. They had 121 on Thursday.

Al Maggard reported the regular Board Meeting will be held Thursday at noon at the Hotel Colorado. He announced the State Board Meeting of Community Corrections will be held in Grand Junction on May 16.

City of Glenwood Springs Council will tour the Mesa County Jail on Thursday, May 22 and the Garfield County Jail Tour is scheduled for 5:00 P.M. the same day.

Operations

Dale Hancock stated he met with Spacemaster and Reilly/Johnson on Friday; scheduled to meet with Francis Construction on Tuesday to go through final details transmitted to Spacemaster. They will be estimating the pre-cast concrete.

Transportation Committee

Dave Sturges reported on the meetings and discussions being held with the Transportation Committee with the City of Glenwood Springs. He added several meetings have been held and some preliminary figures presented. Mildred is working on a survey as to where employees live and if they car pool. The Committee is working on ways to encourage car pooling especially for those coming from the West as there is a lot of employees that this involves. Some incentives to car pool have also been discussed.

Park and Rides have been suggested, but if they do Dave stated he was not sure it can be accomplished by Sept. 1. There are two trolley's operational and this has been suggested to extend into October.

Midland Annexation

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize Sam Phelps to stake the project; carried.

Contracts - Architect and Construction Manager

Don presented the contracts for the Architect and Construction Manager on the jail. He reviewed the AIA Forms. The Construction Manager stated they need to establish a construction budget. This commits the contractors to stay within their budget.

Dale stated cost estimating should be submitted sometime this week.

Don clarified this was an overall budget.

A decision was made that Dale should establish a meeting with the Architect and the Construction Manager and get on the same page. The space considered is 76,000 sq. ft. estimate.

May 12 - 5:00 P.M. - Dale will contact the Architect and Construction Manager and request numbers for the main jail project. This will include Jim West, Bob Johnson, URS and Reilly/Johnson.

Filing a Special Use Permit - City

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the payment of the \$50 fee for the filing of a Special Use Permit; carried.

Narratives

Don will submit a statement requiring the Chairman's signature. Bob Johnson will provide shadow pictures attached to it.

Don represented the alley would be vacated, utilities would remain and an easement will be granted for the City to maintain their utilities.

Questionnaire need to be completed in order to send to the financing.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Inez Johnson from the Clerk and Recorder's Office was presented as the Employee of the Month. Mona Moyer, Vi Rowe and Pat Cerise from the Clerk and Records Office were present for the award.

AMENDED PLAT - WESTERN HILLS SUBDIVISION - LOT B, BLOCK 3 APPLICANT: BILL BEERMAN

Mark Bean presented the request and explained the changes to the Commissioners.

A consensus of the Board was for this to proceed.

Second Amended Plat - Larsh

Mark explained the conservation easements and requested the Board authorize the Chair to sign. He added that it is creating an easement.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the seconded amended plat for Larsh; carried.

Extension - Violet Mooney

John Kemp submitted a request for a 30 day extension for Violet Mooney.

Commissioner McCown moved to allow an additional 60 days and set the hearing for July 7, 1997.

Commissioner Martin seconded; carried.

Resolution - Special Use Permit - Lake Toueye

A motion was made by Commissioner McCown to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit (resort) for Lake Toueye Water Ski Club. Commissioner Martin seconded the motion; carried.

Resolution - Zone Text Amendment - Dale Eubank, LLC/Mid-Continent Resources, Inc.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a zone text amendment for the creation of a light industrial zone district in Garfield County pursuant to an application initiated by Dale Eubank, LLC/Mid-Continent Resources, Inc.; carried.

Request to Discuss - Amend the Service Plan

Don mentioned that Lee Leavenworth had requested a meeting on Tuesday, May 20 at 7:00 P.M. to discuss holding a meeting to discuss and solicit the input of the Colorado Department of Health & Environment, Eagle County, and Garfield County regarding the issue of expansion of the Mid-Valley District that is presently before the Board for decision. Don suggested that staff should go, either Eric or Mark from Building and Planning.

Commissioner McCown made a motion and Commissioner Martin seconded to have staff attend this meeting and represent the County; carried.

Referral to Planning Commissioner - Text Amendments to the Zoning Resolution of 1978

A motion was made by Commissioner Martin to refer the text amendments the Building and Planning staff have been working on to the Planning Commission. Commissioner McCown seconded the motion; carried.

New Position in Planning

The possibility of hiring either a full-time additional planner for the Building and Planning or for hiring a consultant to work with the Planning Commission on the Comprehensive Plan was discussed. Mark will put together a job description and submit it to the Board next week for an additional planner.

Consent Agreement between Channel 20 TV and Garfield County Commissioners

Dale presented the agreement between Channel 20 TV dba KTVD TV20 to provide a broadcast signal to the Garfield County translator facility at Sunlight Peak.

A motion was made by Commissioner McCown to authorize the Chair to sign the agreement; Chairman Pro-tem Martin seconded the motion; carried.

MOUNTAIN VIEW HVAC UPDATE - PHIL VAUGHAN AND COLETTE BARKSDALE

Colette Barksdale and Phil Vaughan gave a brief update on the Mountain View heating and air condition situation. Phil was suggesting individual air conditioning units and informed the Board there would be a tremendous expense to do anything otherwise.

PUBLIC MEETING: CONDITIONAL USE PERMIT - HOME OCCUPATION/ART STUDIO LOCATED AT 0284 COUNTY ROAD 102. APPLICANTS: ZISKA AND EVELYN CHILDS

Eric McCafferty, Don DeFord, Chuck Deschenes, Ziska and Evelyn Childs were present
Eric McCafferty presented.

This is a Conditional Use Permit for an Art Studio on a tract of land located approximately five (5) miles northeast of Carbondale at 0284 County Road 102.

The applicants propose an art studio accessory to the principal, residential use of the property. Hours of operation are proposed to be from 9 a.m. to 5 p.m. on unspecified days, with no additional vehicles utilizing the site. The applicants propose the construction of a 40' x 60' structure that would house the studio, which would contain a bathroom and utilize a separate ISD system.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all proposals of the applicant made in the application and at the public meeting with the Board of County Commissioners shall be considered conditions of approval, unless specified otherwise by the Board.
2. There shall be no signage indicating the art studio use of the property.
3. If the nature of the art studio ever substantially changes, then this Conditional Use Permit shall be subject to further review and additional conditions placed on the operation.
4. That the art studio shall be utilized by the applicant who shall not teach or hold art classes on the site or within the studio, without amending this Conditional Use Permit.
5. That any retail sales shall be of one-of-a-kind goods produced on the site and shall be conducted between the hours of 9:00 a.m. and 5:00 p.m.
6. All parking of vehicles shall occur on the applicant's property. At no time shall parking be allowed on or within the right-of-way of County Road 102.
7. Prior to construction of the studio and any appurtenances, the applicant shall receive an approved building permit from the Garfield County Building Department.
8. "The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a Conditional Use Permit for a home occupation for an Art Studio for Ziska and Evelyn Childs with the recommendations submitted by staff and the addition of No. 8 (as above); carried.

**PUBLIC HEARING: PLANNED UNIT DEVELOPMENT ZONE DISTRICT PLAN AMENDMENT.
APPLICANT: BATTLEMENT MESA PARTNERS**

Mark Bean, Don DeFord and Tom Beard representing Battlement Mesa Partners were present.

Mark presented this is a Planned Unit Development (PUD) Modification to the Battlement Mesa PUD Plan on a 5.31 acre tract of land located approximately one-half (1/2) mile south of Parachute, in the Battlement Mesa PUD.

Eric presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Packet; Exhibit E - Letter - Bookclift; and Exhibit F - Letter from Parachute.

It is proposed to amend the PUD Plan zone district for a portion of the Town Center area that is presently zoned BC (Business Center), The proposal is to change the designation to CAR (Central Area Residential) to allow for a 40 unit assisted living facility for the elderly. An assisted care facility provide an alternative to nursing home for elderly individuals needing some assistance to continue living without the skilled nursing care provided in a nursing home. The 5.31 acre site will be provided with water and sewer service from the Consolidated Metropolitan District. Vehicular access will be off of Sipprelle Drive.

Recommendation:

The Planning Commission recommended APPROVAL of the requested modifications of the Battlement Mesa PUD Plan with the following conditions:

That the submittal of a Preliminary Plan include all lands not previously platted as a part of the Town Center area.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a planned unit development modification to the Battlement Mesa PUD plan map to allow for a zone change; carried.

Airport Grant

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a grant for the Garfield County Regional Rifle Airport Project No. 3-08-0048-07 on the contingency of the County Attorney approval; carried.

Fairgrounds Contracts

Chuck submitted the Fairgrounds Contracts for Little Britches Rodeo on May 31, 1997.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Fairgrounds Contracts for the Little Britches Rodeo; carried.

BLM Meeting - Airport - Fire Station

Mike Morgan and Chuck met and basically need people to make commitments. He estimated 1/4 million from BLM toward the project. At the meeting a suggestion was made to include the Forest Service and the Division of Aeronautics. Chuck added that this facility will be on the airport property. He added the Airport could be a training center.

Meeting with Capital Improvements - Rifle and Carbondale

Meetings with Dennis Stranger and Peter Nichols were scheduled in Rifle on Thursday, May 8 and in Carbondale on Wednesday, May 7. Commissioners McCown and Martin agreed to attend the meetings.

TIM SARMO, DEPARTMENT OF LOCAL AFFAIRS - ENERGY IMPACT GRANT APPLICATION

Tim Sarmo was present for the discussion.

Chuck presented that he and Tim had met and went on a road tour on Roan Creek.

Tim indicated there may be some help available by late July or early August. Tim suggested phasing the construction.

Chuck stated he estimated \$1.3 million for Mamm Creek with a 4" asphalt mat going from Interstate 70 to the Jenkins cut-off.

Tim commented that the one million was a big number.

Discussion was held at length of the possibilities which included sitting out one cycle of Energy Impact Grant Fund application if Tim was able to get something passed through the Department of Local Affairs.

The Board stated that \$1.6 is the County's mill levy for Road and Bridge.

The rationale was stated that one 18,000 axle truck is equal to 15,000 passenger cars.

Tim mentioned if the railroad purchase does not go through, this could provide a relief of funds of the \$500,000; he felt that there would be others who wanted those funds.

Tim - stated the committee wanted to be flexible; this is a big dollar amount being requested by Garfield County and there are limited dollars.

ROAD AND BRIDGE DISCUSSION - BID AWARD - CULVERT PIPE

King Lloyd and Mike McBreen were present.
Mike submitted the culvert pipe bids as follows:

Big "R" Manufacturing & Distributing, Inc. of Greeley Total Price of \$11,646.80
Guaranteed delivery date 5/14/97 or to meet County schedule.

Contech Construction Products, Wheatridge Total Price of \$13,860.52
Guaranteed delivery date 1 week for 12" through 48" pipe
A motion was made by Commissioner McCown and seconded by Commissioner Martin to award the culvert pipe to Big "R" Manufacturing Company out of Greeley for \$11,646.80; carried.

Welder - Silt Shop

King submitted a equipment request to the Board for a welder - \$5,000 and \$1500 for a wire feed for the Silt.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize King to replace the Welder with a wire feed from U. S. Welding for the Silt Shop; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

George Hanlon 1208 Catherine Court - Carbondale - Sanders Ranch presented that the owners of the Sanders Ranch has requested that he discuss certain issues that affect the Sanders Ranch and its relationship to the railroad corridor and future development of the property. To assist in the discussion and in the theory that "a picture is worth a thousand words," a prepared map portraying to some degree, the two-dimensional situation on and near the property was submitted.

Mr. Hanlon requested the Board not to take a position relative to development of the property; it is a discussion solely to identify the constraints presented to development and afford a constituent the opportunity to address the Board.

Discussion:

Mr. Hanlon asked for serious consideration and assistance by this Board.

Motion - George Hanlon - 1208 Catherine Court - List B

After considerable discussion Commissioner McCown made a motion to put them on the B list with the one crossing, the one that is non-historical, the permitted one, the farm crossing, the agricultural crossing. Commissioner Martin seconded.

Discussion:

Chairman Smith clarified - and now assure me you are trying to work with some of them on the North of that area to maybe use that same frontage road, if you get the farm crossing.

George Hanlon stated he knows one of the other property owners already intends to work with us.

Commissioner Martin this is the historical problem with RFRHA they know that this is going to be coming, everyone that plans to develop something along the corridor is going to start doing this and they have anticipated this so it is going to be a tough sale, it really is.

Commissioner McCown but they don't even have a chance to sell it if they are not on board. George Hanlon this is where I think we fall out. It's just a chance, we know we've got to do a good job.

Walt Brown - may I suggest that by making a motion that you are not influential indirectly or otherwise approving

Chairman Smith - absolutely not.

Walt Brown - no -

Commissioner McCown - no.

Walt Brown - John this is really your suggestion because I know what will happen, it will go to the RFRHA Board and they're going to have to ...

George Hanlon - I did a lot of research on it. Aspen Glen has a perpetual easement.

Chairman Smith - absolutely, they're entirely different than these and that is the point I was going to try and make it that we went ahead with Aspen Glen's plan and the type of easement was a little bit different to work with those plans and I guess for you to come in and have to have the rail crossing - if you don't have that, we're not implying, and I'm not implying that you won't have to have it when you come before us.

Commissioner McCown - agreed.

Chairman Smith - I want that on the record. Hanlon - that's fine.

Commissioner Martin - all the motion is to go ahead and request to move them from A to B list.

Commissioner McCown - clarified just on the agricultural crossing only.

George Hanlon - does it matter that the historical crossing is on there or not on there?

Commissioner Martin - we recognize that it is on there.

Chairman Smith - I think the motion that is.....

Commissioner McCown - the way I understand it, on the historical crossing is you're home free on that one anyway, they can't touch it while you

Commissioner Martin - any kind of a change you have to go before the RFRHA Board that changes that - -- crossing, no matter what.

George Hanlon - the Cattle Creek?

Commissioner Martin -the one that you just

George Hanlon - okay

Commissioner McCown - the one that you own, they...

Commissioner Martin - there is one clause on that and that is "review by a case by case basis" that's the only hope that you've got on that. That's what the County has to with their public crossings. I can't guarantee you anymore than what you've got.

Commissioner McCown - I think I'll leave my motion as the same.

Chairman Smith - John has seconded - all those in favor - carried.

Reid Haughey - Kings row on Missouri Heights

Citizen - Community League stated he was on a mission to take care of school house and keep it in some kind of shape and not have it sold on a tax deed. There will be a meeting of Board of Directors - May 18 1:00 P.M. to discuss the planning and water issue. The committee would like to get a good snap-shot on what is going on. He stated he is here to provide information and request someone from the planning office to attend.

Commissioner Martin stated that Planning will not but one of the Commissioners will be there, either Chairman Smith or Commissioner Martin will be there.

Reid was asked to give a list to Eric McCafferty on what they wanted to see.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 2 MILES SOUTHWEST OF RIFLE ON COUNTY ROAD 320. APPLICANTS: GLEN AND BEVERLY McCORMICK

Eric McCafferty, Don DeFord, Glen and Beverly McCormick were present.

Don determined that adequate notification was in order and advised the Commissioners were entitled to proceed.

Eric stated this is an exemption from the definition of subdivision on a 40 acre tract of land located approximately two (2) miles southwest of Rifle along County Road 320.

The applicants propose to divide, by exemption, the 40 acre tract into two (2) parcels of 38 and 2 acres. The smaller parcel would be developed as a single family homesite.

Recommendations:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.
5. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
6. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
7. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.
8. Prior to final approval the Division of Water Resources shall issue the appropriate well permit, the well shall be drilled and pump-tested for four (4) hours duration, an opinion of the person conducting the pump test shall be submitted, stating the flow will be sufficient for the intended use(s). Additionally, the water shall be tested for nitrate/nitrite and fecal coliform bacteria content. All information shall be submitted to the Planning Department for review.
9. The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permit, prior to final approval.
10. That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The individual lot owners shall be responsible for the control of noxious weeds."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

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

"There shall be no more exemptions from definition of subdivision allowed on either parcel created by this approval."

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the exemption from the definition of subdivision for Beverly and Glen McCormick with the 10 staff recommendations; carried.

Notice of Award - Four Mile Road

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Authorization Notice of Award; carried.

PUBLIC HEARING: SPECIAL USE PERMIT - NATURAL GAS COMPRESSOR/PROCESSING FACILITY LOCATED APPROXIMATELY 1 MILE NORTH OF PARACHUTE ON COUNTY ROAD 215 APPLICANT: RULISON GAS COMPANY

Eric McCafferty, Don DeFord, David Burnett Management Partner of 1580 Lincoln St. Suite 1270 - Denver 80203 and Greg Baumba 13872 Weld County - Longmont were present.

Don determined that adequate notification was in order and advised the Commissioners they were entitled to proceed.

Commissioner Martin - Chair Pro-Tem swore in the speakers.

Eric presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Applications; Exhibit D - Staff Packet and Project Information; and Exhibit E - Copy of the 1978 Garfield County Zoning Resolution.

Commissioner Martin, Chair Pro-tem entered Exhibits A - E into the record.

This is a Special Use Permit for a natural gas compressor and processing facility on a 4.7 acre tract of land located approximately one (1) mile north of Parachute on the southwest side of County Road 215.

Eric presented that page 4 was not included in the staff packet. Chairman Pro-Tem Martin, admitted the missing page 4 into the record.

Eric presented that the applicant proposes the installation of two (2) natural gas compressors and a processing facility that would connect its existing gathering system with the Colorado Interstate Gas (CIG) mainline interconnect point. The processing facility is intended to strip liquids from the gas stream.

Recommendations:

Staff recommends APPROVAL of the application, subject to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

Prior to the operation of the facilities, all air pollution emission permits shall be issued and operation of the facilities shall be consistent with the conditions of approval of such permits. Upon receipt of the permits, copies shall be submitted to the Planning Department for review and inclusion within the file.

The amount of noise to be generated by the operation of this facility be consistent with the predicted levels. If noise complaints are received by the County, the Board of County Commissioners shall have the authority to require the applicant or operator of the facility to conduct a noise assessment and develop strategies to reduce the amount of noise emanating from the applicant's property.

The construction of the foundation for the engine/compressor unit and all other facilities shall be done in a manner to prevent perceptible vibration from occurring outside of the property boundary.

Any foundations shall be constructed with respect to the shrink-swell and erosive potential of the soil and construction shall strive to minimize soil disturbance.

Reclamation and revegetation of the site shall be required when the operator ceases use of the facility, in a manner that returns the site to its original, preconstruction state.

The applicant shall file an emergency plan with the appropriate fire protection district and the Garfield County Department of Emergency Management, prior to the issuance of the Special Use Permit.

Any out-of-state vehicles used in the construction, operation or maintenance of the facility shall be registered or apportioned in the State of Colorado.

The Special Use Permit shall be issued upon demonstration of satisfactory compliance of all listed conditions of approval.

The applicant/operator of the facility shall control noxious weeds on the site.

The allowance for a bathroom and/or toilet facilities shall be allowed within the proposed shop/office building so long as the applicant demonstrates a legal water right at the time of building permit application to the County Building Department. Such application shall clearly indicate the bathroom facilities. The shop/office may be permitted without bathroom facilities.

The shop/office shall not be used for housing employees or agents of the applicant or operator of the facility, either temporarily or permanently.

Motion to close the Public Hearing was made by Commissioner Martin and seconded by Commissioner McCown; carried.

Commissioner McCown made a motion and Commissioner Martin seconded approved the Special Use Permit for a natural gas compressor and processing facility for Rulison Gathering Company with recommendations 1-11 as noted by staff; carried.

ENERGY IMPACT CORE GROUP - PRIORITIZATION OF ENERGY IMPACT GRANTS SUBMITTED

Ross Talbott, Burning Mountain Fire District; Jim Yale, Silt Administrator; Don DeFord and Chuck Deschenes were present.

The Burning Mountain Fire Station in Apple Tree and the County's grant for funding to complete the Mamm Creek County Road were submitted.

The votes are cast by the Mayors of each town and the Commissioners.

The County was rated as No. 1 and the Burning Mountain Fire District No. 2.

Catherine's Store - Liquor License

Mildred reported that the Catherine's Store has been fined and sanctioned. Mildred stated she wants this on record.

Purchasing Policies

Chuck was directed to put out a strongly suggested memorandum that the Purchasing Agent be used when purchases were being made. This was to indicate that specifications were to be written precisely and given to Mike McBreen for bids.

Commissioner Martin expressed thanks for those who use it. He reiterated that it is required for purchases of \$500 or more.

CONTINUED PUBLIC HEARING: ZONE DISTRICT AMENDMENT FROM ACCOMMODATIONS/RECREATION PLANNED DEVELOPMENT TO PLANNED UNIT DEVELOPMENT FOR THE RANCH CREEK PLANNED UNIT APPLICANTS: JANE JENKINS AND STAGECOACH ASSOCIATION, INC.

Eric presented a letter dated April 14, 1997 was submitted by David P. Brown, AIA stating due to conflicts for George Hopfenbeck, Board Members, Ranch at Roaring Fork Homeowners Association and himself, he requested a continuance to May 19. This was read into the record.

Commissioner Martin made a motion to continue this until June 2 at 3:30 P.M. Commissioner McCown seconded; carried

Communication Budget

Chuck submitted the Communication Authority budget and explained the sales tax distribution fund was on a monthly basis journalized into the county books.

This has been published and will come before the Commissioners for approval at the next meeting on May 12.

RFRHA

Walt Brown, Don DeFord, Chuck Deschenes, Mark Bean, and Eric McCafferty were present.

Discussion on the RFRHA contract and upcoming meetings was held.

The meeting scheduled for Friday, May 9 was discussed. The possibility of an extension for closing was mentioned giving it until June 6. May 19 is the final RFRHA meeting. June 3 at 3 P.M. is the Eagle celebration.

Among the unapproved documents were the GoCo Agreement however there was a draft and conservation easement draft which included crossing of the rails' agreements. There are three areas where joint sever liability and indemnity are still on the table.

GoCo came up with the Joint Sever Liability in September of '95 and they are going to stand firm.

The Aspen indemnity question was discussed.

CDOT will go along as well however a shared use agreement has not been agreed to yet.

Jack Byer of the Public Utility Commission has basically stated there is no loss of PUC jurisdiction and they will have control over the entire track.

Walt commented there is a direct focus on cost and RFRHA may defer the acquisition; Carbondale is stopping it with their consensus.

Walt reported that Worcester commented with respect to Qwest that as of Friday, he hasn't heard from them in 3 weeks. They reveal what they are going to do but not before the fact.

Garfield is not holding anything up; on May 19 the vote will occur and approve 6 or 7 agreements in final form.

On May 19 the contract, which is over 500 pages long, will be reviewed.

The language was discussed contained in Don's draft of the agreement.

The plan for the way it will happen is included in an executive summary. It was reported that RFRHA used a lot of Garfield County's recommendations.

The first thing is to get the 5 counties to work jointly in the effort.

Adjournment

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

MAY 19, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 19, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

DISCUSSION - DENNIS STRANGER, PETER NICHOLS, DEAN GORDON - COUNTY FACILITIES

Dennis Stranger and Dean Gordon presented the Capital Improvements Program - Status Update

The Capital Improvements Program (CIP) work effort for the last month has been directed towards specific detailed data analysis and public involvement meetings. Field work on the road inventory was completed and fiscal analysis of the Road and Bridge Department continued in even more detail. Development of the databases needed to complete the project is well under way. Some of the major activities undertaken so far included the following:

Meetings with five of the municipalities have been completed. New Castle is scheduled for May 20 at 8:00 p.m.

Inventories and perceived needs analyses are in progress. The capital improvements standards are also being finalized as a model of projected needs based on the standards.

Numerous follow-up discussions with the County staff have been held to fill in data requirements.

As soon as the Commissioners can schedule, Dennis suggested they schedule a variety of aspects of the Capital Improvement Program. Four specific work session topics have been identified.

Road and Bridge issues included road priorities, shop facilities and equipment replacement.

Motor pool policies and non-Road and Bridge equipment replacement and "soft" capital items such as major software upgrades.

Facilities expansion, up grades and replacements.

Financial policies.

In addition to the workshop topics outlined above, specific direction is needed to address the overall capital expenditure options. Particular questions that need to be answered as soon as possible include the following:

How will the debt service payments for the jail be funded and to what extent will the debt service payments impact other needed capital expenditures? Will the relatively high level of capital expenditures in the Sheriff's office be continued in the future?

What are the legal constraints regarding the use or disposition of the Fairgrounds?

What legal obligation, if any, does Battlement Mesa have for the improvement of the County road 301 Parachute to Battlement Mesa? Does the obligation extend to the interchange?

Is it possible or desirable to restructure the County's obligation to improve County Road 109 pursuant to the agreement with Aspen Glen? When will the reconstruction of county Road 109 take place?

Is the County going to pursue the establishment of a fire fighting facility at the Garfield County Airport?

The first work session regarding Road and Bridge Issues was set for May 27, 1997 at 1:00 P.M. in Room 301 - Courthouse.

RFRHA/Hanlon

Don and Commissioner Martin have a telephone "B" list. The transcript of the motion was submitted and reviewed.

Don clarified the motion was for the George Hanlon agricultural crossing only. RFRHA is willing to ask GoCo about the crossings however, Sanders Ranch and Holy Cross crossings- would have to undergo more discussions before any decision was made by RFRHA.

COUNTY ADMINISTRATOR

Chuck presented his report.

PAYMENT OF BILLS

The claims against Garfield County for the first run of April 1997 were submitted.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills as presented; carried.

JAIL DISCUSSION

Sheriff Dalessandri, Deputy Sears, Dale Hancock, Don DeFord, Chuck Deschenes, Doyle McGinley and Al Maggard were present.

Jail Count

Total in Jail: 126. 132 on the weekend. 50 main jail; 45 Work Release; 7 females (13 on Saturday) 1 Home Detention; no Day Reporting; 23 other jails; no State Hospital; 17 DOC and 9 Workenders. Sheriff Dalessandri reported the word had been received from Gilpin County that they are filled up. Rio Blanco is also filling their spaces.

Sheriff stated they were getting only a day by day update on the DOC overcrowding and possible transfer of County inmates. Bent County was discussed as a possibility of using for our other jails to house inmates. Montrose and Weld County were also discussed as possibilities.

Dale reported that the conceptual review with City Council would be in late July or later. Permits fall within the same general time frame.

Discussion was held regarding what could happen if City Council denied the request of the jail construction. Russell George is reluctant to sponsor any type of legislation unless the City and County are in agreement. Having the Courts and the Jail move to a remote location was a possibility. It was decided that it was time to explore all possibilities.

It was announced that the Joint City Council/County meeting would be held on Tuesday morning at the Hotel Colorado at 7:00 A.M. The agenda would be the same as last meeting.

Jail Discussion

The square footage of the jail was under discussion.

Commissioner Martin focused on trying to save the taxpayer's money.

Commissioner McCown added he was reluctant to go ahead with the process however, if the Board so chose to do so without spending another dime.

Don - not a major change -in sq. footage.

The alley and the airspace was determined to be a possible handicap in the process of approval. The cross walk could become a topic of discussion with City Council. At all times this is up to the City's interpretation.

Spacemaster needs an answer soon. The cost to house inmates per year was estimated at \$1,000,000.

A motion was made to authorize the Chair to sign the notice on publication for the development permit and special use permit of which proof of publication was necessary for the May 27th meeting by Commissioner McCown and seconded by Commissioner Martin; carried.

Operations

Dale Hancock reported on the jail stating he had two proposals turned in for the work release units. The Community Corrections Board will be the first to review and recommend to the Board.

Lift-Up House

Discussion was held with respect to John Hazen and his proposal to move the Lift-up House to a site specific. John Hazen has submitted application to the City to move the building as it needed a permit.

URS

Dale announced that the meeting was scheduled with URS on Wednesday here and there would be discussion of the three-phase electrical situation.

New Vehicles - Sheriff's Office

Sheriff Dalessandri stated he had eight cars budgeted for the 1997 year. He still has \$27,444 left in his budget for vehicles. The bottom line is that they need another vehicle for the department.

Commissioner Martin inquired if this would mean a surplus and the Sheriff assured the Board that the vehicle was needed for a patrol car.

Chairman Smith informed the Sheriff that the Board had received quite a few complaints about speeders on County Roads lately especially in Carbondale and the rural area.

The Sheriff informed the Board that he has regular patrols and this is being funded as part of the grant from Community Policing.

Commissioner McCown inquired as to the Sheriff's Deputies sitting in the medians on the Interstate Highway. He stated he wanted the vehicles patrolling county roads.

Deputy Sears asked for any complainers to get the license number so inquiries could be made to the deputy's doing this.

The Sheriff advised the Board that he was attempting to hire one additional deputy and also implement training for a rural deputy.

Commissioner Martin made a motion to approve the expenditure for another patrol vehicle for the Sheriff's Department. Commissioner McCown seconded; carried.

Sheriff Dalessandri said this was the last vehicle in the budget.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

TeKeKi

Richard Montrose of Carbondale presented the Commissioners with a letter stating the access to TeKeKi was cut off and the 1968 Plat indicated the road was a public road accepted by the Board of County Commissioners.

Jeff Parker wanted it noted for the record that the access was cut off to individuals who had purchased property. He claimed access is a basic property right, claimed he had researched the history of the subdivision, the road and documented it in his letter to the Board.

access is a basic property right - researched and in his letter. He requested the Commissioners look at this situation and if he's right for them to do something; if he's wrong then he'll apologize.

Jeff stated that the 500 people who bought a lot up there did not get treated fairly and they are upset.

Donna Nystrom and John Nystrom were also present for the discussion.

Jeff submitted color photos showing the berm that blocked their access to the TeKeKi subdivision. He submitted the original plat from the 1960's showing the dedicated TeKeKi drive by conveyance and that it was accepted as a public road.

Don DeFord stated that it was accepted as a public road however, it was not accepted with County road standards.

TeKeKi Drive has a crossing that connects County Road 100 but it crosses the railroad.

Documentation was submitted from Jeff Parker indicating that he had in his possession a signed permit to cross the railroad. He maintained that he had paid initially a \$500 fee and renewed it annually for \$100.

For the record, Jeff submitted a copy of the signed railroad crossing agreement.

Commissioner Martin stated that RFRHA would be glad to see this document.

John Nystrom reported that ten earth berms had been placed between the railroad and the TeKeKi road. He wanted access restored; maintained it was within his civil rights and would take it to federal court as it was controlling access to a private road. He stated a County-owned road has been blocked.

Jeff Parker named Considine and Nieslanik as part of the conflict. He added that he owns 2 lots and Considine owns 80 lots. TeKeKi cannot be developed to capacity due to a lack of an adequate source of water and sewer systems. Considine is the developer. Only 50 lots can be built on. Jeff mainly wants access rights restored to his property.

Commissioner Martin commented to Jeff that even though you have a right, you have no crossing to a public road.

Donna Nystrom maintained that it was a private road.

Commissioner Martin corrected her and again stated that this was a public road and it is not to be maintained by the county; he reiterated that it never has been a County road. In 1960 it was accepted as a public road however, it did not connect to a County road.

Jeff still maintained that he has a right to use it.

Commissioner Martin suggested that Jeff research it more.

Jeff asked Chairman Smith what her position was.

Chairman Smith stated she needs complete documents.

Jeff - what are you going to do it?

Commissioner McCown commented to Jeff that he had threatened this Board with a Federal filing.

Commissioner McCown informed Jeff that it was a civil matter and suggested he would need to deal with it in that system.

Chairman Smith commented that the Board will need legal advice from the County Attorney.

Don DeFord stated this would need to be in an executive session.

Commissioner McCown stated the Board would discuss this and give Mr. Parker an answer; they would have an executive session at 5:00 P.M. tonight for some other issues and would obtain some legal counsel at that time.

Chairman Smith stated the Board would look at legal access and try to find some answers.

Antlers Park - Treasurer

Georgia Chamberlain as the Trustee on a memorial park in Antlers discussed an offer she had received from Russell George on behalf of Bob Hoffmeister. Georgia indicated to Russell George that the Veterans needed to make a decision as it was a dedicated deed to the Treasurer's Office for the County. She informed the Commissioners that Ed Chamberlain is grazing his goats on the property and it is adjacent to Bob Hoffmeister. Russell George made an offer to quit claim the deed over to Bob Hoffmeister and Bob Hoffmeister would make a donation of \$1500. Georgia commented that she had researched the value of the property and was informed by Cheryl Chandler that the value was at \$15,000 an acre. Ed White of VFW stated to Georgia that they do not have funds to maintain a park as they work with limited resources. The history of this property is: it was formerly owned by Antlers Home Demonstration. Bob Hoffmeister maintains that it is a part of his property.

Don DeFord stated he would need to see if the property could be sold or not. It all depends upon how the deed was written at the time of conveyance to the County for the Veterans.

Georgia told Russell George what Cheryl Chandler had stated.

For historical purposes one suggestion was to have a plaque that would remember the men from Antlers' who fought in World War II; find a place at the Courthouse to hang a plaque.

Mrs. Everett suggested to Georgia that a donation could be made to the Veterans Nursing Home in Rifle.

Chairman Smith added that the Veterans Nursing Home may be a good place for a plaque.

However, the Veterans need to make those decisions.

Commissioner McCown suggested that Georgia should obtain information from Ed White and bring it back and take action.

George Hanlon of 1209 Catherine Court

Mr. Hanlon was present to obtain clarification on the action taken at the May 5, 1997 Board of County Commissioners meeting regarding the two crossings to his property known as Sanders Ranch. There was discussion.

DEPARTMENT HEADS

Emergency Management

Guy Meyer presented that the Emergency Management Council would have a special meeting in Rifle to address the issue of the peak period of flooding. He added that they have sandbags ready just in case of a rapid runoff.

Extension

Carol McNeel reported they were planning interviews for an Extension Director this Thursday at 8:00 A.M. Chuck will attend and Commissioner Martin added that he will try to be there also.

Building and Planning

Mark Bean presented his report.

Referral - Aspen Glen

A motion was made by Commissioner McCown to refer Aspen Glen to Planning Commission. Chairman Smith stepped down as Chair to second the motion; carried. Mark commented that this will be before the Commissioners on June 11.

Extension - Boat

Commissioner McCown made a motion to approve a 90 day additional extension for Boat until August 19. Chairman Smith stepped down as Chair to second the motion.

Resolution - Long Subdivision

Commissioner McCown made a motion to authorize the Chair to sign a resolution concerned with the approval of a preliminary plan for the Long Subdivision. Chairman Smith stepped down as Chair to second the motion; carried.

PUBLIC HEARING - FLOOD AND DUPLEX SPECIAL USE PERMIT LOCATED ON LOTS 26 & 27, BLOCK 6, RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANT: TONY BARAN

Eric McCafferty, Chuck Deschenes and Tony Baran were present.

Eric determined adequate notification was made and advised the Commissioners it was in order.

Chairman Smith swore in the speakers.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Return Receipts; Exhibit C - Application; Exhibit D - Project Report and Staff Comments; Exhibit E - A copy of the Garfield County Zoning Resolution of 1978.

Chairman Smith admitted Exhibits A - E into the record.

Eric McCafferty presented this is a Floodplain and Two-Family dwelling Special Use Permit; Amended Final Plat on Lots 26 and 27, Block 6 consisting of 14,261 square feet in Rifle Village South Subdivision.

The applicant proposed the construction of a two-family dwelling and a special Use Permit for the floodplain. Rifle Village South subdivision has identified as existing within floodplain zone AO, a special flood hazard area that can be inundated by types of 100 year shallow flooding where depths are one (1) foot or less with associated flow (water and debris) velocities of four (4) feet per second, therefore, requiring the issuance of a Floodplain Special Use Permit pursuant to Section 6.00 of the Garfield County Zoning Resolution.

Chairman Smith reviewed the engineers report and stated that no basement would be allowed.

Arthur Scribner neighbor to the proposed construction project submitted a letter from Coleman Higgins of 0313 Remington Drive and asked about the 25 foot height restriction on the proposed building. His concern was that the subdivision was set up for single family homes and the application was for a two-family dwelling. He was fearful of property values going down due to the structure and because it would be used for rental purposes.

Chairman Smith entered as Exhibit F the letter from Mr. Higgins who was against the application being approved.

Marsha and Jim Golden of 0468 Village Drive were adjacent property owners and stated some neighbors of theirs did not get notified.

Eric stated these residents should either state their problems publicly or in a letter.

Chairman Smith - a ruling must be made on the material they have in front of us and commented that Mr. Baran did what was required.

Jim Coleman agreed that Mr. Baran did. However, he added that this was a neighborhood and hoping for a postponement until such time the people in the area that were not adjacent property owners can be notified and possibly hire a lawyer to fight the structure.

Chairman Smith again reiterated that this has been in process and the applicant has worked with the neighbors and made the necessary material available and therefore made every attempt.

Eric provided that during the preliminary hearings the adjacent property owners were notified and these people must be aware of this and did not write him. If there was significant issues they should have been brought to Eric.

Commissioner McCown made a motion and Chairman Smith stepped down as Chair to second the motion to close the public hearing; carried.

Recommendation:

Staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to the following conditions:

1. That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval, unless otherwise stated.
2. That the minimum, finished floor elevation of the two-family dwelling shall be no less than 5328.6 feet.
3. The foundation shall be cast-in-place reinforced concrete footers and stem walls and all foundation designs shall be based upon the site specific geotechnical soil and foundation investigations performed by Hepworth-Pawlak. Additionally, the engineered foundation design shall clearly state the foundation has been designed to withstand the hydrodynamic and hydrostatic forces associated with water moving up to four (4) feet per second.
4. The surface drainage around the perimeter of the structure shall comply with the recommendations contained within the Hepworth-Pawlak Geotechnical report, dated March 10, 1997.
5. All foundation construction shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.
6. Prior to the approval of a final/certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the single family dwelling unit.
7. The total amount of lot coverage, inclusive of the structure, patios and driveways, shall not exceed 4991 square feet.
8. The two-family dwelling shall not include a basement.
9. The applicant shall follow all recommendations contained within the Hepworth-Pawlak report, dated March 10, 1997.
10. That the amended final plat for lots 26 & 27, Block 6, Rifle Village South Subdivision shall contain the following plat note:

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

A motion was made by Commissioner McCown to approve a Floodplain and Two-Family Dwelling Special Use Permits; Amended Final Plat for Anthony (Tony) Baran for Lots 26 and 27, Block 6, Rifle Village South Subdivision with the 10 conditions as shown above in the recommendations by staff and those made before Public Hearing; carried.

SOCIAL SERVICES

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

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

County Administrator

Chuck reported that the Jail Issue will be on the agenda for Glenwood Springs City Council on Thursday at 6:00 P.M.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Chuck Deschenes were present.

Workshop of Road Tours

A date and time was set for 1:30 P.M. on May 21.

King reported on the following: *Department of Corrections* and the mag chloride for dust control on the road which will be a cost sharing effort with Road and Bridge and DOC; Beaver Creek needing dust control and Barrett Oil/Tom Brown will buy the chemicals to be used by Road and Bridge; Baxter Pass and the blaster necessary for rock on the switch back; ConSy Change Orders # 1 and # 2 on Four Mile; and the need to ratify the contract with ConSy for \$327,685.00.

King submitted the Change Orders as follows and explained the need for the additional work:

ConSy - Change Order #1 - \$ 23,681.00

ConSy - Change Order #2 - \$ 52,365.00

King indicated these numbers may change somewhat and would therefore bring this back to the Commissioners.

Discussion:

King stated he advised them to go ahead with the ditch work.

Mildred called this to the attention of the Board that they needed to ratify this contract as it was approved in a special meeting.

King stated the "Notice to Proceed" has not been issued and added that the contract total is at \$327,685.00 for ConSy and the next responsive bid was Bogue for \$346,024.00.

Chairman Smith commented with the change orders this puts them higher than Bogue.

King clarified that the \$327,685 was including the change orders of \$23,681 and \$52,365.

Direction:

King clarified that the fabric was not included in the contract knowing that it would be more money.

Commissioner McCown stated this was not included in ConSy's design when we accepted the bid, however, the Board decided the road up there with the wet conditions that the fabric was money well-spent

and it is an add-on. He further directed that King needed to get the certification in writing, then the Board will waive the fabric.

Commissioner Martin suggested King negotiate with Tom that we would pay up to \$1.00 a square foot and not the \$4.76. This is not acceptable to him.

King commented that he felt, because of the pre-construction meeting that he's going to say no-way. Tom, after their last meeting stated he had visited with CTL Thompson and they said that because of the road cross-section they were building that it wasn't necessary and King feels that Tom sees it as quite of an impedance of his project. The handling of the material is something that slows down the construction and is wanting to move faster.

Chairman Smith suggested negotiation and offer some dollar figures with it.

Commissioner McCown questioned how necessary it was with their construction. Therefore, he suggested to get the certification in writing from Schmueser Gordon Meyer and the testing and then we will waive the fabric.

King clarified that we were interested in paying \$1.00 a sq. foot for the fabric and if they can't match that price, then give us documentation saying it's not needed.

Chairman Smith commented that C-DOT stated \$1.70 and she would be willing to go that much.

Commissioner McCown was in agreement with this direction as well.

Rotomil

King commented he had made the request on the list of roads to Bob Mosten for the Rotomil material. The Board had listed the roads needing this material as: Sweetwater Road - 1 mile; Garfield Creek - 1/2 mile; County Road 138 Slaughter House; and the road into the Riverbend Subdivision.

Commissioner McCown added he would like King to go to Riverbend first, then Garfield Creek, and then County Road 138/Slaughter House and Sweetwater.

County Administrator

Mamm Creek

Chuck stated he had a conversation with Tim Sarmo and clarified the funds are \$600,000 additional money from the State plus the \$300,000 that we have, then that will get us up to \$900,000 so all we need is about \$300,000 some of which is already obligated.

Tim was curious if the county could go ahead and get the work completed to where we are now, not to Jenkins cut-off, although if we do have any extra or if the bids come in lower, we could extend that. Chuck informed Tim we probably could but he needed to let King think about this for a while.

King stated he would run back through the numbers and see what the total came to by add the additional full depth of gravel and asphalt overlay to where we have it improved now.

Chuck would like these numbers as soon as possible in order to get the information back to Tim Sarmo.

DISCUSSION - STEVE YAMASHITA (DIVISION OF WILDLIFE) AND BUREAU OF LAND MANAGEMENT - ACCESS MATTER ON PRAIRIE AND SOUTH CANYON

Department of Wildlife Steve Yamashita and Kathryn Robinson of Area Manager for the Grand Junction Center, Bureau of Land Management were present and passed out information with respect to the access matter on Prairie and South Canyon.

Steve provided an update on what the proceedings are with DOW. He commented that two roads Prairie and South Canyon in the extreme western portion of Garfield County were closed back in 1992. They were historically open to the public since 1908 for South Canyon and 1911 for Prairie Canyon. When it was closed it shut off 60,000 acres of public land for public use. It was a major issue for BLM and DOW. BLM due to it being a major access no longer accessible to the public and for DOW it was a major access area for hunters. DOW is interested in letting the public in to harvest wildlife, especially deer and elk in that country. BLM in 1996 were going to pursue through the justice system trying to work it through the federal aspect of trying to re-open these roads and there was a lot of opposition. Then the DOW determined they would take it through State agencies through the Attorney General's Office and pursue legal action trying to get those road opened.

He stated that BLM did most of the public records search and found that there definitely is precedence to establish public use over the years. At this point Garfield County has not been approached as to where the County stood other than through the Garfield County Access Committee a number of years ago. When this Committee was active, they tried to mediate things other than litigation but there was no compromise so right now litigation is their only alternative and that's what they are pursuing through the Attorney General's office. At the present time they are taking statements from individuals who have signed affidavits and attempting to find out what they know about the historical use. The Attorney General's office has responded back to Steve that a response from them is eminent but no date yet.

BLM's perspective was given by Kathryn stating this was more and more what is being seen in Western Colorado where landowners are purchasing key tracts that will enable them to exercise their options as private landowners to erect gates and where there are road that have been traditionally used for public access but nonetheless those roads were not County Roads and fall through the cracks. These agencies represented here today are saying that access is becoming a major issue in Mesa County and that the Mesa County Commissioners have started to pay attention to that issue. She added that Garfield County has had success in working through the Access Committee and hoping to use what Garfield County has done in the past as a model to do what they need to do. In terms of Prairie and South Canyon, these two roads are among of the top 5 issues with respect to public complaints and most are coming from individuals living in Mesa County. In the legal research they have done in very clear that these roads have been public access for a number of decades. Hunting is one of the major uses in the area and there is significant gas development as well, however, they have their own ways since they are doing road maintenance.

Kathryn commented that they were asking for written support but not asking the Board to presume the outcome of any court litigation would be but merely that it is important for this issue to be decided in the courts; therefore, an encouragement of DOW and the Attorney General to pursue it and resolve it from a legal standpoint.

Don agreed this was a good way for the Board to go and encourage a Resolution through the Court System and indicate that all other remedies have been exhausted.

Commissioner McCown so moved. Commissioner Martin seconded; carried.

Chairman Smith added that a copy of the letter should be send to Kathryn at BLM.

Road and Bridge - Garfield Creek Road

King reported that Garfield Creek Road had two floodings. The first flooding was too much water and the second flooding appears there was a condition irritated by the first flooding and caused the pipe to separate and spill over and wash the road out. The tally on the cost was estimated at \$8,000 and King had notified Steve.

Steve mentioned that he will address this with his boss and see what the legal obligations they are under regarding this clogged culvert.

King stated to Steve that it looks like on the second incident that U.S. West went up Garfield Creek and did new phone installations and perhaps the contractor plowed through the culvert and so they did a replacement of the pipe they plowed through but did not use a band on the culvert when they put the other piece on there, so when the flooding came through there the water washed the fill around that repaired end and that piece of culvert settled in, so when they turned the ditch, twigs and debris came and caused it to overflow.

Department Head Contract Amendments

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the amendments to the department head contracts for Carolyn Dalhgren, Dale Hancock, Don DeFord, Margaret Long, King Lloyd and Mark Bean for the additional 2.5% pay increase retro active to January 1, 1997; carried.

DISCUSSION - KEN STEIN - COLORADO WEST

Ken Stein did not appear before the Commissioners.

Chuck stated he will call and follow up with Ken Stein.

Executive Session - District Attorney's Office

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

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

Fairground Contracts

Commissioner McCown moved to authorize the Chair to sign the Fairground Contract and Stall Agreement for Areo 8 Dream Quarter Horse Show for June 14 and 15, 1997. Commissioner Martin seconded the motion; carried.

YEARLY UPDATE ON COLORADO COLLEGE - DR. CYNTHIA HEELAN

Cynthia Heelan, President of Colorado Mountain College; Jean Sharoff - Board of Trustees Member; and Nancy Genova - Dean of the Roaring Fork Campus presented the yearly report to the Board.

Cynthia reported they have eleven (11) new buildings; reported on the various fund-raisers; and submitted the 1996 report card.

She added the College has Four Goals and referenced page 5 of the 1996 Report Card.

She commented that Colorado Mountain College had the best Grade Point Average of all the Junior Colleges in the State of Colorado. She reported they developed a system to teach atmospheric technology via computers; added that Hospitality Management and Culinary Arts were now offered at the College.

Jean Sharoff - a 3 year board member was extremely impressed with the way in which CMC affects the small business community.

Nancy Genova - Roaring Fork Campus - mentioned the tearing down of the old residence halls and in July the new academic building starts construction. The Lappala Center in Carbondale was a dream realized and stated the Glenwood Center is being remodeled to accommodate additional classroom space. She also mentioned that teaching was started over the Internet and through satellite.

Yampah Mountain Educational Foundation, Inc.

Don DeFord presented a request from Steve Beattie of Beattie & Chadwick attorney on behalf of the Yampah Mountain Education Foundations, Inc. regarding its proposed expansion of a high school facility to be located at the intersection of Red Mountain Drive and Midland Avenue in Glenwood Springs expanding to the North and West of current site.

Don explained the reason it was coming to the Board of County Commissioners, they are going to acquire a parcel of ground between one and four acres and it is currently in the County. The intent is to annex into the City after acquisition and then develop it for their site for the school. So the actual development would take place after it's in the City but there's a question about subdivision then. They are actually going to do the acquisition after annexation but technically that would then be splitting a piece of property that was partly in City and partly in the County and to resolve any questions about subdivision and the need to do it, what they are proposing is that they do the transfer to the Yampah Mountain Education Association but a deed in lieu of condemnation. If they do that they meet a special statutory provision that exempts from subdivision any transfer that can occur by order of court through eminent domain - that is the language of the statute. What that means it that if a court can create a parcel by eminent domain then the creation of that parcel is then exempt from subdivision. For instance, when the City wanted to acquire the roadway that is not the by-pass to the alternate route, that was actually in the County when they first acquired that but the City has the authority to condemn property even outside its City limits for a road that serves the City. Because of that the transfer was exempt from the County's Subdivision Regulations. Another example to get outside the City was the Fire Station that was built at the CMC exit. When the Carbondale Fire Protection District acquired that parcel, they did not want to go through all the County's Subdivision Regulations. They have the power to acquire land by condemnation so when they did that they did a deed in lieu of condemnation i.e. a transfer that could have occurred by condemnation by order of Court through condemnation and hence exempt from subdivision. That's what they would like to do here. The reason they can do it, and I agree and Steve has written a letter on the legalities of the matter, but apparently Yampah Mountain Educational Foundation is a non-profit that has been formed by RE1 and RE2. Both of

those School Districts have the clear statutory authority to acquire property by condemnation. They also have the power to enter into intergovernmental agreements to provide joint educational services so their rationale is that either RE1 or RE2 and in this case RE1 because it's in their district, could acquire this parcel by condemnation hence be exempt from our subdivision regulations. They would like to proceed then along these lines, do a deed in lieu of condemnation and have no questions asked - just transfer in exempt of subdivision. Don had told Steve he agree with his rationale but that because it's exempt and does not fall under our normal exempt regulations, the Board technically is not approving this transfer, you are simple recognizing you have no objections if they wish to proceed, but they were not approving it because they don't have the power to approve it. One other thing I want to mention is and I talked to Steve about this is if this transfer occurs before annexation, it really should come before our Planning Commission along the line of other acquisitions of property by public entity. And the safest approach would be to put it in front of our Planning Commission in June for their consideration. I told Steve I would talk to Mark Bean and see what June's agenda looked like.

Chuck stated he thought schools were basically exempt from our regulations.

Don stated schools are exempt from zoning, land use controls and building code regulations but you can see they are exempt from our subdivision regulations because they have the power to condemn.

Commissioner Martin addressed a similar situation in Montrose and stated the Board has the authority to request a geological study before it is accepted or approved. The County still has this authority and if that property is such and the Planning and Zoning people request, maybe that will be done.

Chairman Smith - knowing which property it is, her concern is how they are going to get out of here - she can't quite see where they access out but if they access out on that narrow little road, Red Mountain Road, that comes out at an angle that has been shoved in there so they can build some more houses down in that area, that is a dangerous intersection. I have a real problem with that as it is now. And yet that will be City.

Commissioner Martin added another point that was brought up and the way to acquire this land inside or outside the boundaries of the City and again this is something he looked up also, it also applies to the County that they may acquire property inside or outside of their boundaries, it is the same statute.

Don reiterated what he was looking for today is a motion recognizing that the Board of Commissioners has no objection to transfer of property to the Yampah Mountain Educational Association by a deed in lieu of condemnation but it is neither approving nor rejecting the development.

Commissioner McCown so moved. Commissioner Martin stated he was going to think real hard on this one. He added he doesn't have anything against Yampah School, it is a great school, I think in lieu of the information we should ask is it a buildable site. This is what happened in South Glenwood Springs and might want to point this out that the same company owns the land as of the South and the North and started to do the same thing, they donated land to a school to be built then they also forced the special election so they could go ahead and develop and I think we are seeing the same scenario played out at this point. I just want to caution everybody that.

motion recognizing the BOCC has not objection to transfer of property in deed in lieu of

Chairman Smith - Yes, because the one they donated - told the Humane Society that they were going to donate.

Commissioner Martin - and this is my concern is that you see that for the greatest density possible and there is a geological problem up there on the buildings so I question.

Commissioner Martin stated he would second the motion with his concern noted.

Chairman Smith called for the vote. Those in favor:

Commissioner McCown - yea; Chairman Smith - yea; Commissioner Martin - nay

LIQUOR LICENSE RENEWALS: CITY MARKET - 3.2%, RED ROCK DINER HOTEL AND RESTAURANT, BURNING MOUNTAIN RV PARK - 3.2%, NEW CASTLE KOA - 3.2%, THUNDER RIVER MARKET

Mildred Alsdorf submitted liquor license renewals for City Market for a 3.2%; Red Rock Diner Hotel and Restaurant; Burning Mountain RV Park for a 3.2%; New Castle KOA - 3.2% and Thunder River Market. She stated she had contacted the Sheriff department and there hasn't been a problem with any of these seeking renewals.

A motion was made to approve liquor license renewals for City Market Store No. 28, Parachute, Colorado; Red Rock Diner at 1019 Garfield in Carbondale; Burning Mountain RV Park at 7051 County Road 335, New Castle; New Castle KOA at 0581 County Road 241A, New Castle; and Thunder River Market at 6818 Highway 82, Glenwood Springs. Commissioner McCown seconded the motion; carried.

Land Purchase - Bob Howard

Chuck reported that Bob Howard was in the process of purchasing land through the Rifle Land Associates Property around the Airport with a projected closing date of June 30. He has made some various proposals to the Airport Board one of them he will make on Wednesday night to incorporate some private land in the Airport boundaries and he wanted the Commissioners to be aware of this. Chuck indicated the Airport Board would have several areas of concern: control without fee ownership of property and not want severe disadvantage to folks that are looking at the Airport Property versus Mr. Howard's property assuming the private ownership issue would be overcome.

Chuck also mentioned zoning issues and commented that the Airport Board would not make long term commitments without approaching the Commissioners.

RFRHA

Don provided the Commissioners an update on a conservation he and Commissioner Martin had this morning with GoCo commenting that the RFRHA Grant was to close on June 30.

John Worcester put before them this morning the issue of joint and sever liability as this is also part of Garfield County's grant agreement. The latest proposal from the RFRHA was that Aspen, Pitkin County and Glenwood springs remain as parties that are jointly and severly liable and that the remainder of the grantees would not be liable. This was acceptable to GoCo. This should provide adequate protection if there is any to Garfield County if the grant is revoked and we have to repay it. Don suggested to go ahead and change our language on joint sever liability.

Another issue was a multiple fiscal year liability or debt and Don understood GoCo to accept the standard weasel language "subject to appropriation." One of the last issue of concern to Don was the viability of the conservation easement should GoCo default on it's obligations. The GoCo Grant is not a two million dollar grant, it is one million this year and one million a year later. If GoCo doesn't come in with the second million that the conservation easement created at closing will continue to remain in existence forever. This has raised some concern not with just Garfield County but one of the major objectors is Pitkin County. Don explained in detail because if all we have is a conservation easement, we have really haven't met the terms of our agreement with DLA. Pitkin County, Aspen and Snowmass have agreed to use open space and take the money and make up the two million dollars. It is not clear who this loan is to because there is nothing in the RFRHA IGA about repayment of loans. IF they pay this money and RFRHA backs out, then they have paid a million dollars they cannot be reimbursed from GoCo and would look to the other government entities for repayment if there was any. Garfield County would be okay as long as they are not members. Our Right-Of-Way would be acquired at closing even in GoCo doesn't pay their million dollars. The Transportation Fund would be short a million dollars and that's why they are so concerned explaining about walking away and leaving the conservation easement in place.

The Quest Easement was also discussed and Don stated another meeting was set for June 22 where changes to the language to the grant would be discussed.

Don reported that as of today we do not have a final conservation easement draft, a final grants agreements draft from GoCo, we do not have a final shared use agreement between the Railroad and RFRHA for use of the Wye; we do not have final position on the Quest Easement; or a final access plan.

Joint City Council/County Commissioners Meeting

Mildred conferred with the Board that the agenda will show: Land Use and Four Mile Corridor.

Jail Discussion

Dale Hancock, Don DeFord, Al Maggard, Sheriff Dalessandri and Chuck Deschenes were present.

Site Plan Reduction

Don inquired if Dale had final cost figures to do the smaller plan.

Dale reported that they now have two versions on the computer - one for 72,000 sq. ft. and 76,000 sq. ft. with the same number of beds; meets the same criteria; and also we do not lose Detox floor space.

Don clarified that it does have the same number of beds, but it shrinks the North and South by two feet. Commissioner Martin reiterated how important it was to get the detox in the new facility to eliminate it off the Grand Avenue current location.

Chairman Smith suggested following up and making sure we do have a firm commitment of this price for a period of time.

Telephone Conference - Speaker phones

Reilly/Johnson

Spokespersons: Bob Brashier and Linda Waters

Commissioner Martin stated to Bob Brashier that they were looking at a floor plan change from 76,000 sq. ft. to 72,000 sq. ft. and asked what had been done, is there was a price reduction, and what would it cost to do a reduction in square footage for you to draw the plans.

Bob stated they are pursuing both options at this point and have plans that show both sizes of the buildings with the two feet being taken out. There is a cost of construction that is going to dramatically reduced by that change; but in terms of the cost for them to do that, Bob stated he was reluctant to stick his neck out without Bob Johnson's final word. This is part of the schematic design and he didn't think it would be any substantial cost to make those changes.

Commissioner Martin indicated the Board was aware there would be some cost.

Commissioner McCown reiterated this would be a change that would not be any bed loss.

Linda Waters stated the same number of beds were included as before, only the square footage in the cells would be reduced.

Dale clarified that the possibility of double bunking was an available option.

Dale confirmed that the cost estimating would be ready by May 27 if they get the instruction of square footage.

Bob Brashier stated the cost estimate had just been completed. There is enough time if we want to go with the smaller building to tweak the estimate and get it done on time.

Commissioner Martin stated that he, Chairman Smith and Commissioner McCown agreed we should be prepared for the 27th of May with the smaller building and cost estimate.

Commissioner Martin summarized that we were 750 sq. ft. short and had requested an easement or a vacation of the alley in order to make our site meet the 78% requirement, we were denied that so we must go with the smaller building.

Don asked Bob Brashier how soon he could get a site plan to the City?

Bob answered that a nice and colored drawing would be Wednesday of Thursday.

Don asked if he could Fed X it for Wednesday?

Bob affirmed that he could.

Don stated we would need 35 copies of this - colored - 24x36.

Bob stated this would be a big expense.

Commissioner Martin specified that Bob should call Don DeFord and advise him of the cost of this request and let Don make the decision.

Bob stated he would get this to Don.

Don added the other option would be a 24x36 and a bunch of smaller ones.

Commissioner Martin confirmed the Board was in agreement to have one large and 34 small.

Don confirmed that the height will stay the same on the building.

Commissioner Martin confirmed the bridge if there would be any change at all.

Bob answered no.

Dale ensured there would not be a problem with the roof-top air flow.

Bob stated the size reduction would not affect this and they could make it work. The first floor would have to be reduced.

Bob clarified his instructions: pursue the small building; prepare a site plan and Fed X Tuesday evening; site plan will consist of one large color plan and 35 11x17 drawings; and continue the schematic design based on the smaller building.

Don asked if anything needed to be done on the elevations submitted to the City, particularly the view from the West and view from the East since there are greater set-backs.

Bob stated that both the East and West would change. The proportions would change a little but that will be reflected on the schematic design.

Bob stated they would have the elevation revisions at the presentation to the City.

Commissioner McCown stated if we operate on the premise that this does meet the criteria, which it should, the next possible battle we face is the bridge.

Don stated there are two issues to be concerned with which is whether or not this change will be considered so significant that they won't accept it. He therefore suggested to draft a cover letter to go with this submittal to saying subsequent to learning the City's position on vacation that we have asked our architects to re-draft a site plan that meets the lot coverage requirements.

Commissioner Martin added, given the direction the City Council gave us we are trying to meet that requirement.

Commissioner McCown commented it is less than 5% reduction in the size of the building and he would not consider that major.

Letter to City Council

Don mentioned this should also be in our letter that we do not consider this a significant alteration and the site plan will show it's not. The only significant alteration is beneficial from the City's standpoint. He added we should ask directly in the correspondence to proceed and say in the letter that to the best of our estimation there is no aspect of this that does not comply with the City's requirements. Also, we should suggest to them that we have no objection to them conditioning approval upon our compliance with this re-drafted site plan. If they were included to approve the major development permit and special use permit that the Commissioners would not object if that approval was conditioned upon the County complying with the new site plan.

Dale added that it ends the micro-management process of the building.

Consensus of the Board.

Don stated he would like the Chair authorized to sign that correspondence.

Commissioner Martin so moved. Commissioner McCown seconded; carried.

The Bridge-Modification to Letter-Amending Motion

Don stated if they were not going to vacate the alley then the City controls and we need to clarify it by applying for a permit and a license.

Don stated he would clarify what we are doing with the jail and we are still proposing the bridge across the alley since that seems to be what the City and County could work with and ask for their position and something permanent in writing for an easement of the airspace. Commissioner Martin so moved to amend his motion to include this. Commissioner McCown seconded; carried.

Don clarified that we are proceeding on May 27th.

Commissioner McCown asked the drop dead date with Spacemaster.

Don stated that John Bennett said once they started construction it was our building.

Commissioner McCown added they have a July 14 completion for the first segment.

Don stated even if the City Council takes the position that these changes are significant enough that we have to start all over again, that doesn't necessarily mean that they do not have to stop on the temporary facility. They could still continue with that.

Commissioner McCown asked what we would know on Tuesday night.

Don added we would know if they approved or denied the four permits we are asking for and the general feelings of City Council if the Planning Commission does not approve these, then we must get a 5 -2 vote

to override in our favor. If the Planning Commission does approve all of these, then you must get at least 3 votes in our favor to sustain the Planning Commission.

Commissioner McCown suggested to wait until Wednesday morning after the Planning Commission meets and proceed from there.

Additional discussion with a real factor being to educate the Council and how important it is for comparison of the smaller and larger floor plans and Don added it was important to know who will do what on May 27 in terms of the Board.

Adjourn

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

JUNE 2, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 2, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M

COUNTY ADMINISTRATOR

County Coroner

Chuck reported he had a call from Coroner Trey Holt regarding indigent burials and had lowered the cost to \$800.

Lift Up House

Chuck reported that John Hazen was doing work currently on the inside regarding interior items that would not move well. He will be moving the house first part of August. Things have not gone as smoothly as possible. Permits have been the problem. Also the site where he intends to move the "Lift Up" house is in Glenwood Springs and it is taking longer than he was originally informed.

New Computer - Personnel Office

Chuck requested authorization to purchase a new computer for the Personnel Director. The Board agreed this was a necessary item.

Fairgrounds Committee

Fairgrounds Committee met and discussed the High School Rodeo Finals. They were willing to put in \$2,000 for the 1998-99. Jack Pretti and Paul Bernklau no longer want to be on the Fairground Committee. Don Place and Robert Fluhr are interested in being on this Committee.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the appointment of Don Place and Robert Fluhr to the Fairgrounds Committee; carried.

The previous electrical problem at the Fairgrounds was discussed as well.

Airport Road - Named

Elaine Bussone has suggested that County Road 346 be called Airport Way if okay with the Commissioners. No decision was made.

PAYMENT OF BILLS

Chuck presented the claims against Garfield County for the 1st run of May 1997 and the payroll for May 1997 as well.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to pay the bills and payroll as presented; carried.

Fire Fighting Bunk-Building Proposal

Chuck presented he had a lot of discussion between BLM and the Rifle Fire Protection District at the Airport to combine a Fire Fighting Bunk-Building Proposal. Everyone seems to want to move forward and notified the Commissioners they may see in the newspaper a request for proposal for engineering services. They want to develop some preliminary cost and also a floor plan in order to quantify how much this particular facility would cost. Still in discussion is the exact location. He stated they are considering two different sites - one is on the current Airport property and the other is on the Rifle Land Associates property

just adjacent to the airport. If this latter site is selected we would incorporate that within the Airport boundaries. Chuck stated he had talked to Bob Howard, the potential purchaser of the Rifle Land Associates property and he hasn't made any commitments. He does seem to be open to anything that will further the development. He added the only potential advantage when looking at the Airport location is in storing the CFR - (Crash Fire Rescue) truck. According to Federal Aviation Regulation Part 139 which makes the Airport eligible to receive commercial flights, we are required to respond to the runway within 3 minutes.

If it is put off the Airport property some kind of arrangements would need to be made for the gate to be a crash gate to prevent time delays.

Budget Scheduling

Chuck requested budget scheduling and jail financing. Budget instructions will be put out the end of this month.

Commissioner Martin suggested a workshop.

Chuck stated the preliminary indications indicate the possibility of a flat sales tax; however, he added the summer will be the significant indicator since that is generally the busiest sales tax season.

Resolution - Job Service Center

Chairman Smith stated we need to make a decision that the Department of Labor will be the agent as the other four counties have decided, but they also decided that the ones that were the Executive Committee of the Counties be the official representative which means Chairman Smith. This will need to be approved when completed. The Department of Labor will handle the budget which is set at \$25,000 to implement the plan and it shouldn't change things that much.

TeKeKi

Chairman Smith stated she had a call from Jeff Parker who was present at the discussion of TeKeKi and requested a copy of the minutes regarding the discussion of whether or not this was a County Road.

Chuck suggested that Don write him a letter of clarification. He added the fact there was a misunderstanding as to what constituted a County Road versus a Public Road and this created some of the confusion for Jeff.

Commissioner Martin added they need to know the County is not going to maintain the road.

Executive Session - Current standing with City - draft letter - Board consider the letter.

JAIL DISCUSSION

Sheriff Dalessandri, Don DeFord, Colleen Truden, Al Maggard, Dave Sturges and Buckey Arbaney were present.

Jail Discussion

Total in jail - 120; 46 main jail; 35 Work Release; 8 females; 21 other jails; 1 Home Detention; no Day Reporting; no State Hospital; 21 in other jails are all DOC; and 9 in the Workenders program. Tom added of the 9 workenders, 3 are females. His reports breaks these out.

Commissioner Martin complimented the Workender Program stating they assisted on roads and worked near the Airport on Saturday.

Don requested an Executive Session to provide the Commissioners with some legal advice and that he needed to have some decisions. The Board decided to discuss various options in open session. Don presented a draft letter for the Board to consider.

Decisions:

Don stated on a vote of 4/3 the City Planning & Zoning rejected the current request for Special Use Review for a permanent jail facility and by a similar vote rejected the major development permit. The latter is a recommendation to the City Council on the major development. The Special Use review is

actually a final decision by the Planning Commission subject to appeal to City Council. This is one of the discussion items - our appeal and status - how and if the Board wants to proceed.

Temporary Facility

Don stated that by a 5 - 2 vote the Planning Commission rejected the Special Use review and the major development request that went along with that review process, they continued that until the County had made a decision on a permanent jail site and they did not give us a date certain in regard to this. Particularly in regard to the latter, Don stated his perception that some decisions may need to be made soon in regarding the contract the Board has with Spacemaster and perhaps Francis Constructors.

Spacemaster - Contractually/John Bennett

Don stated discussions held last week with John Bennett indicated if the Board elected to terminate the contract with Spacemaster today, due to no assurance that we will have site at which we can use these buildings (this is still subject to review by City Council); if terminated today it can be done for \$50,000. However, talking with Mr. Bennett on Friday, an agreement was reached to put a 2 day hold on construction. Don mentioned they were right at the point of beginning construction. They were waiting to get back construction drawings which the County has had on hold. So, a two day hold has been on that process and we can if we request it can have a 30 - 90 day slide in our agreement. By that we simply move construction back. If we tell him by tomorrow this can be done at no cost. If the Board elects and pursues another site or a different use of the same facility on the same site (clarified - use the Spacemaster units on the UPL site but not for a full-blown temporary jail) then this will require some re-design. \$50,000 cost is basically the design cost Francis has put into the structure so far. Re-design would not even approach that figure, most of the basic design is done, but depending upon what is done with this facility it may or may not need a kitchen, etc. If we go ahead and stay with the contract, move it back in the process and have a new design, the cost would be minimal or no additional cost. Also, the option of not doing any changes and proceeding with construction is your decision as well.

Commissioner Martin - asked for clarification on specialty items such as the steel doors, etc. are included in that \$50,000?

Don - the total to the County would be \$50,000.

Commissioner Martin stated according to the figures he had in front of him, the county has already spent \$39,073 paid to Spacemaster.

Commissioner McCown clarified that the \$50,000 would still be there if we slide back and still cancel the contract. The 90 day slide will take us out of the construction window for this year.

Sheriff Dalessandri - talked to Bennett last week and informed him if we kept the building it would be a secondary facility, an overflow while we re-group and change directions. He informed him we wouldn't need a kitchen, a booking room, and all the things it was designed to do. It would be cheaper since we were not building a kitchen. Therefore he could see a lot of re-configuring. An option is to also consider down-sizing it.

Commissioner McCown added he saw two problems:

1) location; and 2) transportation for hauling food and prisoners

Sheriff Dalessandri this year it won't be a problem if we eliminate the long distance transport to and from locations due to the cost is already budgeted. Reallocate transport time and bring the 21 DOC'ers back including Johnson.

Commissioner McCown added we are bound basically to a public water and sewer system and must be adjacent to a town or in a town.

Don reiterated the decision needed to be made by tomorrow June 3.

Commissioner McCown stated he couldn't envision getting a new site, permits and all the particulars in 90 days and therefore suggested that a decision to extend the contract for 90 days could be done today.

Commissioner McCown made a motion to contact Spacemaster and ask for the 90 day extension they mentioned to Don DeFord at no additional cost. Commissioner Martin seconded the motion; carried. Sheriff Dalessandri added this is a major setback. The big question is do we abandon Spacemaster and pay the damages or do we keep the building and the bottom line is he can't function without another building. Commissioner Martin added we are lucky we only spent \$100,000 with Spacemaster right now.

He's upset that we spend the taxpayers money this way and proceeded in good faith and the City hasn't followed through. He did commit to trying to work it out in the next 90 days.

Motion carried.

Chairman Smith agreed with Commissioner Martin that she had heard from a number of County residents who were very upset about the expenditures of their tax dollars on this.

Don asked if the motion included authorization of the Chair to sign any necessary written confirmation.

Commissioner McCown amended his motion to include this written confirmation and Commissioner Martin seconded the amended motion; carried

Don stated for second part of the discussion which included the legal status with the City, he did need an executive session.

Commissioner McCown requested Don to go into more in-depth discussion regarding what he would be presenting to the Commissioners for the benefit of the press and the people.

Don highlighted the various options as:

1) At this point under the City process the Board has the option to elect to appeal to City Council the Planning Commission decisions. One draft letter has been given to the Board by Don considering this option for the permanent facility. The City time-frames on appeal are fairly short - we have 7 days from the date of decision and technically the decision on the permanent jail was made on the May 28th and he did confirm with Mr. Donaldson that they would accept that as the hearing date so the Board needs to move by tomorrow, June 3 if they elect to do so. There is also a decision that they made concerning major development review. That automatically goes to City Council. The decision of the Planning Commission under the City code is really a recommendation.

2) On the temporary facility as with the permanent, the denial of the Special Use Review is appealable 7 days to City Council and a decision needs to be made if the Board wants to do this.

3) The major development is in a strange status because it was continued without a date certain and the only caveat made was "until the County made a decision on the permanent facility." We therefore have to make decisions as to whether to challenge that or not on this particular type of recommendation.

4) Other things to discuss in Executive Session include:

- location of an auxiliary jail facility. If we are not to construct a temporary jail facility as we are still proposing to the City but if we have to make a decision otherwise, then we have to make a decision concerning the applicability of county land use regulations, the applicability of municipal or city land uses regulations and whether we will follow any or all of those processes.

Don requested Chuck, Sheriff Dalessandri, Deputy Sheriff Jim Sears and the Board of Commissioners to be in the session. He projected a lengthy discussion exceeding one-half hour and suggested to set it later in the day. A time was set for 5:00 P.M.

Community Corrections Facilities - RFP's

Al Maggard stated he had sent out the RFP's for the Community Corrections Facilities and suggested a later date could be set to discuss. A decision was made to set this on the agenda for June 9.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Buckey Arbaney - 2585 Midland Avenue, Glenwood Springs mentioned he had put in a request for a zone district text amendment prior to his leaving office and wanted an update.

Mark Bean - responded that Planning Commission is working on it and will come before the Board on June 16th.

John Huebinger - Developer of Westbank Mesa and wanted to get the feelings from the Commissioners if they would consider a security gate for the Westbank Mesa. He reported a lot of individuals are dumping trash, a couch last year, and kids with parties. He suggested that this gate would be open from 7 A.M. - 7 P.M. and then locked at night.

Chairman Smith clarified that this was a public road. She further asked John Huebinger how he perceived handling emergencies.

John indicated the emergency agencies have a code just like the homeowners.

Don committed to take a look and see if there are any restrictions.

John mentioned the Homeowners Meeting is on June 14th. He will get back with Don before that.

Attorney Ken Jaynes and Jean Huyser of 0258 Cedar Cove - Los Amigos Ranch - Glenwood Springs - Representing initially Los Amigos Homeowners Group of Los Amigos Ranch and propose to address an issue which is the mandated requirement for the developer to turn the water system that services Los Amigos Ranch over to the homeowners. She added this has become a rather volatile issue with the homeowners and many were in the audience.

Chairman Smith inquired as to why she didn't come in and ask to be put on the agenda to discuss it versus coming in under Citizens Not On the Agenda.

Terry Eubank stated he spoke to Mark and told him the Homeowners wanted to come in and speak to the Commissioners and this would be an appropriate time to do it.

Mark Bean added he had not other way to deal with it.

Jean Huyser - Speaking for herself and her husband, they lived 11 years in Oak Meadows and added the Commissioners were informed as to what the issues with water have been at Oak Meadows. Therefore, when they bought the lot three years ago in Los Amigos Ranch, understandable they bought under the existing water delivery system that existed which guaranteed them a lot of protection and ensured them they thought that they would never again have to deal with water issues or incur the expenses as with Oak Meadows water. It was one of the reasons they left Oak Meadows. It became an impossible burden and tremendous difficulty. She added their feeling now is that the contract with Red Canyon Water is being invalidated and

that a burden is being put on them that they just got out from under. They love where they are, they have an excellent relationship with the developer, water district, but will not live that way again. Therefore, they are asking to be heard on this issue. She stated she doesn't understand - they bought knowing that the water delivery agreement and contracted on had been approved by this group of Commissioners. It had been approved four times prior to filing. This was to them another safety factor.

Lynn Longbons - 0511 Pinon Point - Los Amigos - Glenwood Springs. Representing one of eight families who are adamantly opposed to this transfer of water rights and water facility from Red Canyon Water Company to Los Amigos Homeowners Association. While the water system is now substantially complete it's not completed by any means. There are future line extensions that need to be placed to the tune of about 5 miles that will supply the future phases of the development. If homeowners are mandated by the County to take over this water facility our little group that's in place right now will be responsible for assuring the quality of that construction that's to take place over this 5 miles of line. She added that she doesn't have that level of expertise to go out and oversee this construction and the quick poll of her homeowners in the audience will tell you the same thing that they do not have the expertise either. This doesn't even take into account the expense of the wages of the person they would need to hire to oversee this construction would come out of our pockets and speaking as one of 8 families she can't afford that. By forcing the transfer on them without their consent, the County is also placing the homeowners in a potential adversarial relationship with the developer. Right now the developer legally owns the water system and is putting in an excellent top of the line system. If they own the system they will have to ride herd on this developer to make sure he continues to place and maintain an excellent system like we have now. The homeowners have a great relationship with this developer and she personally doesn't want to see this changed. The County may believe that they are forcing this transfer of water rights and facilities on them for their own good, but instead a lot of harm is being done. She personally feels harmed by this decision. She doesn't want it and her neighbors do not either.

Donald Whilldin - 209 Cedar Cove - Lot 25 of Los Amigos Ranch. He submitted a letter for the record which states his and his wife's position on the water delivery system being turned over to the homeowners association. Tom Neal is the developer and he understands as a condition to his being allowed to continue the development of the Los Amigos Ranch he is being required to turn the water delivery system over to the Homeowners Association. None of the current residents or lot owners want the water system and if it comes to a vote, they are all going to vote against it. Mr. Neal owns the majority of properties in the Los Amigos Ranch and therefore he controls the biggest majority of the homeowners association votes. Because of the requirements set forth by the County Commissioners he has no choice but to cast all his votes for the homeowners association to take over the system. We do not want it and he doesn't want to turn it over to us. If this transfer does take place the Los Amigos homeowners association will have full responsibility for future construction done by the developer and will by necessity have to approve all future

construction. Until such time as 51% of the development is sold, Mr. Neal can control the quality of construction of the entire system. As he is required to give away the system he has no incentive to install anything but the very minimum cost system subject to the approval of the homeowners association. But wait, by sheer coincidence, Mr. Neal has the controlling votes in the homeowners association. Until 51% of the full development is sold, he effectively controls the quality of the system as well as the approval thereof. Is there a conflict of interest here he asked? And who will have created it? Mr. Neal can control the association's officers, who they are and can direct them to do whatever he chooses in association with dues, water rates, etc. By forcing the action on Mr. Neal and the Los Amigos Homeowners Association, you are creating a situation which is every bit as bad if not worse, than the situation you seek to prevent. IF you decide to continue with this ill conceived requirement, I'm sure problems will occur. When they do, because of the conflict of interest the Garfield County Commissioners created, you will be the ones we'll call on to solve the problems whatever they may be. Mr. Neal has gone to great lengths to develop one of the finest subdivisions I've ever seen. And we all consider him to be one of the best neighbors anyone could have. By forcing this issue on Mr. Neal, you are doing a great injustice to the words "Love Thy Neighbor" because you'll create an adversarial relationship. We urge you to reverse this ill conceived requirement so we can go on with our lives without the burden of a business none of us want.

Jim Witsel - Lot 27 Los Amigos Subdivision - he stated he was here today to comment on the water system transfer. When he made his decision to buy the lot was not only based on the purchase price of the lot but on what he thought would be the on-going cost to the owners in the subdivision. From a mortgage banker, in his business career he's had to analyze a lot of subdivisions and he took all of this into consideration when he purchased his lot. He added the dues structure was very fair and reasonable and it played heavily into his decision to buy there three years ago. At this point with this issue, he's very disappointed that the Board of County Commissioners are imposing a burden on the homeowners that neither the homeowners want or that the developer wants to give them. At this point it does not seem fair to come along and change the structure of why he bought his lot and impose a serious liability and financial burden on the homeowners. Again, like the others, he asked them to reconsider the issue and reverse the issue for the Los Amigos Homeowner Association.

Ken Jaynes - stated he was fairly new to this and was not quite clear about the stage of these actions. What he has heard is there will be final action on this in June. Do we know?

Mark Bean - the approval that was done was done during preliminary plan. The hearing was closed so basically if these issues are going to be revisited, the Board needs to re-open the Public Hearing for the Board to reconsider that decision. In terms of the final plats, for those portions of the Subdivision that have been reviewed, that's proposed and Building and Planning has proposed final plat documents in place that were a part of that approval given by the Board during preliminary plat. It was also part of the PUD rezoning.

Robert E. Amato - 0031 Los Amigos Drive, Lot owner No. 1 - admitted he was late and unaware of what had already been said, but his concern is simple and has to do with the fact that this was not disclosed to him when he purchase the property back in 1992 and now his concern is that he feels this is "a Takings" and would like to have his say heard before the final plat is approved by this Commission.

Terry Eubank - 0271 Cedar Cove - also the Real Estate Broker for Los Amigos Ranch and has been involved with all of the 21 lot sales. Rob alluded that everyone examined the water agreements and documentation when they purchased the lots and most of those people had legal counsel at the same time and we're comfortable with and assured they will have a good situation. Now that seems to be changed and realize there was a Public Hearing but he stated he didn't think their water system was going to be altered during development and he would expect that the homeowners here were unaware of the fact that they might need to be present for reasons that something like that might happen. They've been very happy with the developers' progress. As a homeowner there, he added that one of the reasons individuals purchase a home is the ability to go home and leave business behind. Many operate their own business for which they are qualified by he added he didn't think any homeowner was qualified to operate a water company and they don't want the additional expense and it is considerable. The developer bears the expense of operating the water system and it is very effective.

Michelle McLaughlin-Hedlun 0302 Cedar Cove in Los Amigos - added that everything has been said but she and the others would have been at that hearing if they knew it was affecting their water system as it stood. They were not aware of it and there's not a sole owner that she is aware of in the whole Los Amigos who is for the transfer of the water company from the developer to them.

Doug Olson - Lot 13 - mentioned he was newly married and just bought the lot. His purchase of the lot was with a condition they wouldn't have to deal with the water system and now here it is. He and his wife have basically saved all their working lives to buy this property. He added they didn't have the time, money or expertise to merit them even considering this water system. Asked the Commissioner to take a hard look at it.

Chuck McCurry - 0206 Cedar Cove, Lot 20 - stated he agreed with what everyone said about this. By the developer living there he has as much to lose as we do - he owns property and has a lot of lots to sell yet. If he doesn't keep a good system, it isn't beneficial to him.

Ken Jaynes inquired if this was considered a modification to the plan or in this phase.

Mark Bean - his recollection of this in the conversations in the hearing that the homeowners were aware of the discussion and proposed transfer and the reasons for it. He was aware there was some opposition at one time, but Mark added he was not aware that this wasn't resolved.

Ken Jaynes - stated he was fairly new to this but felt sure there would need to be some approval given by the homeowners. He also inquired if specific notice was given to the homeowners of this proposed action in the hearing.

Mark Bean affirmed it was. It was on the PUD Amendment, the overall part of the Amendment was part of the notice given to the homeowners.

Ken Jaynes - stated he felt there needed to be more looking into this to find it's exact status. I guess the homeowners are asking you to take that in mind and some possibility that there was not approval on their part. Certainly not even an understanding of what was being contemplated.

Chairman Smith inquired of Don where they were on this.

Don DeFord explained that he and Mark have the final PUD plat request. The final plat is a County process and it is not a public hearing process. It is an administrative process where staff first reviews the documents to see if it complies with your preliminary plan PUD approvals and if they do then they are presented to the Board for signature. This is, as Mark stated, a requirement in the PUD plan as amended and the preliminary plan in order to alter that or to amend, it would mean going back into a public hearing.

Chairman Smith - so this is the option we have to go back through the whole advertising, etc.

Don added we would have to get a request from the developer.

Terry Eubank stated they were given notice of the Public Hearing for the new plat approval and the zone changes, but it did not discuss the water system and stated they were not aware of that issue.

Ken Jaynes - in light of the zoning resolution, as far as all owners be involved before a modifications, he stated he thinks they are lacking that. And asked the Board on behalf of the homeowners to consider this.

Chairman Smith asked Ken Jaynes if he was representing Mr. Neal?

Ken Jaynes - no

Chairman Smith - you are representing homeowners.

Ken Jaynes - not the homeowners association, just the homeowners here today. Mr. Neal is the homeowners association. We're suggesting there needs to be some revisiting this. There are things to be said for and against the transfer and are asking the homeowners be given the opportunity to present those.

Chairman Smith inquired of Don - if it's reopened it has to come from the property owner.
Don DeFord replied during preliminary plan PUD it has to come from the owner.
Commissioner McCown - but with disapproval of the final plat that would force him back into that action.
Don DeFord - no, you do not have the discretion to deny the final plat as long as it complies with your previous approval. It is not a public hearing process, it is a review process. It is a steering process to determine if they have essentially met all the requirements in the preliminary plan.
Commissioner Martin inquired as to when the final approvals were placed on this.
Mark Bean responded it was last year.
Chairman Smith - the last we had was the one lot on whether the State was going to accept an ISDS sewer and that's the last.
Don DeFord - added this is not part of the filing that Mark and he are reviewing.
Mark Bean added there were two filings one of which was a single lot and the other was 50 some odd lots.
Ken Jaynes asked Don if approval could be considered if there was absence of the satisfaction of the homeowners.
Don DeFord - stated he was not prepared to address that.
Ken Jaynes - in more general terms, if there's a non-compliance with the zoning resolution itself, does the Commission have the ability to consider that as a basis to deny the final plat or the approval.
Don DeFord - added he was not going to answer that question.

Chairman Smith stated the options are - the property owner comes back in and asks for re-consideration.
Commissioner Martin - if there is a good relationship he would definitely think they should approach the owner and request that.
Ken Jaynes stated he felt there was a good relationship and this might be the way to go.
Jean Huyser - stated a brief point she wanted to make was there is a good relationship with developer and with the water company and it's something as we are gathered here as homeowners do not want to hold the developer hostage if we will not take the water company. This is what they feel like, however, this impacts them, their property values, the growth of their development hinges on moving forward. She asked for clarification - do they need to go to the developer and he needs to request this come back before the Commissioners - does this mean he needs to start completely over running this back through.
Don DeFord stated the developer needs to file for amendment to the PUD and preliminary plan and what that means is new notice, preliminary plan amendments would have to go through the Planning Commission. Technically it re-opens all issues from a practical matter. The amendments are considered

Jean Huyser - clarifying what Don said - all issues normally come up again, or open or subject to view, normally the only thing up for consideration would be the request for an amendment - whatever that specific request is.
Mark Bean - on a technical basis anything is up for discussion, obviously the issue to be discussed would be the water agreements and the water system itself. But if somebody chose to bring up another issue, it would be open. This could be from the public, adjoining land owners.
Ken Jaynes asked if the developer and the water company one and the same?
Jean Huyser - answered they are two private entities. Tom Neal owns the Los Amigos Ranch Development, he created or at least her understanding is the water district was created to provide water for Los Amigos Ranch. It is a private incorporated and separate entity however, and contracts to other areas up and down that road all the way down to the valley corridor. So it's not just a company which stands just for the purpose of providing water just for Los Amigos, it also supplies water to others. There are numerous contracts and liabilities involved besides just them which they would inherit.
Commissioner McCown asked if these were one and the same?
Someone clarified that Mr. Neal developed the company, the water company and is also effectively in charge of the homeowner's association.
Don DeFord stated they have a request from the developer to proceed expeditiously with the final plat.
Mark Bean added they were trying to work that in on the agenda for June 16th.
Chairman Smith informed the homeowners they had a very tight time to work with.
Commissioner McCown added with the close relationship described with the developer he was surprised that no one knew about this.

An unidentified homeowner responded he was also surprised because it has been stated they were given notice, but he was not aware of this when they originally bought the lots.

Mark Bean added going on reconciliation, his understanding was that in terms of the public notice that it was generic and it doesn't discuss all the issues that were brought up at the hearing, but as a part of those public hearing, one of the issues was the water and it was noted there was concern of the homeowners at that time, however, Mark stated he was under the impression there was some resolution of this disagreement to allow this to occur. Apparently, there wasn't.

Unidentified homeowner stated, there is protection in there, if the developer falters they have protection in the original agreement.

COUNTY BUSINESS/EMPLOYEE OF THE MONTH

Stella Archuleta was awarded the Employee of the Month.
Mark Bean, Eric McCafferty and Lori Minerick were present.

DEPARTMENT HEADS/COUNTY INVESTMENTS

Dave Gallagher - Weed Management

Dave submitted his report and stated the roadside baregrounding will be completed this week. He also thanked the Commissioners for the use of the cell phone.

Chuck stated this cell phone would be assigned to administration and if there are other needs it is transferable among others.

Treasurer - County Investments

Georgia Chamberlain presented the subject of County Investments for discussion with the Board. She stated that the Investment Committee made up of Ernie Gerbaz, Chuck Deschenes and she have been discussing looking for more security dealers to invest with. Right now they have been using NorWest and even though it was just a few they have always called other people to see if they are in line with the other available investors. However, the Committee wanted to expand the list in case there was another with a better price and be able to proceed to invest with that firm.

The Committee liked what was presented and Don DeFord has reviewed the agreement with Merrill Lynch and approved it for signature. The investment policy requests the Board specifically approve or designate a securities dealer. Therefore, Georgia proceeded to put together a Resolution for Merrill Lynch. Other the committee was looking into included Piper Jaffrey.

Georgia clarified that the Resolution only lists Merrill Lynch since the Committee had agreed upon this as an additional securities dealer. She explained that Nor West was not be eliminated but this was to make the bid process more viable; and reviewed the process determined by the Board and the State Statutes regarding the limits set. Basically those limits as to what is invested in and are treasury bonds and CD's specifically with banks in the Roaring Fork/Colorado River Valley area.

Commissioner McCown made a motion to authorize the Chair to sign a Resolution designating Merrill Lynch as a securities dealer. Commissioner Martin seconded the motion; carried.

Veterans Property - Update

Georgia Chamberlain presented the update on the Veterans property at Antlers. She mentioned she had spoken with Bob Hoffmeister. Russell George made us an offer and Georgia was going to go back to the Veterans. The Veterans were meeting today, June 2. Georgia concluded that she informed Bob Hoffmeister she felt they should move at the pace of the Veterans; however, she would call Carleton Hubbard on the title insurance.

Petition for Annexation - Business Industrial Road - City of Rifle

Chuck presented the Petition for Annexation described as all of that portion of Garfield County Road 346 adjacent to Lot 27, McLearn Orchard Lands, according to the Map recorded as Document No. 38435 in the office of the Garfield County Clerk and Recorder.

A motion was made by Commissioner McCown to give the Chair authorization to sign the Petition for Annexation as presented. Commissioner Martin seconded the motion; carried.

Acknowledgment of Partial Satisfaction - Subdivision Improvements Agreement - Aspen Glen

A motion was made by Commissioner McCown to authorize the Chair to sign an acknowledgment of partial satisfaction of subdivision improvements agreement for Aspen Glen reduction of credit in the amount of \$31,575.00 Commissioner Martin seconded the motion; carried.

A motion was made by Commissioner McCown to authorize the Chair to sign an acknowledgment of partial satisfaction of subdivision improvements agreement with the Aspen Glen Golf Company authorizing the release of security in the amount of \$292,309. Commissioner Martin seconded the motion; carried.

Amended Plat - Lot 1, Block 9, Rifle Village South

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an amended plat for Lot 1, Block 9, Rifle Village South; carried.

Amended Plat - Lot 9, Block 5 Rifle Village South

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an amended plat for Lot 9, Block 5 of the Rifle Village South; carried.

DISCUSSION - BRUSH CREEK ROAD (COUNTY ROAD 209) - HOLLY TROUT

Don DeFord, John Savage, Chuck Deschenes, Larry Means, Michael A. and Holly Trout were present. Michael A. and Holly Trout of 9722 County road 204 - DeBeque Colorado presented for discussion the closing of County Road 209, approximately 5.5 miles of road designated as County Road which goes through private property.

It was determined through discussion that there are six property owners including the County and BLM.

Holly Trout mentioned the problems occur during Hunting Season. She added they have the equipment to take care of the road maintenance; and that other property owners affected were in agreement.

Chairman Smith - stated the Board would need a survey and would have to see the road viewer maps.

Holly requested to start the process of vacation.

Chairman Smith indicated the Board would need to check into this and get back with the Trouts.

Don DeFord provided input and suggested that even though landowners request the vacation of a road, it is not possible if it leaves a parcel without access for future generations. What has been done in the past is where there is one or two parcels that would be landlocked, an arrangement has been worked out where the road would be vacated but preserved as access easements in order that the parcels would have permanent access out of a public road. If you have public lands that are touched, first of all the road would require to be posted and notification to land owners provided. This can take up to 18 months. The position of the federal government, particularly Bureau of Land Management and Forest Service is if a vacation leave a parcel without access that it has now, they will oppose the vacation. The County also owns property up there.

John Savage mentioned he didn't think BLM would oppose this vacation.

Don suggested by Statute the County can close the road for up to 90 days in one year.

Larry Means commented that if a decision is made not to vacate the road, then he requested regular maintenance so it will be usable year round.

Other possibilities to be explored was a land swap with John Savage.

Don stated if the land owners want to initiate it procedurally, you have to file a petition to vacate with the County, and notice has to be given to the property owners. There is another statutory provision that requires that the road be posted if public lands are involved and giving notice of vacation. This process can take up to 18 months. You file, post the land and wait for objections for 18 months.

Annexation of Midland

Don DeFord presented a discussion of the Annexation of Midland Avenue stating he had a discussion with Mike Copp.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the annexation petition and annexation plat for the City of Glenwood Springs that would annex that portion of Midland that abuts the Rippy/Jolley Subdivision; carried.

Executive Session - RFRHA

A motion was made by Commissioner McCown to go into an executive session to discuss RFRHA. Commissioner Martin seconded the motion; carried.

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

CONTINUED PUBLIC MEETING - SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 2 MILES EAST OF SILT. APPLICANT: TAMERA DUPLICE

Eric McCafferty, Attorney Sherry Caloia and Chris Manera with Zancanella & Associates (Water Engineers) and Tamera Duplice were present.

Eric McCafferty presented this was a continued public meeting originally from February 21, 1996, continued to August 5, 1996, also heard on October 14, 1996 and today June 21, 1997.

Eric presented that staff recommends approval of the application pursuant to a list of 11 conditions.

Brad Peterson - New Castle - reiterated the same comments whenever he has appeared before the Board regarding the fact that this property was sold as a single family lot and now it is requested to be exempted as a 10 acre lot to be allowed to be split and resold for two houses. Brad stated he owns 125 acres and questions why this 10 acre plot has to be split. His concern is with drainage.

Tamera Duplice answered Brad that she was within her rights to do what she wants with the property with the Board of Commissioner's approval.

Recommendations:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc. Additionally, the plat shall denote the 100-year floodplain limit of the Colorado River.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.
5. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

6. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
7. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.
8. Prior to final approval, the well permits shall be (reissued by the State Engineer's Office, the well on the smaller parcel shall be drilled and pump-tested for four (4) hours duration, an opinion of the person conducting the pump test shall be submitted, stating the flow will be sufficient for the intended use(s). Additionally, the water shall be tested for nitrate/nitrite and fecal coliform bacteria content. All information shall be submitted to the Planning Department for review.
9. That the lowest floor of any structure shall be no less than an elevation of 5453.5 feet. Basements will not be allowed.
10. That all recommendations contained within the letter from Christopher Manera, P.E., dated May 30, 1997, shall be considered conditions of approval.
11. That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The individual lot owners shall be responsible for the control of noxious weeds."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. "One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

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

"There shall be no more exemptions from definition of subdivision allowed on either parcel created by this approval."

"Approval of this subdivision exemption does not constitute approval of a Floodplain Special Use Permit. Any proposed development within the 100-year floodplain of the Colorado river shall require review and permitting by the appropriate County, State and/or Federal agencies."

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

12. The final plat shall designate a building envelope for Lot A, which is completely outside the 100-year floodplain.

Commissioner McCown made a motion to approve an exemption from the definition of subdivision for Tamera Duplice regarding the tract of land Section 12, T6S, R92W of the 6th PM approximately two (2) miles east of Silt with conditions listed in the staff reports 1 - 11 plus the addition of No. 12 "the final plat shall designate a building envelope for Lot A, which is completely outside the 100-year floodplain." Chairman Smith added according to Mark Bean's letter of 1994 this was the last exemption. Commissioner Martin seconded the motion and added this limits their building space and he can see that it is not large and will not see a large development and reminded Tamera this was the last exemption to be granted. Motion carried.

TELECONFERENCE WITH LEGAL COUNSEL ON PERSONNEL

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to have a teleconference with legal counsel Kathy Greer carried.

ROAD AND BRIDGE DISCUSSION

Mike McBreen and King Lloyd presented.

Commissioner Martin complimented Kenny on County Road 138.

Chairman Smith informed King that the Trouts were in earlier today to request vacation of County Road 209 also known as Brush Creek Road in DeBeque and BOCC told them the steps to take to vacate that road. She further implied that some complications were anticipated with BLM and other land owners.

Road Projects List

King submitted the Road Project List for review stating it was broken out by districts.

King stated that he and the foreman had reviewed the list and King clarified previous discussions. The various districts were reviewed and questions were clarified.

Commissioner McCown made a motion to ratify the action taken in a special workshop May 21, 1997 with Road and Bridge where decisions were made regarding the roads projects. Commissioner Martin seconded; carried.

King stated he had a conversation with Bob Mosten regarding the quantities available on Rotomil. Bob informed King the volume was not as great as King had requested. About 4,000 tons were available and King stated this would do Riverbend and Sunrise Subdivision. Originally King had requested enough Rotomil to do Garfield Creek, Honor Camp Road, Riverbend, Sunrise Subdivision and Sweetwater Road.

NOTICE OF AWARD - TANDEM TRUCK BIDS

Mike McBreen presented the bids. King explained that the trucks will come without the dump beds, sanders and blades.

King stated the various suppliers did not conform to the bid requests and therefore requested time to go through the bids and evaluate prior to bid awards.

Commissioner McCown made a motion and seconded by Commissioner Martin to postpone the bid awards on the tandem trucks until next Monday, June 9, 1997; carried.

Projects

King reported the ditch projects have gone out for bid and the sealcoat bids will go out next.

King stated the bid opening for the asphalt overlay was set for June 18. A date for award was set of June 24 at 8:00 A.M.

Energy Impact Grant

Chuck provided an update on the energy impact grant. The original project was \$1,200,000. Tim Sarmo asked if the County would amend the grant request to \$600,000 plus the \$300,000 we already have and suggested paving it to where the paving stops now.

Chuck stated the \$600,000 is basically to provide an all-season access to the oil and gas routes but did not finish the Mamm Creek Project. It would be \$1,500,000 to complete the project to Jenkins cut-off.

Chuck requested input from King and the Commissioners if additional conversations were needed with the Department of Local Affairs and what would they like him to say.

Chuck suggested the correspondence could infer - While we think the \$1,000,000 grant would be necessary to finish the project as originally designed that we are flexible and our main objective at this time is to get an all-seasons surface in order for the oil and gas companies to access their wells.

Commissioner McCown added that Chuck should note that we do not feel the \$1,000,000 is an unreasonable number however, it just may not be an appropriate time to ask for that amount. Yet we are willing to work with them and go with the \$600,000.

Job Service Center

A motion was made by Commissioner Martin and seconded by Commissioner McCown to submit that we would like the Department of Labor and Employment to act as the fiscal and administration agent for the Rural Resort Region One-Stop Planning Process and Commissioner Marian I. Smith will be the contract person for Garfield County and the One-Stop Planning Process; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Animal and Noise Control Ordinance

Joan Benson and Tammy Fansler requested the Board reinstate the animal and noise control ordinance in the County. Joan presented the Commissioners with a letter signed by concerned residents of Garfield County. They requested the Commissioners look over the letter and consider their request.

Chairman Smith stated she was not aware that the County had a noise ordinance.

Commissioner Martin stated there is a State Statute for enforcement which would be animals disturbing the peace.

Chuck stated he would send a copy of this letter of request to the Sheriff.

Illegal Dumping

Paul Wolf - Silt Mesa - presented a concern regarding his neighbor dumping cinders from a furnace onto his property and into his road bed. It's getting to a point now that it is pushing over his fence. It was cinders but now he's putting grass cuttings. Paul stated this has been on-going for four years. He tried to get this straightened up a couple of years ago. He repeated today what he had done two years ago which was he went to the Road and Bridge Department. They gave the Wolf's warning letters that were sent out to the gentlemen two years ago and he submitted a letter of his own for the record. Again today, the Wolfs went to the Sheriff's officer and Deputy James Sears has a copy of the letter also.

Mr. Wolf stated he would like his neighbor to clean it up as they plan to move over here next summer, but to get things going this year. Further, he clarified he has owned the property since 1970.

Chairman Smith noted there was a letter sent to the neighbors from Marvin Stephens and stated they will have the County Attorney write a letter.

CONTINUED PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 1 MILE SOUTHEAST OF RULISON ON COUNTY ROAD 309. APPLICANTS: ODGERS/POTTER

Eric McCafferty, Don DeFord and Sherry Caloia were present. The applicant was not present nor represented.

Eric presented a Letter from Russell George dated May 30, 1997 requesting an additional extension of 60 days from June 2 in which to present evidence in the public meeting addressing this exemption.

Eric called attention to the letter he had written Russell George dated December 10, 1996 granting a continuance in order for the applicant to work out the details of the water supply for this proposal. He added that the applicant has until October 6 1997 to be within our one-year time limit.

Sherry Coloia - stated she represents several objectors and called attention to the fact that this was the 4th continuance. She had called Russell George on Friday and Russell said he had not done anything. Her clients were present and she requested a denial of the exemption.

Don DeFord addressed the number of continuances stating the requests were under a reasonable standard.

Recommendation:

Staff recommends the petition for exemption be DENIED due to the lack of a legal and physical water supply for all proposed lots.

A motion was made by Commissioner McCown to move this until 18th of August at 2:30 P.M.-

Martin stated he was concerned however he would second the motion in order to have discussion.

Chairman Smith - agreed with Commissioner Martin adding if they grant the continuance it could indicate to the applicant they do not anticipate granting any more delays.

Discussion and Public Comment:

Blaine Colton of 6565 309 Road owns adjacent property to the North across the County Road. He stated this threatens his well which is only 200 feet away and felt it was inappropriate for the Board of Commissioners to approve. In this case it has been going on for one year. He submitted his request for the Board to turn down this application.

Wayne Wells - owns 265 acres East of the property. He argued his time and the several cancellations by the applicant has inconvenienced him. He therefore requested denial by the Commissioners to grant any more continuances.

Connie Erhard of Rulison also asked for denial of any more extensions. She voiced her complaint that it was in inexcusable.

Evelyn Scott - who lives north of Odger/Potter site recommended denial.

Clyde Conger - 356 EJ Road County Road 309 referenced the additional traffic concerns, water resources, and general quality of life. He stated several neighbors who have had a lack of water when wells went dry. He also stated the leach lines would affect him. Requested denial.

Cindy Farris - stated she was leasing the Allen property and agreed with Clyde Conger adding the Rulison area is rural and was requesting denial of the exemption in order to preserve the quality of life with the ranchers. She would like to see the zoning stay at the 35 plus acres; stay agricultural as most of the residents in the area have stock. She asked the Commissioner to consider the fact that the objectors be denied.

Sherry Caloia - added this is the second time around for this particular exemption. The first was in 1996 when it was denied on inadequate water. There is no well application and it is unfair to give the applicant another opportunity to at this exemption; the applicants have had plenty of time.

Chairman Smith called for the vote on the motion to grant an extension to August 18, 1997 at 2:30 P.M.
Smith - Nay; Martin - Nay; McCown - Aye.

Chairman Smith stated this hearing will now begin.

CONTINUED PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 1 MILE SOUTHEAST OF RULISON ON COUNTY ROAD 309. APPLICANTS: ODGERS/POTTER

Chairman Smith stated the hearing will begin as the request for continuance was denied. She added a note for the record that the applicants were not present, nor did they have legal representation.

Eric McCafferty presented this is an exemption from the definition of subdivision for Thomas and Mary Odgers/Sam and Teresa Potter on a 204 tract of land located approximately one (1) mile southeast of Rulison along county Road 309. Resolution 96-15 was referenced stating that an earlier application was denied based upon inadequate water supply. The applicant proposes to subdivide, by exemption the parcel into four parcels of 4.52, 4.53, 9.00 and 185.95 each.

Recommendation:

Staff recommends the petition for exemption be denied due to the lack of a legal and physical water supply for all proposed lots.

Public Comment

Sherry Caloia - stated a single well was proposed and is inadequate. Page 16 of the staff report, submitted and marked as Exhibit F from Aqua Tec Systems dated May 29, 1996 indicates the test data obtained is representative of only conditions observed in May of 1996 and does not account for possible seasonal variation in the aquifer nor longer pumping durations. Sherry added the wells in the area quits sometimes and they do not pump water sometimes at all. Lack of a physical supply and no statement or evidence for a well permit shows there is not adequate water.

Clyde Conger - adjacent landowner to the property being discussed. He addressed the water issues stating at certain periods of time there is no water at all, sometimes they have mud in the water also and voiced a fear of this additional well affecting his water supply.

Evelyn Scott - stated her well is adequate but concerned about the future water supply.

Blaine Colton - 6565 309 Road - pointed out the Commissioners esteemed predecessors turned this request down once before. He also stated the well has been tested and shown water to be inadequate. From a citizens perspective when the Board of County Commissioners say "no" it means "maybe" - they are not solid. The Board of County Commissioners needs to say no and mean it. He added the business about engineering is a smoke screen. He pointed out that neither the applicants nor their attorney was present and therefore urged them to deny the application.

Wayne Wells - owns 265 acres to the east of this proposed exemption. All letters of opposition and the landowners present and speaking against this exemption should have some weight. He noted for the record that these letters were sent to the Planning Department.

Commissioner McCown made a motion to deny the application for Odgers/Potter on the basis that no provision has been made for an adequate source of water in terms of both the legal and physical quality, quantity and dependability. Commissioner Martin second the motion; carried.

PUBLIC HEARING: SPECIAL USE PERMIT - COMMERCIAL PARK - LOCATED APPROXIMATELY 3 MILES SOUTH OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 154. APPLICANTS: JOE AND GERALDINE JAMMARON

Don DeFord, Mark Bean, Mark Gould, and Joe Jammaron were present.

Don determined that adequate notification was given and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Project Report and Staff Packet.

Chairman Smith admitted Exhibits A - D into the record.

Mark Bean presented. This is a Special Use Permit for Storage and Commercial Park for Joe and Geraldine Rae Jammarron, Mark Gould on a parcel of land located more practically described as a parcel located approximately 3 mile south of Glenwood Springs off of CR 154. The site, known as the Jarmarron Gravel Pit, has been reclaimed from a gravel pit for a number of years.

The applicants are requesting the issuance of a special use permit to allow for the storage of construction related vehicles in a 2.446 acre portion of the old pit area. It is estimated that there will be between 20 - 100 vehicles per day depending upon the construction volume. It is also proposed to install a 8'x26' pre-manufactured office and a 10,000 gallon diesel fuel tank. Drinking water will be hauled onto the site and portable toilets will be used for sewage treatment.

Mark referenced the Southern entrance would be used which is opposite the staff report.

Recommendations:

The Planning Commission recommended APPROVAL of the proposed Special Use as a part of a Commercial Park Special Use permit, subject to the following conditions of approval:

All proposals of the applicant shall be considered conditions of approval unless stated otherwise by the Board of County Commissioners.

That the applicant be required to participate on a proportionate impact basis in the improvement of the State Highway 82/CR 154 intersection, if the County establishes an improvement program during the term of any lease on the associated property that is not tied to a nonconforming use.

That all vehicles accessing Highway 82 from the site will only use the CR 154/Hwy. 82 intersection north of the site, except for vehicular safety purposes. Generally, except for safety purposes due to the length of vehicles.

That any office structures meet the 1995 Uniform Building Code requirements for the of occupancy proposed.

That the Commercial Park Special Use permit is approved only for the storage of heavy equipment and nonconforming uses agreed to in letters to Joe Jammarron dated November 2, 1994 and December 1, 1994, from the Garfield County Planning Department. Any modification of the Commercial Park designation, will require the modification of the Special Use permit, through the applicable process in existence at the time of any proposed modification.

Mark stated he has not had any opposition from adjacent landowners, etc.

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

A motion was made by Commissioner Martin to follow the Planning Committee's recommendation for approval with the recommendations listed on page 6 of the staff report. Commissioner McCown seconded the motion; carried.

PUBLIC MEETING: LIQUOR LICENSE RENEWAL - APPLICANT: CATHERINE STORE

Mildred Alsdorf, Deputy Sheriff Jim Sears and Don DeFord were present.

Mildred presented to the Board that there was an incident and copies of the finding and order were given. She added that Jim Sears was present to address the fact that violation tickets were issued.

Jim Sears stated that on Feb. 6, 1997 the officer observed 3 juveniles exit with cases of alcohol. The officer identified Eric Doroson with 2 - 12 packs of alcoholic beverages in the bed of his truck and Eric admitted he had purchased the liquor. The officer and Eric returned to the store and Eric identified the clerk who sold him the liquor. The officer ticketed the underage Eric Doroson and the Catherine Store clerk for selling it to him.

Mildred stated she notified the liquor enforcement office in Grand Junction and the investigation was started. She submitted the report of stipulation and agreement. The Licensee agreed to a 15 days suspension - May 6 through May 10.

Mildred clarified the liquor code reads that a person can figure the amount of money they will lose and Lael Hughes paid a fine of \$646.00. The suspension is still on hold.

Lael Hughes stated his regular store clerk, Lynn Fitzgerald was on vacation and had trained the clerk, Laura Ward that was ticketed. The new clerk was properly informed but did not follow with the rules. He continued informing the Board of the measures being taken to ensure this doesn't happen again and that the store clerk in error, Larua Ward, has recently been fired.

Chairman Smith inquired as to who's in charge.

Lael Hughes informed the Board that either James Hughes or Lynn Fitzgerald are the ones to contact in case of a problem.

Mildred informed Lael of the schools by liquor enforcement individuals and stated this was a stipulation when the license was given.

Lael stated the books were given and the method of checking for underage reviewed.

Commissioner Martin mentioned either Larry Dragon or Robin Clemons as contacts for information on appropriate liquor selling training.

Chairman Smith reminded Mr. Hughes that the training was required.

Lael reminded the Board that the liquor enforcement officer never did contact him to do the training.

Mildred stated Gary Bates retired.

Lael apologized for the incident.

Mildred gave Mr. Hughes a handout on phony ID's.

Lael stated the video camera he had for security filmed every transaction.

Commissioner Martin stated there is a new electronic cash register that is complete with the latest liquor enforcement requirements for date of birth necessary for any transaction.

Mildred stated the measures available for the Board to consider which was a fine, suspension or both.

Chairman Smith - asked if the 10 days being held in abeyance was enforceable even after the liquor license expires on July 4 or if it was a suspension of 10 days in abeyance is from date of incident.

Jim Sears - if selling to underage occurs again, it requires a close look at license. To date, this is the only incident. If other incidents occurred he would be concerned. He added that he feels the fines and holding 10 days in abeyance will be enforced.

Chairman Smith inquired to Don of the legal ramifications of another incident.

Don DeFord - If there is another incident a public hearing and fine and suspension may be pursued.

Lael Hughes - stated this incident shouldn't have happened. The clerk was trained and told.

Mildred stated the liquor training school should be attended by Lael, his store clerks, and look into the cash register that Commissioner Martin referenced. She suggested that he get in touch with Larry Dragon and be monitored by the Sheriff and the liquor enforcement.

She informed him that Karl Stryker from Grand Junction, Brian Turner from Denver and/or Gary Bates, who does training on a private basis, are available to provide a school.

Renewal

A motion to go ahead and approve the liquor license at 1573 Highway 82 Carbondale for Catherine's Store was made by Commissioner Martin and seconded by Commissioner McCown; carried.

CONTINUED PUBLIC HEARING - ZONE DISTRICT AMENDMENT FROM ACCOMODATIONS/RECREATION PLANNED UNIT DEVELOPMENT TP PLANNED UNIT DEVELOPMENT FOR THE RANCH CREEK UNIT DEVELOPMENT LOCATED AT THE RANCH AT ROARING FORK. APPLICANTS: JANE JENKINS AND STAGECOACH ASSOCIATES, INC.

Mark Bean, David Brown, Charles Stoddard representing Stagecoach Associates, Phil Henke, Attorney Leonard Oats and Don DeFord were present.

Mark stated in the previous hearings, exhibits up to Exhibit I had been admitted, however, he added Exhibit J - amended changes Mr. Brown submitted on May 27 included in the packet from Stryker/Brown Architects; Exhibit K - Mr. George M. Hoppenbeck, Jr.'s letter dated 5/29/97; Exhibit L - Memo from Mark Bean and the (old staff report) to the Board. Chairman Smith admitted Exhibits J, K and L into the record.

Mark Bean presented that subsequent to the last meeting with the Ranch Creek PUD developers, the developers have negotiated a draft agreement with the Ranch at Roaring Fork regarding the water and sewer service, open space and access to Ranch roads. These issues have resulted in a reduction of the

density of the proposed development. Additionally, an agreement with the owners of the Relay Station regarding an agreement to use a portion of the property for parking.

In summary, the signing of the agreement with the Ranch at Roaring Fork HOA is critical to the approval of the proposed PUD. Without that document, it is not possible to reach an agreement on the previous issues. Staff suggests that all original conditions of approval are still valid, but modified.

Exhibit M - letter from Bill Gavette, Fire Marshal was admitted into the record.

Discussion:

Open Space, set backs, property lines and parking on lot 13 were among the issues discussed.

David Brown - stated he hopes they can find something to agree with and continue to work and finalize an agreement with the Homeowners Association.

Mark Bean suggested for the Board not to place the PUD zoning on this until they are comfortable with the setbacks.

David Brown stated if the 15 foot setbacks are not obtainable, they won't be back.

Mark suggested it would be better to continue this until some time in July and have the agreements approved by the Homeowners Association.

The next Homeowners meeting is scheduled for June 20.

Don interjected regarding a continuance that it must be timely of PUD's statutorily. A continuance beyond the 120 days cannot be permitted unless the applicant makes a written request for such and it must be continued to a date certain.

Charles Stoddard - 4652 W Road - DeBeque - Attorney for Stagecoach PUD requested a conditionally approved PUD based on an agreement with the Homeowners. He added he has not discussed this with Mr. Hopfenbeck but it is in the interest of the County. This issue has been going on since 1980 and every time it is an endless hassle with the homeowners. He has been trying for a long time to move this forward and it would be helpful to have the Board specify, find it necessary to put this in order and then conditionally approve it on that basis.

Don stated the water and sewer could probably be accepted as a conditional approval, because we have a provision; however at preliminary plan we have to have the actual agreement. The other issues are actually more difficult as Mark pointed out. The Board could specify certain design standards that they think are appropriate; the problem arises in what they specify is inconsistent with the homeowners standards and then the homeowners decide to tie that to water and sewer, we're back in our circle again.

Mark responded there is still the open space issue.

David Brown suggested creating three separate agreements if necessary.

Jim Jenkins - 0269 Heather Lane - stated he's the "J" lots shown on the plat.

David Brown - commented if Board is more comfortable to continue this to a date in July he will request a tabling - a continuance.

Commissioner McCown - stated that he doesn't feel comfortable and if the Board did place conditions as Charles Stoddard requested, they would be tough. Therefore, he favored a continuance.

David Brown stated he will revise the PUD and create building envelopes as discussed here today.

Leonard Oates - representing Phil Henke stated he was in hopes to move it along on the parking issue. There is a potential to augment parking in the 6,000 sq. foot area. If the Board of County Commissioners are of a mind to approve with a fee conveyance and use for parking it gives them a basis to agree and come to closure.

David Brown stated he will submit a letter for a date certain.

The date of August 11th - 2:00 P.M. for the Continued Public Hearing was set.

A written request was submitted by David Brown and admitted into the record as Exhibit N.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue this until August 11, at 2:00 P.M.; carried.

Jail Discussion

Don DeFord presented the update on where the County stands with the City zoning on the current site. He presented the Board a draft copy of a letter to the city. Further Don suggested an executive session to discuss potential litigation.

Commissioner McCown requested an open session to explore the options.

Don provided the following option: Under the City Code, the County only has 7 days to appeal their decision. Today, Don received a letter from Andrew McGregor from the City stating the formal position of the City Planning Commission regarding the jail. The letter Don drafted for the Board's review covers both issues and states during the course of the meeting concerning the permanent facility it does not address it at all, only the temporary facility. He added this will be in the form of another letter as there are differences in the way the City moves forward on those facilities. From a legal perspective, he suggested it is important to finish the City process on the current site; however the final decision is the Board's. If you don't finish the process in regard to the current site only, you may be foreclosed from further legal action. Commissioner McCown stated he felt it was important to continue on and the letter presented is starting it in the right direction by asking the Council to appeal the decision the P & Z made.

Don reiterated the major development permit needs to go the City Council anyway. Don requested the Chair to be authorized to sign the letter in final form of the draft being presently reviewed by the Board appealing the decision of the Glenwood City Planning and Zoning Commission regarding the permanent jail for the Criminal Justice Facility.

Commissioner McCown so moved. Commissioner Martin seconded and added the process we started, we need to finish. Commissioner McCown agreed and stated we need to follow through on the entire action and let those people in a position of responsibility make the decision. It is not our position to pull out because that wasn't our intent when we started. Motion carried.

Motion

Don addressed the temporary facility in regard to the City process. Time wise, Don projected we only have until the end of this week, June 6 to file the appeal for the temporary facility. We have been tentatively told the City Council will hear these appeals on June 19. Therefore, Don requested the Chair be authorized to sign a similar letter addressed to the City Council appealing the decision of the Glenwood City Planning and Zoning Commission denying the special use review of the temporary facility located at the corner of 8th and Pitkin Avenues.

Commissioner Martin so moved. Commissioner McCown - second. Don asked for discussion before the vote.

Chairman Smith asked the basis which Don would use.

Don stated the temporary facility as he understands it was denied by motion for one reason only and that is because we did not have a time certain set forth in our materials or in the presentation by which the temporary use would come to an end. The problem was we are caught in a catch 22 because we did have such as date when we have the permanent facility on the table and so that's why these work together if they improperly deny special use review for the permanent facility then that motion was improper for the temporary facility. As long as we have the permanent one on the table we had a date certain. Without that on the table there's no question and we really couldn't give them a date.

Commissioner Martin stated there was some discussion that the temporary facility may be unsafe and felt this should be researched.

Don stated there was a lot of discussion about the parking. What the City staff and City Fathers would like opposed to what their code actually requires. Some statements were made about the incomplete nature of the application related to how the County would replace the parking that was lost, as a matter of law, their code provides that we do not have to provide parking. This is not saying that we shouldn't or wouldn't but it is not a matter of law.

Commissioner Martin commented that we went to great lengths to find and provide parking to satisfy the impact on the City.

Major Development Permit

Don stated their actions were a bit unusual - they continued it to a point in time not defined when the County could state with certainty when its permanent facility would be constructed. Don added he does not believe you can table a legal matter to a date that is not certain. It is clear under Roberts Rules that is effectively a denial. On a major development permit, however, the Planning Commission does not approval or deny authority as a final action, they have this only as a recommendation and there is a provision in their code they cannot unreasonably continue the major development permit. Don stated he would like to submit an appeal to City Council of that decision as well. As opposed to the permanent facility this really isn't an appeal, it is a decision to continue not the actually recommendation of the City. So in the letter he would like the Board to submit regarding the temporary facility he would like this to be included as well.

The Commissioners consented.

Spacemaster

The Chair has previously been authorized to sign a letter setting this over 90 days.

Alternative Site

Don advised the Commissioners that at this time a decision was not necessary in regard to any alternative site for either a permanent facility or a temporary facility.

Vote on the motion preceding the discussion requesting the Chair be authorized to sign a similar letter addressed to the City Council appealing the decision of the Glenwood City Planning and Zoning Commission denying the special use review of the temporary facility located at the corner of 8th and Pitkin Avenues. Motion carried.

Executive Session - Discuss Options - Legal Decisions

Commissioner McCown made a motion to go into an Executive Session to discuss the options and legal ramifications. Commissioner Martin seconded the motion; carried.

Commissioner McCown made a motion to come out of Executive Session. Commissioner Martin seconded; carried.

Recess until June 3, 1997 9:00 A.M.

JUNE 9, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 9, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes was absent due to vacation; Mark Bean substituted but stated there was no report.

Four Mile Project - Notice to Proceed

A motion was made by Commissioner Martin and seconded by Commissioner McCown to ratify the action taken last Friday on the signing of the Notice to Proceed on the Four Mile Project with change orders. Motion carried.

COMMUNITY CORRECTIONS

Dale Hancock, Al Maggard and Jan Kaufman were in attendance for the review of the Community Corrections proposals for the Ninth Judicial District and Garfield County for Community Corrections Services.

CMI proposed a 60 bed facility at 2766 Highway 82 in Glenwood Springs, Colorado. They indicated they have entered into negotiations for purchase of this property and anticipate actual purchase to occur soon after confirmation of award of the contract. They will immediately seek zoning approval and upon award of the zoning special use permit, they will begin renovation of the structure to meet State standards for community corrections facilities. They anticipate renovation to take approximately 90 days.

CMI was the better of the proposals submitted per Al Maggard. Commissioner Martin agreed. Al stated Jan has quite a bit of knowledge and she was impressed with what they were going to do.

Commissioner McCown made a motion to accept the proposal submitted by CMI for the Community Correction 60 bed facility. Commissioner Martin seconded the motion; carried.

Dale submitted the mechanisms of the payment for CMI and stated it needed to be reviewed carefully as it pertains to funding the work release slots. He explained our contract buys the diversion beds and have some \$250,000 for it this go around. Tom Dalessandri and Dale discussed this and Dale stated they are looking at needing \$338,000 in revenue for them to cut it from the Sheriff's Department and what they are proposing to do is to bill that at \$35.00 a day and collect \$10.00 a day for the inmates. The mechanisms of the payment is what needs to be tended to. After discussing this in detail, Tom and Dale decided to bring inmates back that are housed in other facilities now that we are paying for them anyway. Tom's idea is to up the security level in the Spacemaster so he could bring more inmates back from off site and then let the work release guys go out to the CMI structure. Payment would be similar to cutting a check for prisoner board out of his budget. Dale wanted to make sure this was in agreement with the Board of Commissioners.

Chairman Smith clarified if this was Work Release as opposed to Community Corrections.

Dale added that it takes both dollars for CMI to run their program. The Red Canyon Building at the mouth of the Canyon is the site being eyed. They must hook up to the City sewer. One of the things discussed was infrastructure.

Al stated some work release inmates would have the opportunity to attend the programs designed for Community Corrections.

Jan reported Work Release inmates are local. They are workers in the area and it is not Community Corrections if you sent them to Alamosa. She added this was a wonderful proposal and highly

recommended it. All of the 19 beds will not be in this program; sex offenders and heavy duty offenders may go to a different program next year. Colorado West has agreed to commit to a 45 day situation. Jan agreed this would be a plus as there would be more drug and alcohol abuse training in an evaluation setting of Community Corrections. CMI was overly projected in their proposal. Jan suggested a backlog could be established. Dale added that after July 1st, the number of beds allocated to Garfield County goes up to a total of 21 versus 19. 17 are farmed out and will need to complete their sentence where they are. Tom reported today a total of 49 in the current Spacemaster building, 7 females and 42 in Work Release. The Minimum Security prisoners beds total 20 in that facility. Having "Work Release" as a stand alone facility was discussed. Dale suggested setting a meeting/workshop with CMI/Community Corrections on June 23 at 1:00P.M. Room 301.

DISCUSSION: TOM BROWN - DOUGLAS PASS WELL SITE (SOUTH CANYON AREA) (Baxter Pass Road)

King Lloyd and David Banko - 300 Turf Lane - Castle Rock, Colorado representing Tom Brown Incorporated were present. David Banko presented and first asked for the concerns of the Commissioners. Chairman Smith indicated the map they looked at didn't look as though they had 100 feet back from the road and this was a concern. David agreed it was very close to the road. But it is consistent with the other wells out there. Due to the terrain in that part of the country, wells being placed close to a County Road are of a necessity. David added this was on the east side of the road. He submitted photographs to illustrate the precise location and depiction of the area in general. King reported he had discussed the matter with Marvin who indicated to King there was no problem with the setback and that it would not create any setback problems for the County. David stated they were consulting with KN Energy who had a pipeline in place. Also there was a "first call notice plan" on the rig in case of an emergency. Chairman Smith stated Guy Meyer would need this information. Mildred Alsdorf indicated all vehicles would need to be licensed in Garfield County. David explained the maximum height would be a 140 feet and the set back is required to be two times the derrick. The actual set back is 75 feet therefore, a motion would be in order to approve the variance. Don suggested the Chair be authorized to sign either the Oil and Gas Commission Form Variance or a letter authorizing erection of the equipment within the standard setbacks. Commissioner McCown so moved. Commissioner Martin seconded. Chairman Smith stated it will certainly help an erosion problem if it is cut back. Motion carried.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, Al Maggard, Jan Kaufman and Dave Sturges were present.

Jail Count

Total in Jail - 124; 45 main jail; Work Release - 42; 7 females; 20 in other jails; no Home Detention; no Day Reporting; no State Hospital; and 22 DOC. Also, 10 workenders. Tom reported this was a very busy weekend and the jail had 134 at one point. Tom suggested having a meeting with Department of Corrections Director Aristedes W. Zavaras again to inform him of the percentage of DOC inmates that are still in the County jails. Discussion was held about the backlog of DOC'ers was held and suggestions of how to handle this. Tom commented that Art Zavaras, Director of Prisons held an update press release regarding the increase of 28,000 beds by 2003 would still be over 30% capacity. Their first goal was to bring back those inmates currently housed out-of-state. Jan added that with a new Chairman there is a different parole board makeup. Tom described how the youthful offenders are no longer fearful of jail or of having a rap sheet or a criminal history and this is a real problem. Now it is a badge of honor and put them in a place of stature of place with their peer groups. If these youthful offenders are put in an alternative program it is even less of a

problem for them because they will not do hard time. There is a kind of minuscule stigma that places them in an esteemed place with their peers by having a rap sheet. Today, there's no disincentive of even a ticket, they want this badge of honor and they don't have to do hard time to get it, so the disincentive is taken away.

Al suggested the inner city attitude is moving into the counties.

Tom mentioned that gang related discussions were held this week. He reported there were true signs of "gang related" activities in this area. Gang related members put their mark on the walls which is a language and this is happening all the way from Rifle to Basalt. Tom explained it is possible these youth either were or still are involved with a gang. However, the expert who presented the information stated it could be these youth were sent here to stay with an aunt or uncle, grandma or grandpa because they were in trouble elsewhere in the United States. They may have been little peons where they came from but up here they are big honchos. It is easy to gather followers in this area.

Jan asked how much effect the new State Laws of losing driver's license for graffiti offenses would make. Tom stated they don't care and would probably drive without it. If they are going to do graffiti on the walls, then they really don't care if they drive without a license.

Commissioner McCown noted there is a general lack of respect for everything in society as a whole by the youth of today.

Tom commented they have respect for the gang more than anything else; there is a code of honor, a code of standards that they live by and consider this far more than they consider their family values.

Chairman Smith stated she has read where the large urban areas have made decisions not to live this way and revise their thinking. The rural areas are always behind so they're in the last part of the cycle, not the first.

Commissioner McCown stated he sees youth coming into his establishment that are "want-a-bes." Skate boarding punks wearing bagging pants and caps backwards that want to be cool and if someone from a gang said boo to them they'd run. However, he felt they would be easily influenced, by these rejects from L.A. sent out here to be good guys, due to their being "want-a-bes." They are not in violation due to dressing weird however.

Tom commented that the manner of dress is not the key because it is a social trend, but gang related tattoos are serious because kids should not be wearing other's gang identifiers or they are marked by that gang. They take this real serious in the gang circles. He added gang signs being paraded on vehicles, graffiti, or tattoos should be considered real and involved. Now the other side and really important thing to do is to stay on top of the graffiti as it was put up there to mark territory and challenges other gang related individuals and creates views. If one gang erases out the graffiti from another gang this would generate an intentional insult and potentially we have conflicts with the various graffiti. Tom said the gang expert suggested to eradicate that stuff as quickly as possible and get rid of it. Tom and Dale have been discussing the possibility of starting a Weekenders ratification program very quickly to prevent violence.

Chairman Smith suggested Colorado Springs has a fairly active ratification program and suggested Tom contact them.

Dale stated he remembers being in a conference in 1986 when they talked about having graffiti ratification programs. Also, some things such as having informal deputy patrol keeping their eyes open, those who walk downtown to make notations regarding the graffiti and Weekenders can be assigned to remove the artwork.

Tom once again voiced the kids' fear of incarceration is gone and there could be more potential for incidents happening this summer as kids get bored. Therefore he encourages more discussion regarding alternative programs and how the new programs play into the new mentality about punishment and incarceration. He stated a review of what sentencing should be and the possibility of work camp should be re-examined again within the Jail Advisory Board/Community Corrections.

Commissioner McCown asked for clarification if sentencing doesn't still lie with the Courts.

Tom suggested the Courts need to hear what's going on in the communities as well. His thoughts are that people will again begin to do "hard time," consisting of boot camp, work camps and kinds of things. The youth of today does not mind laying on a bed watching TV for 60 days.

Commissioner McCown stated we needed to consider the difference between punishment and incarceration as they do not mean the same thing anymore due to the laws we've been forced to abide by.

Community Corrections

Al Maggard stated he has been reviewing the Resolutions because of the facility and work release program and basically the composition of the Board. The Resolution specifics: two judges, the District Attorney, the Sheriff, a deputy public defender, a probation officer and 6 citizens and one should be in the field of human service or corrections; one should be an ex-offender and one should be an expert in the field of mental health and the Garfield County Manager. Dale is filling the Garfield County Manager and acting in that capacity as far as the Board's concerned. Margaret is the Human Services; Doyle claims to be an ex-offender as he has been through the system and stages in the past; we do not have mental health although there's a new man in town and may be applying for that position.

Chairman Smith - stated it has been brought to her attention that this was a Community Correction Board for the Ninth Judicial but we do not have a broad spectrum of Ninth representatives on the Board.

Jan - Rio Blanco representatives come down for one or two meeting, then resign because it has been too far to travel.

Al continued that Resolution 85-19 combined Jail Advisory and Community Correction Board and increased Community Correction Board by three citizens yielding a 13 member board. He also referenced Resolution 82-41.

Al commented that the present board is short one Judge and citizen member to represent Mental Health. However, if they get one citizen member to represent Mental Health, then the committee will be one citizen committee too many.

Additional discussion was held regarding composition of the Community Correction Board and the screening committee's role.

Community Corrections Board Meeting

Al stated the regular board meeting will be held on Thursday Noon at the Colorado Hotel.

Juvenile Justice/Colorado West Holding Facility

Sheriff Dalessandri provided an update on the holding facility stating he had talked to Mike Lucid at Colorado West. He confirmed the architectural review indicated about \$28,000 and Colorado West is only able to commit about \$10,000 to the project which is their heating system. This puts us \$18,000 short and a need to figure out how much the County can contribute and Tom commented he will have Ron do some research on any other grant funding possibilities to supplement. A grant from Juvenile Justice specified \$8,000 for overtime staff cost and \$3,000 for furnishings.

Commissioner Martin stated the contractor will be ready to go in a couple of weeks if a commitment is made.

Chairman Smith commented she would like Tom to talk to Ken and have something in writing to the Commissioners so they have a firm commitment.

Tom mentioned the new Ford Van for Transporting is down in Canon City getting a full security cage build into it for \$200.00. He added this is about a \$3,000 deal.

Organization of Transport Deputies

Tom stated by the organization and utilization of the transport duties association they have saved approximately 8,000 miles in traveling transport time.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Mike Mello 0896 County Road 266 - Silt - submitted a request to have the County abandon the upper .23 miles of Road 266 and turn it over to the landowners as a private drive. He added there are six undeveloped parcels which have their own road right-of-way. This is shown on an amended Antlers Orchard Subdivision Plat which was approved by the Commissioners on February 18, 1997. He submitted a letter signed by the residents on the road.

Don stated the basic standards are you cannot vacate a road and leave any parcel without access to a public road and secondly if public lands are involved then there is a special criteria to meet to abandon the road, such as notice. Public land is the same as private land where you cannot leave it without access.

Mike stated this road does not service public lands and everyone listed on the letter are property owners on that road.

Don stated even if there are private property owners asking for the road to be abandoned, you still cannot abandon a road if it leaves no access to the public road. There are ways to work with that and normally what has been done is the past is work with an easement across private lands so everyone would have the legal ability to get out. The statutory requirement was to avoid land locking parcels.

Mike commented the reasons for the request included problems with dust and motorcycles. The group was requesting to take over the road and maintain it themselves or request County maintenance.

RRHA

Don summarized: Holy Cross and Sanders Ranch are on list C; meeting scheduled for June 10; and the closing still set for June 30.

Due to the time frame of the agenda, Don requested to continue the discussion at lunch.

COUNTY BUSINESS/BUILDING AND PLANNING REPORT

Mark Bean submitted the reports stating the total numbers are down slightly. Last year at this date there were 95 permits issued during the same period and only 84 this year. The manufactured homes are lower and the stick buildings are higher in numbers.

Commissioner McCown commented on the \$2500 for building permits adding Garfield County is low and suggested these be looked into further suggesting that Building and Planning should be a self-funded department.

Mark responded that he agreed; he also stated that permits are based on square footage.

Comprehensive Plan

Mark provided an update on the progress of the Comprehensive Plan with the Planning Commission.

PUBLIC MEETING: AMENDED PLAT - ANTLERS ORCHARD DEVELOPMENT COMPANY, LOTS 33, 35, 46, 48, 51 AND 52. APPLICANT: RAY GILBERT

Mark Bean stated Ray Gilbert has bought several parcels of lots created before June '72 and is requesting to re-arrange the lots to make more sense. These are legally created lots even though they are parts and pieces of different lots.

Mark submitted a proposed merged map and stated basically Mr. Gilbert is taking all lots and creating larger lots.

Mark's concern is that the plat does not cut off any access and further suggested this could be referred to the Planning Commission if the Board so desired. Also, Mark requested a continuance in order to have Mr. Gilbert provide the Board additional information.

This was continued until July 2, 1997 at 11:30 A.M.

DEPARTMENT HEADS

Weed Management

Dave Gallagher submitted his report which included the Westbank Subdivision Improvement Agreement. He stated he met with John Huebinger a week ago and submitted a Crop Monitoring Worksheet he had given to Mr. Huebinger.

Don stated he had looked this agreement over and there was no problem. Mark stated Dave has certified that all the improvements and re-vegetation was done as required and Mr. Huebinger has requested a release of his funds kept in escrow. Mark verified this was \$10,000 plus interest.

Mark stated he would draw up a release of subdivision improvements agreement for the signature of the Chair.

Community Operations/Correction

Dale Hancock presented a continuing request for KZKS (FM) "KISS County" on Sunlight Mountain for a translator/booster, related equipment and antennas for Glenwood and Aspen. Dale added they are relocating the public safety equipment into another structure. He stated he will bring the written agreement before the Commissioners.

Dale scheduled Telecommunication Ordinances for 4:30 P.M. on Monday - June 16. He added that 8 licenses have been renewed.

Extension

Carol McNeel gave her report including that Pat McCarty has been offered the position of Extension Director and starts July 1st.

The State Conference was held in Fort Collins and they had entries in speech and horse demonstration contests. Carol stated they have 30 kids signed up for horse camp in June which will be one full week at the Fairgrounds.

PUBLIC MEETING: HOME OCCUPATION CONDITIONAL USE PERMIT LOCATED AT 46101 HWY. 6 & 24 FOR A BEAUTY SALON. APPLICANT: SHARYN TIPTON

Eric McCafferty and Sharyn Tipton were present.

Eric stated that no formal notification of neighbors is required in this type of permit. This is a request for a Conditional Use Permit - Home Occupation for a one-chair beauty salon for Sharyn A. Tipton on approximately 20,000 square feet located in the Riverview Subdivision. The applicant is requesting a Home Occupation Conditional Use Permit to allow a single chair beauty//barber shop salon within a bedroom of the single family dwelling. Hours of operation are contemplated to be between 10 a.m. and 6 p.m. Tuesday through Saturday, serving five to seven clients daily. Client parking requirements are thought to be minimal, with not more than one or two vehicles on site at any given time.

Recommendations:

1. That all proposals of the applicant made in the application and at the public meeting with the Board of County Commissioners shall be considered conditions of approval, unless specified otherwise by the Board.
2. Except for customary address posting, there shall be no signage indicating the business use of the property.
3. If the nature of the barber shop/salon business ever substantially changes, then this Conditional Use Permit shall be subject to further review and additional conditions placed on the operation.
4. That the barber shop portion of the business shall be limited to one (1) chair and only immediate members of the applicant's family shall work on-site.
5. That all operations be conducted between the hours of 10:00 a.m. and 6:00 p.m., Tuesday through Saturday.
6. There shall be no more than two (2) client vehicles on site at any time and all parking of vehicles shall occur on the applicant's property, not within the road right-of-way.

A motion was made by Commissioner Martin to approve a Conditional Use Permit for a Home Occupation for Sharyn A. Tipton with all six recommendations submitted by staff. Commissioner McCown seconded the motion; carried.

CONTINUED PUBLIC HEARING: CONSIDER SITE APPLICATION (SEWER PLANT) AT OAK MEADOWS. APPLICANT - OAK MEADOWS SERVICE COMPANY (OMSCO)

Mark Bean, Don DeFord, Larry Green and Robert Delaney were present.

Mark Bean presented this is a review only and will need two forms of action: The Board of County Commissioners and Board of Health with comments only. He added that approval is up to the Department of Health. Mark stated the Oak Meadows Service Company Site Application is for an expansion of a sewage treatment works for Oak Meadows Service Company (OMSCO) who are proposing to replace the existing non-surface discharging facility with a surface discharging facility. The existing facility was built in 1977, utilizing a headwork, with a single-cell, lined lagoon with a capacity of 1.3 million gallons and a smaller 0.28 million gallon infiltration pond. The primary treatment basin is presently experiencing "containment problems", so the applicants are investigating other treatment alternatives.

Mark added there were three alternatives evaluated however, the third alternative was selected over the other two, due to "cost constraints and operational and maintenance considerations."

The new facility will need to be capable of meeting the sewage treatment needs of the existing 52 residents and an approximately 100 additional residential units. This facility will have to have a design capacity of over 100,000 gpd. Additional capacity for the other three filings of Oak Meadows can be accommodated by the construction of an interceptor and "mirroring" the new treatment system on site.

The total projected cost of the construction of the preferred alternative system is \$445,429. It is projected to take approximately 18 weeks to complete the project.

Conclusion:

The Planning Commission recommended approval with the following comments:

That there be a more complete analysis of the alternatives to the preferred alternative, demonstrating that the preferred alternative is the more economical and efficient alternative to the other two noted alternatives.

That the applicant include in the above analysis an alternative that considers the development a collection line between the Oak Meadows development and the existing Sunlight View subdivision system, with the expansion of the Sunlight View system included.

That there be an analysis of the proposed Beaver Creek Court subdivision and the separation of that development from the proposed sewage treatment works. This analysis should be based on the Department of Health policies related to the distances of sewage treatment works from residential uses.

Mark clarified the hearing that it is intended to deal with Beaver Court final plat and not dealing with continued expanded development by Redstone or anything else. Part of the issue before the Commissioners today is to demonstrate the compliance with the water and sewer.

Mark further commented, for the new Commissioners, that back in 1995 the County and Oak Meadows signed a document that addressed the status of Beaver Court recorded in the records in the mid 70's. It was determined that the security given by the developer was no longer adequate to make sure these improvements were done in a satisfactory manner. These documents stated that as soon as the applicant completes the requirements then it would be considered final and could convey those lots.

Robert Delaney reported on the Water Court stating he has appeared before the Commissioners every 3 - 4 months to keep the Board updated on the progress being made. This time he's happy to report the legal issues have been reached. A decree has been issued in the court and a ruling is to be determined by a referee within a 20 days time frame. They are in the middle of the 20 days now.

The second aspect is the treatment facility and the primary issue was obtaining a discharge permit. It was determined that the containment in the existing facility changed from a lagoon to a mechanical plant. A site application was delivered to Mark this morning. A site application must be reviewed by the Board.

Larry Green requested the BOCC approve this site application for a sewer plant at Oak Meadows

Drew Goodyear and Bob Pennington clarified concerns with the site application; and George Rousso, President of OMSCO and a homeowner in Oak Meadows was present in support of the application.

A motion was made by Commissioner Martin to approve the application and follow the recommendation by staff and seconded by Commissioner Martin; carried.

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

Board of Health

A motion was made by Commissioner Martin to go ahead and approve following the recommendation by staff on the proposed Oak Meadows Site Application expansion treatment/sewer treatment works. The motion was seconded by Commissioner McCown; carried.

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

Amendments - Oak Meadows Filing for Beaver Court

A date of August 18 at 2:30 P.M. was set for the Continued Consideration of Oak Meadows Filing for Beaver Court.

Neighborhood Boundaries - Aspen Glen - Liquor License

Mildred Alsdorf requested the Board set the neighborhood boundaries for the Aspen Glen Golf Club Liquor License for Hotel and Restaurant with optional premises.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to identify the neighborhood boundaries as the legal boundaries of Aspen Glen proper; carried.

Executive Session - RFRHA Legal Counsel - Acquisition of Right-of-Way and Zoning Violations Re: Building & Planning Department

Don stressed that no decisions can be made as this was not an agenda item.

Don DeFord requested an Executive Session to provide the Board with legal counsel.

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

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

RFRHA Discussion - Rail Crossing

George Hanlon and Don DeFord were present for an informal discussion regarding Mr. Hanlon's access to cross the railroad; his status with RFRHA's list crossings; his legal rights; and the direction of this Board. Mr. Hanlon stated the sole purpose of Glenwood Land Company, Robert McGreggor and himself was to obtain access in order to begin their PUD process under the County's regulations.

The Cattle Creek Crossing is a historical crossing and one that can achieve access through condemnation and this is one process. This historical crossing is the one where Mr. Hanlon commented they have the legal break in title. The other crossing was a license.

In the historical crossing area, at best the Railroad has a prescriptive right, a prescriptive easement, they don't have fee title and this is his argument as it relates to title rights. There is a break in the title. Additionally, when you get into either the GoCo Easement or the Quest Easement, the Railroad gave basically an easement in an area they didn't have fee title to. This leaves some question or dispute as to the

easement. This is the issue of Township 87. George Hanlon's request of the Board was to not make him to be the silver bullet that kills this deal. He brought this discussion to the Board for no other reason except to stress their priority was to secure his property rights and hopefully obtain access to the property legally so it can be presented to the Board for development.

Executive Session - Resumed

Don DeFord and Walt Brown

Commissioner McCown made a motion seconded by Commissioner Martin to resume the Executive Session; carried.

Commissioner McCown made a motion seconded by Commissioner Martin to come out of Executive Session; carried.

A motion was made Commissioner Martin and seconded by Chairman Smith who stepped down as Chair authorizing the County Attorney's office to proceed with necessary litigation on Grover Hogue on Grass Mesa and Mr. Jones on a Civil Nature; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report.

ROAD SCHOLAR PLAQUES TO BE HANDED OUT

Kenny Latham, Ron West and Marvin Stephens were present.

King explained this was a program Colorado State University puts on in connection with Tee Two Centers who work in conjunction with State, County and Municipal levels putting on Continued Education Courses. Some are levels of management and others are for field work.

Steve Marney and Larry White graduated from the program and received Road Scholar Plaques.

NOTICE OF AWARD - TANDEM TRUCK BIDS

King Lloyd and Mike McBreen presented the tandem truck bids.

Discussion was held and King explained the quotes with all the specification comparisons, delivery date and total trade-in difference.

Single Axle Trucks

A motion was made by Commissioner Martin to award Mesa Mack 2 Single Axle Trucks for a total of \$179,064 earlier delivery with a \$30,000 trade in difference to total \$149,064.

Motion died without a second.

Single Axle Trucks/Regular Tandem Trucks/Tanden Axle Truck Components/Single Axle Truck Components

A motion was made by Commissioner Martin to award the single axel and regular tandem trucks to Mesa Mack Equipment for a total of 5 trucks \$376,284 for 3 vehicles; 2 all wheel drives for \$99,740 and 1 regular tandem. Trade in - \$43,000 for 2 Internationals and 2 Oskoshes at \$30,000

King clarified we are buying 5 trucks and have 4 to trade-in - 2 International and 2 Oskoshes) and seconded by Commissioner McCown; carried.

Bodies -

King explained the dump bodies, sanders, and plows and that he had performed reference checks on Municipal Equipment. This would be \$119,656 to add to the \$375,284 for the beds.

Commissioner McCown made a motion and Commissioner Martin seconded to accept Municipal Equipment's bid for beds and sanders for the 3 tandem trucks and the 2 single axle trucks should be totaling \$119,656. Discussion - Commissioner Martin stated Road and Bridge would have to live with the non-inverted and Commissioner McCown added and all those old rollers and loaders they will have to put up with this year too; carried.

County Road 117

Letter from Schmueser Gordon Meyer, Inc. was reviewed.

County Road 215-129

Chuck stated he had talked to Bill Boggs, Department of Corrections regarding the dust suppression on County Road 215 and 219 and documents approving the expenditure reimbursement is forthcoming.

CITIZENS NOT ON THE AGENDA

Homeowners at Canyon Creek

A group of homeowners from the Canyon Creek area were requesting an cost estimate to overlay roads in Canyon Creek. These were estimated to be approximately \$175,000. Discussion was held and a possibly of a local improvement district with bonding or County financing which could be re-paid over a 10 - 20 year payment plan.

Chairman Smith - expressed that this would be setting precedent and other subdivisions would be requesting the same treatment.

Options were explored and Don DeFord commented he would be researching the options and advising the Commissioners.

Joint Jail Parking Task Force

Dave Sturges, filling in for Al, asked if the Commissioners had received all the recommendations of the group regarding the study performed on the jail parking. The Task Force came up with a set of options but neither the City nor the County had any time to look at nor consider the matters. Therefore, out of an exercise of caution for the Commissioners and the community, Dave wanted a final Resolution to be made with the Commissioners which entailed them looking at the study and determining if there is some sort of a risk balance. Dave stated another meeting of the Transportation Committee was set for Thursday, 4:30 P.M.

PUBLIC HEARING: ABATEMENT - WAL MART STORES

Steve Rippy presented.

Chairman Smith swore in Steve Rippy.

Steve submitted the Abatement Forms submitted by WalMart. He explained WalMart had combined 3 schedules onto one petition. The 3 schedules consisted of the Main Store; they purchased the lot behind the store when they built the addition on; and then also the property they purchased along South Glen for employee parking. In addition Steve submitted 3 copies of the appraisal records and a sheet with the historical information as related to the purchase of the 3 parcels which includes a breakdown of the evaluation of the Assessor's Office. He clarified this was for the 1994 taxes and a time-line had to be met. He also submitted a copy of Warranty Deed recorded on November 3, 1989 which indicates a value associated with the WalMart property that includes the building and original lot they purchased. Steve indicated a \$3,179,300 value had been determined.

Exhibits A were admitted which also included vacant land sales and cost analysis breakdown.

The Assessor's evaluation of June 1992, which is the 1993 tax base as well as the 1994 tax base, shown on Schedule 312065 for \$3, 421,500; Schedule 330452 - \$340,000 and Schedule 311658 \$450,000 was submitted.

The next abatement request would be the vacant lot. A list of sales of commercial in the Glenwood Springs area shows a commercial rate of \$185 per sq. foot to \$327 per sq. foot

Steve provided a detailed review and summarized that WalMart was requesting a 1.5% valuation for a total of \$32,000 abatement in taxes however there is no documentation to support WalMart's request. The recommendation was denial.

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

A motion was made to deny the appeal for abatement by WalMart. Commissioner Martin seconded; carried.

PUBLIC HEARING: SPECIAL USE PERMIT - FLOODPLAIN LOCATED AT LOT 9, BLOCK 7, RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANTS: THERESA AND RICHARD SALAZAR

Eric McCafferty, Don DeFord, and Theresa Salazar were present.

Don DeFord determined that adequate home owners were notified.

Eric submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts - C Application and attachments; Exhibit D - Project Information; and Exhibit E - a Copy of the Amended Zoning Regulations of 1978.

Eric McCafferty presented the Floodplain Special Use Permit for a single family dwelling for Theresa and Richard Salazar located on a 6600 square foot site in Rifle Village South Subdivision.

The applicant proposes the construction of a new, single family dwelling (modular structure) on land that has been identified as existing within the floodplain zone AO, a special flood hazard area that can be inundated by types of 100-year shallow flooding where depths are one (1) foot or less with associated velocities of four (4) feet per second, therefore requiring the issuance of a Floodplain Special Use Permit pursuant to the Garfield County Zoning Resolution.

Recommendation:

Staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to the following conditions:

1. That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval, unless otherwise stated.
2. That the minimum, finished floor elevation of the residence shall be no less than 5320.16 feet.
3. The foundation shall be cast-in-place reinforced concrete footers and stem walls and all foundation designs should be based on site specific geotechnical soil and foundation investigations.
4. That site grading around the perimeter of the residence be such that there is a minimum grade of 10% for a minimum distance of 10 feet and all patios, driveways and sidewalks slope away from the house at a minimum grade of 2%. Beyond these features, the 10%/10 foot grade shall be continued.
5. All foundation construction shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.
6. Prior to the approval of a final inspection/certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the single family dwelling unit.
7. No basement will be allowed.
8. The building permit application must include an engineer's methodology for mitigating the erosion features and subsidence potential associated with the lot.

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

Commissioner McCown made a motion to approve the Floodplain Special Use Permit for a single family dwelling for Theresa and Richard Salazar location of Lot 9, Block 7 of the Rifle Village South Subdivision including the staff recommendations with the changes made to No. 8 which includes "the building permit application must include an engineering methodology for mitigating the erosion features and subsidence potential associated with the lot." Commissioner Martin seconded; carried.

Resolution and Exemption Plat - Bernklau

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Carl and Nora Bernklau; carried.

Acknowledge of Partial Satisfaction - SIA - River Ridge

Commissioner McCown made a motion to authorize the Chair to sign an acknowledgment of partial satisfaction subdivision improvement agreement for River Ridge Subdivision security, based upon a statement from High Country Engineering, certifying that the improvements were complete. Commissioner Martin seconded; carried.

Request from Toby Guccini and Susan Trent Stephens

Mark Bean presented a request from Toby Guccini and Susan Trent Stephens asking for an extension. A letter was read into the record by Don Scarrow which stated the Surveyor was not finished with the survey on the property in a divorce settlement.

Commissioner Martin clarified that Don Scarrow had a surveyor that was not a certified surveyor do the work and some trouble stemmed from this making them start the process all over again. Mr. Guccini came in, asked for an extension which apparently was not forwarded, and the time ran out. The property is now in a divorce settlement and he's trying to claim title to the section that is going to be or could be tied up in a lawsuit. A decision was reached to table this until June 16, 1997.

Resolution - Odgers/Potter

Commissioner Martin made a motion to authorize the Chair to sign a resolution concerned with denial of an exemption from the Garfield County Subdivision regulations for Thomas Odgers and Samuel Potter. Commissioner McCown seconded the motion; carried.

Resolution - Custom Crushing

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Custom Crushing, Inc.; carried.

Aspen Glen - Amended Plats - Roaring Fork Mesa - Lot 2

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an amended plat for Aspen Glen, Roaring Fork Mesa - Lot 2; carried.

Aspen Glen - Filing 1 - D7

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an amended Plat for Aspen Glen, Filing I, D7; carried.

Aspen Glen Filing 1 - Lot F13

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign the plat for Aspen Glen, Filing 1, Lot F13; carried.

CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION LOGGING ON A TRACT OF LAND LOCATED APPROXIMATELY 8 MILES SOUTH OF RIFLE OFF OF COUNTY ROAD 317. APPLICANTS: TUCKER/FRASE

Mark Bean and Don DeFord were present. Mark submitted a request from David Levy representing Tucker/Frase to have this matter continued until either July 14 or July 28, 1997.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to continue this public hearing until 2:00 P.M. on July 28, 1997; carried.

DISCUSSION: DAVIS FARRAR - AMENDMENT OF LEGAL DESCRIPTION IN COUNTY'S PETITION TO ANNEX COUNTY ROAD 214 TO THE TOWN OF SILT.

Jimmy Yale, Silt Administrator and Davis Farrar, Consultant was present.

Discussion followed.

Commissioner Martin making a motion to amend the Eagle View Subdivision and David Hicks providing the amended description and Silt taking the entire section. Commissioner McCown was not in favor.

Commissioner Martin made an amendment to the agreement regarding the northerly portion to Mesa Drive.

Discussion - Chairman Smith not in favor. Motion died for lack of a second.

Commissioner Martin made a motion to uphold the annexation agreement as originally discussed at a previous meeting and Commissioner McCown seconded. Vote: Smith - aye; McCown - aye; Martin - nay.

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

Adjourn 3:37 P.M.

JUNE 16, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 16, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

Mike McBreen stated the County had settled for \$2250 for the Ford Pick Up and \$10,000 for the Snowcat. He had put the repairs out for bid. The following items were sold in the auction: Snowcat \$2,011, pick-up for \$611 and the Plymouth \$51.

Commissioner McCown moved to accept the highest bid for the salvage items. Commissioner Martin seconded; carried.

A motion was made to authorize the Chair to sign the titles by Commissioner Martin and seconded by Commissioner McCown; carried.

COUNTY ADMINISTRATOR

Chuck Deschenes reported.

County Roads 252 and 219

The mag chloride for County Roads 252 and 219 were discussed with Brian Burnett, Rifle Correctional Financial Director and Bill Boggs of the Department of Corrections. Chuck mentioned he had a "draft" letter with an amount being stated for \$4,000 for the improvements, maintenance and dust control related in any and all traffic on County Roads 252 and 219 from the intersection of 252 and 325 to the entrance of the Rifle Correction Center for a one year period from the date of this agreement. The County Commissioners stated they were anxious to have this solved.

Denver Mineral Bill Leasing

Chuck attended the signing of this Bill. He commented there will be a slight impact of the first year mineral leasing. There would not have been any impact if they had made the bill effective the first of the year but this one was effective upon the signature of the Governor.

PAYMENT OF BILLS

Chuck presented the bills for review and approval.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to pay the claims against Garfield County for the first run of May 1997; carried.

Bernadette Flohr - update

Chuck reported that Bernadette Flohr had been moved from the Nursing Home and was recovering at home.

Budget - Preliminary - July 30

Chuck stated he was working on the budget instructions as well as the time frames to get this in process. He anticipated getting the instructions out this week. The Preliminaries are to be in by July 30.

Goals for the 1998 Budget Year

Chuck asked for the Board to identify specifically target areas for this year. As a suggestion, Chuck mentioned the Capital Plan.

Chuck reiterated he was open for a new format and/or additional information by the new Commissioners if they so chose.

Chairman Smith suggested each department head and/or elected officials to bring in budgets and discuss with the Commissioners at which time it could be explained to the department heads and elected officials exactly what is needed/wanted by the Commissioners.

Library Board

Chuck was asked by the Commissioners to make the Library Board aware of the fact that they will only be receiving the current percentage of 75% and 25% of the .25% sales tax. Chuck will check into these figures and report back to the Commissioners.

Journal Entries

Chuck presented the Journal Entries for the Commissioners To review adding they did not require approval.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Don DeFord, Dale Hancock, and Advisory Board Chairman Al Maggard, Doyle McGinley Dave Sturges, Colleen Truden and Ina Fritsch* were present.

Jail Count

Total in Jail: 120. 41 main jail; 46 Work Release; 8 females; 19 other jails; no Home Detention; no Day Reporting; no State Hospital; 21 DOC and 6 Workenders. Tom reported the highest this month was 128.

Tom reviewed the conditions under which other Counties will accept other inmates. He added that last year the total miles of transporting inmates was 120,000.

Jim Sears was slightly injured in an incident with an inmate.

Community Corrections/Operations

Al stated Russell George attended the regular Community Correctional Meeting last Thursday. Dave Sturges stated Russell George mentioned the sentencing laws but everything was pending.

Tom reported there were continued problems with juveniles and consequently problems in the Court. Most recently they have developed a method of transporting however, it was after the transport deputies were attacked by a gang of teenagers. Tom made a request to load and unload the inmates in a secured area citing a number of problems, one of those being inmates mingled with the crowd. Tom added, as a suggestion, to make the alley more secure would provide a visual for the officers. As a result of the recent incident Tom is bringing in a transport specialist to do training for his officers. Further, Tom stated, this demonstrates safety is lacking and transporting is a real issue documenting a need for the jails and the courts to be together.

A written request was submitted by Tom to use the underground parking. Discussion regarding the basement continued and Chuck commented on his concern of adequate security suggesting that Tom get with Mike McBreen to discuss that issue.

Workenders

Dale reported the Weekenders were in New Castle working this weekend in the interchange.

Bidding Process

Chairman Smith indicated to the Sheriff that the bidding process should be implemented for items over the limit stating this is an area the auditors has made comments.

Spacemaster Contracts

Don DeFord reported on the written contract to Spacemaster adding he had reviewed the provisions. The way the contract is drafted gives the County 90 days from June 6 in which to make a decision to go forward or not. At the end of the 90 days, if the County does not go forward, \$50,000 will be owed for liquidated damages. He added the County is required to give notice within the 90 days and if the decision is not to

proceed, then the County has 10 days, if the decision is made to pay the \$50,000, to submit the payment to Spacemaster and highest rate of interest is at 8% . If decide to go forward, Spacemaster reserves the right to design negotiations and we agree to indemnity them against losses.

A motion was made by Commissioner McCown to authorize the Chair to sign these agreements with Spacemaster in accordance with the terms Don explained. Commissioner Martin seconded; carried.

Glenwood City Council Meeting - June 19th

Don discussed the upcoming Thursday's proceedings mentioning that Bob Johnson of Reilly/Johnson was coming back.

Commissioner McCown mentioned in order to be consistent with what's been going on with the City that he would propose to have a Resolution prepared and ready to submit for the Council members to consider, giving support for relocation of jail and court out of the city limits to a remote location. He added this would be publicly stated - "if not here then help us move the courts and jail out of the County Seat."

Don DeFord stated if the City Council elects not to override the planning recommendation, then the citizens of Glenwood Springs need to be made aware of the tremendous impact on the taxes and income within the City.

Commissioner Martin commented that a prepared Resolution would take the emotion out of it and stated he would support Commissioner McCown with this request. Chairman Smith agreed and mentioned this will advise the city of the response the County will take.

Commissioner McCown so moved the Chair be authorized to sign a Resolution as discussed; Commissioner Martin seconded, carried.

Discussion:

Dave Sturges encouraged the Commissioners to be there and ask Council members when can we sit down and resolve these issues.

Commissioner McCown pointed out the team from the City and County worked with this in mind.

Tom added the study presented by the capital improvement plan indicated the Court Administrator projected the Courts would need 8100 sq. ft. by the year 2020; therefore with this in mind now is the time to build remote court space.

Dave Sturges suggested to say or be available - "I have two Commissioners ready to go into full discussion."

Tom reiterated this was a waste of time whatever the decision. He was in favor to start forward with a new project.

Al Maggard and Tom set in on the Planning Meeting and the only site as an alternative was Chatfield. Tom commented that in all honesty that site is not adequate, suitable, or good site for a jail. He added the County has compromised as much as they can and further that City Council members did not adequately reflect the wishes of the citizens of the City. He suggested the entire process was one of injustice and that the County's been toyed with. He commented for public record - "existing site was the suggestion of the City Council. Do the existing site and you have a deal;" however, the County was railroaded in the end. He added he has no trust in further negotiations.

Dale pointed out the majority of the citizens of the City and the County know it is a problem, and they are saying do it and don't bore us with the details.

Commissioner McCown pointed out to Dave Sturges that he and John were told no problems during the negotiations with Don Vanderhoof and Sam Skramstad at all the 7 A.M. meetings. Then when it came time to vote, totally different. Therefore, his motion regarding a prepared Resolution was primarily asking for moral support. This is not an unreasonable request.

Dave Sturges again alluded that this was a political impasse.

Chairman Smith clarified the talks with the City Council and the negotiating team were recorded and Mildred kept minutes. She added that in order to move the Courts out of the County Seat would require

legislative action and they have commented unless the City is in agreement, this would be a difficult task to accomplish.

COUNTY BUSINESS

Mark Bean reported he had received 29 resumes for the Planner Position. He encouraged any of the Board to participate in the review process. Eric and Mark have gone through the applications and narrowed down the applicants to interview. Commissioner McCown stated he could not attend; Commissioner Martin said he would.

PUBLIC MEETING: AMENDED PLAT - GIOMI MINOR SUBDIVISION APPLICANTS: ERPESTADT/GRIMM

Mark Bean and John Savage, Attorney for Erpestadt and Grimm. Mark explained they would like to amend the plat and were moving the lot lines around. The homeowners do not have any objections. John Savage presented that the covenants call for participation of the Commissioners which is no longer the required situation in matters such as this.

An agreement was reached to proceed forward with an amended plat, amend the covenants, proceed forward and to remove the Board of County Commissioners from the covenants.

DEPARTMENT HEADS

Barbara Ramirez, Personnel Director requested a time to be set up to meet; go over her job description and establish goals and objectives for the new position. A date and time of July 23 at 11:00 A.M.

PUBLIC MEETING: FINAL PLAT - RAPIDS ON THE COLORADO SUBDIVISION

Eric McCafferty, Don DeFord, Tim Thulson and Gene Hilton were present.

Eric stated the Commissioner approved the preliminary plan in October 1996. Don and Eric have reviewed the final plat and requested the Chair be authorized to sign the final plat. He added that the applicant is requesting the final plat not be recorded until they have their attorney's signature on the final plat, the security in place and \$6,600 paid in school impact fees. Eric stated they have a certificate of tax paid.

Don reiterated the necessary items needed prior to having this recorded and stated there is a new state statute with a specific limitation within 30 days of today's date otherwise it will have to be brought back with a new plat, a new date, and a new signature.

The applicant stated this was acceptable.

Tim Thulson stated he had the exceptions, Exhibit A and being that the plat will be held for filing, he would arrange to have someone come in and stencil in the material on the plat.

Don stated he would need to review the exceptions also.

Commissioner McCown made a motion to authorize the Chair to sign the final plat with the stipulation that it be held for recording for a period not to exceed 30 days noting Exhibit A listing the exceptions.

Commissioner Martin seconded the motion; carried.

TeKeKi

Don DeFord mentioned he had a phone call from Mark Chain of the Town of Carbondale in reference to TeKeKi that he and Mark were supposed to be working on some kind of a resolution with TeKeKi.

Chairman Smith clarified that Jeff Parker had attended a recent Board meeting and a phone call wanting something in writing referencing what was said in the minutes and she does not have any idea what he wants.

Don clarified if Jeff wanted copies of the minutes that would be a valid request but he recommended the Commissioners not to sign anything.

Chairman Smith stated there was no resolution going on.

Commissioner McCown mentioned no one was directed to do anything.

Rapids on the Colorado - SIA

Commissioner Martin made a motion to authorize the Chair to sign the Subdivisions Improvement Agreement. Chairman Smith stepped down as Chair to second the motion; carried.

Resolution - Conditional Use Permit - Sharyn Tipton

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a resolution concerned with the approval of a conditional use permit for Sharyn Tipton; carried.

Resolution - Floodplain Special Use Permit - Salazer

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a resolution concerned with the approval of a floodplain special use permit for Theresa and Richard Salazar; carried.

Resolution - Conditional Use Permit - Ziska and Evelyn Childs

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a resolution concerned with the approval of a conditional use permit for Ziska and Evelyn Childs; carried.

Resolution - Denial - Kenneth S. Rose

Commissioner Martin made a motion and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with denial of an exemption from the Garfield County Subdivision Regulations for Kenneth S. Rose; carried.

Amended Plat - Dakota Meadows

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign an amended Plat for Dakota Meadows Row Houses, Lots 1,2, 3,15, and 16; carried.

PUBLIC HEARING: LIQUOR LICENSE. APPLICANT: ASPEN GLEN

Mildred Alsdorf, Mike Stone Head Professional Club Pro Shop also operating the Restaurant and Golf Club and Larry Green for Aspen Glen were present.

Mildred swore in Mike Stone.

Mildred presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Application with all attachments; and Exhibit C - Petitions for and against the liquor license.

Mildred admitted Exhibits A, B, and C into the record.

Mildred presented photographs depicting the remodeling. The security for the golf course was presented and on the map Larry pointed out the location.

Larry Green added the old Seaberg House will be remodeled. As the 5th of July, Holes 1 - 9 will be open and this is where operations will begin. He added it was on the river side of the big room. They will have 5 tables seating 22 and the patio with tables and chairs. The liquor license is requested for this area. The Optional Premises License if for the golf course holes 1 - 9. He continued that they are still hoping for early September to have the whole 18 holes.

Mildred stated the other 9 holes must be ready before the Board can approve the additional area.

She added that criminal histories were run and there were no undesirable characteristics. She also stated that Fred Williams is providing security.

Mildred announced that Brian Turner, State Liquor License Enforcement Officer out of Grand Junction was coming on July 16 to provide a dual session on "servers of alcohol."

Commissioner McCown made a motion and Commissioner Martin seconded to approve the Aspen Glen Liquor License with optional premises; carried.

SPECIAL EVENTS LIQUOR LICENSE: PARACHUTE/BATTLEMENT MESA CHAMBER OF COMMERCE; LIQUOR LICENSE RENEWALS: RIFLE CREEK GRILL AND LOUNGE

Parachute/Battlement Mesa Chamber of Commerce Special Events Liquor License

Mildred Alsdorf presented a request for a Special Events Liquor License for July 4 from 10 A.M. until 4:30 P.M.

Sandra Yeager, president of Battlement Mesa Chamber submitted the request and was present to answer questions. She stated the purpose of the event was to raise money for the Chamber for promotion of local businesses. She stated it was a barbecue with a beer concession located in a designated place. Adequate security would be provided ensuring the beer did not leave the designated location.

Mildred stated the building was posted 10 days prior and the posted notice was visible to individuals who was interested.

Don Wilson - 0854 Battlement Parkway - stated he was opposed to the issue of the special license adding the activity has been conducted in the past as a no smoking, no drinking event. One of his concerns was the kids who attend functions at the activity center. The basic intent was not for activities to promote liquor. This is the first time for the Board of Directors to approve the event with liquor.

Mildred explained the process of having liquor within the activity center noting there were 4 stipulations: a liquor license issued by the County; restrictions to operate the beer tent within the State laws such as restricted to only those qualifying legal age; and provide insurance for the beer tent itself.

Nancy Hayes - 39 Aspen Way - stated she was also opposed to the special permit for the July 4th Event. Vern Evans - 72 Sagemont Circle - Battlement Mesa - voiced his concern regarding overindulgence and the possibility of someone getting out-of control. He reiterated this event is for kids and did not feel the use of their activity center should be for alcohol.

Mildred assured the opposers that it cannot be moved inside; the beer tent has been specified as the location of the event having liquor.

Chairman Smith showed them the location in connection with the barbecue, bands, family games, and fireworks.

Walter Backus 0215 E. Tamarack Circle - stated the residents pay a \$200 a year fee for the activity center and the majority of residents preferred this event not to have liquor available.

Linda Jamson - the Social Director of the Battlement Mesa Activity Center approached the Chamber to have liquor at the event. The beer is not a focal point of their day. Events are planned for the entire day and the 4th of July is for everybody. There will be family games such as live frog races and shuffle Board tournaments. She added there will be an auxiliary police force made up of 25 people. There will be tables and chairs inside the tent to eat and drink, but there will also be booths for soft drinks, ice cream drinks, floats, etc. She concluded by saying festivals in other towns have had liquor.

Arlene Borg - Associate Social Director for the Activity Center - stated it was in Cottonwood last year trying to get Parachute to cooperate with the Chamber, however, this year they made no effort and it was moved back up to the Activity Center this year. Normally it is just a dance at night with fireworks. Last year they started bringing in the booths, the kids, etc.

Commissioner McCown made a motion to approve the temporary permit for the 4th of July for Parachute/Battlement Mesa Area Chamber of Commerce. Commissioner Martin seconded the motion with stipulations that the Board receive a report back and that the security system is in place by the Sheriff's office. He further added they have approval of the metro district and that they understand the responsibility they are undertaking and address the concerns of the citizens represented here today that are opposed to it and satisfy them with their security and purpose of their event. Motion carried.

Mildred stated the license has been approved and will go into Denver. The main thing for the citizens to do is keep an eye on this and if you have complaints to bring them back to Mildred. Chairman Smith confirmed that Mildred was the source to direct complaints.

RIFLE CREEK GRILL AND LOUNGE

A motion was made by Commissioner Martin to approve a liquor license renewal for Rifle Creek Grill and Lounge. Commissioner McCown seconded; carried.

SOCIAL SERVICES

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

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

Executive Session - RFRHA Discussion

A motion was made by Commissioner McCown to go into an Executive Session to discuss RFRHA. Commissioner Martin seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report which included the "All Chip and Seal Coat Bidders" documents. He explained the complications in bidding this type of work. The bid packages were submitted for review. King reiterated the problems he experienced last year. The Commissioners stated the unit prices and total prices should be binding upon the contractor. If the contractor makes an error in his bid, the contract hold him to it. The Board decided to award on the total project cost.

The State - Rotomil

King reported that he has not heard from Bob Mosten in regard to the Rotomil.

County Road 109

Discussion took place concerning the road problems on County Road 109. King estimated there is a five foot wide problem in one area.

Chairman Smith suggested in the future to include provisions for a water tank and overflow in the conditions of approval with respect to road damage.

Don stated the homeowners Teller Springs took this over.

Landfill

King submitted a letter regarding the Hydrogeologic Investigation II Cost Re-Estimation at the West Garfield County Landfill from Robert Peterson of TerraMatrix/Montgomery Watson scope of work, cost estimate, and project schedule. King summarized the contents of the letter saying this did not require a motion from the Board regarding this proposal.

County Road 117 - Four Mile Road Project

King reported that the contracts had been awarded; they have started the final design; and it would be about four weeks before any dirt is turned; and a new completion date was projected of September 30, 1997.

CONTINUED PUBLIC MEETING: SB-35 LOCATED APPROXIMATELY 1/2 MILE WEST OF GLENWOOD SPRINGS ALONG COUNTY ROAD 132. APPLICANT RUDY STEELE

Eric McCafferty and Rudy Steele were present.

Eric stated that the Board will recall the necessity in continuing this exemption petition was predicated on issues surrounding the new bridge across Mitchell Creek, providing access to the proposed exemption parcel, emergency vehicle and fire protection access and development issues relative to the slope of the parcel. The applicant has submitted information addressing all of the issues.

Recommendations:

Staff recommends APPROVAL of the petition, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the exemption parcel.
6. That, prior to the authorization of an exemption plat, the applicants receive an approved driveway permit, for the proposed access, from the Garfield County Road and Bridge Department.
7. That the well be drilled and pump-tested for four (4) hours with the results presented to the Planning Department along with a statement by the individual conducting the pump test that the well is capable of supplying the intended uses. Additionally, the water quality shall be tested for nitrate, nitrite and fecal coliform bacteria content.
8. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
9. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
10. The applicant shall abide by the recommendations contained in the Oddo Engineering letter dated February 3, 1997.
11. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.
12. That the following plat notes be included on the exemption plat:

"Prior to issuance of a building permit, the owner shall prepare and submit a soils and foundation report, an I.S.D.S. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit."

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.

"The individual lot owners shall be responsible for the control of noxious weeds."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

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

A motion was made by Commissioner McCown to approve the exemption on County Road 132 with recommended conditions 1-12 on page 2 and 3 of the staff report. Commissioner Martin seconded the motion; carried.

Rudy clarified with the Board if he could go ahead and get a well drilled. Eric stated he has 120 days in which to do these things and otherwise an extension was required.

BOARD OF HEALTH

Margaret Long, Mary Meisner and Mickey Rimmel were present.

Personnel Termination - Leslie Hitt

A motion was made by Commissioner McCown for the termination of Leslie Hitt for the Chair's signature. Chairman Smith stepped down as Chair to second the motion.

Single Entry Contract

A motion was made to authorize Chair to sign the Single Entry Contract through 98-99. Chairman Smith stepped down as Chair to second the motion.

A motion was made by Commissioner McCown to go into the Board of Health. Chairman Smith stepped down as Chair to second the motion; carried.

Pediatric Clinics

Mary presented that the pediatric clinic in Carbondale has been opened since the beginning of April; the Parachute clinic at the Senior Citizens Center held on Thursdays every week opens in July. She requested the Chair's signature on a Certificate of Merit to present to the Grand Valley Senior Citizen Advisory Board for donation of space.

Commissioner McCown made a motion to authorize the Chair to sign the Certificate of Merit for the Grand Valley Senior Citizen Center.

EPSDT Renewal Contract

Mary presented the EPSDT Renewal Contract for review and signature of the Chair. She added this is from 7/1/97 - 7/1/98 for \$20,129 contract dollar amount and is a \$550 increase from last year. Mary reported this staff person is still part-time.

A motion was made to authorize the Chair to sign a renewal letter for EPTSN by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair; carried.

Mary reported Garfield County has received good reports from the Public Health Department.

WIC

Mary informed the Commissioners that the WIC caseload was close to 1,000 clients.

Well Child Immunization Program

Mary reported there is a big push for immunizations.

Thank You Luncheon - Lift-Up and Dr. Hostettler

The department hosted a thank you luncheon for Lift-Up and Dr. Hostettler in May. Mary stated that Dr. Buck is looking into a medically indigent clinic; Aspen Valley and Valley View are taking on indigent care needs in this valley. Margaret added this may be an opportunity for input from Public Health and Medicaid.

The cost of \$25 per year per child ensures they can have well child check ups and some out-patient coverage up to age 18 with the Colorado Child Health Plan.

Margaret stated there are only 2 or 3 doctors that will take Medicaid in the East end of the County.

Healthy Beginnings

Mickey Rimmel reported the total of \$2200 raised in the Bowl-A-Thon and the possibility of a combined Family Visitors Program was being considered for the Annual Fund Raiser next year.

Personnel Changes

With the move of Barbara Ramirez, Mickey will be bringing up Josie to the administrative assistant by the end of summer.

She added her budget was down and thus far has not been increased.

Dr. Buck would like to get started in the indigent care clinics.

The addition of Healthy Beginning babies being seen in the Healthy Beginnings Program is being considered.

Mickey commented they continue to add 8 patients per week in the clinic.

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

CONTINUED PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED AT MISSOURI HEIGHTS SOUTH OF COUNTY ROAD 102. APPLICANTS: STANLEY AND ETHEL GLEN

Eric McCafferty, Don DeFord, Herb Nelson, and Glen Horn representing the Glens and Larry Green appearing on behalf of Tom Levitt were present. Eric stated the Board will recall this petition has been continued to give the petitioner sufficient time to address two issues: the proposed water supply and the road issue. One of the main issues needing to be addressed was the water supply. Water supply would come from the Antonionies well. He added the upgrades to the water supply would include installation of two (2) pumps, capable of producing 30 gpm; two (2) pressure tanks; a new supply line between the pressure and storage tanks; new four (4) inch service line to the Scheer residence; and a new four (4) inch service line to accommodate the seven (7) individual rights in the well. Estimated cost of these upgrades is \$30,000.

Harmony Lane: This new water line installation would require interruptions in the road travel.

Don DeFord stated certification of a professional engineer was included in condition no. 13.

A letter of credit should be received prior to the sale of these lots. Also, some other improvements for roads would be required. And suggested as part of the security to obtain credit covering this as well.

Larry Green of 818 Colorado, Glenwood appearing on behalf of Tom Levitt stated that Mr. Levitt crafted a road maintenance agreement that runs from the intersection of Fender Lane and runs Southerly to Sunset Lane.

Herb Nelson - Silt, Colorado - commented that McMeekens from Edwards were not compelled to join in this road maintenance agreement.

Larry Green stated that Mr. Levitt was requesting the portion that Harmony Lane accesses the Glen subdivision which is L shaped and that he is willing to give the right-of-way but wants the road re-constructed to the primitive state it is now.

Eric pointed out the access on the preliminary map to the Commissioners.

Larry Green stated this is the last increment of Harmony Lane to be fixed and to make it a consistent road base surface is what Mr. Levitt is suggesting.

Glen Horn stated they had no problem in doing the road.

Condition No. 7 regarding a well-sharing agreement was discussed and omitted.

An additional plat note with respect to Sunrise and Sunset Lanes was added stated neither can be used by the public except for emergency purposes.

These are the recommendations included in the motion:

Recommendations

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the exemption parcel. Additionally, the applicant shall submit \$470 in development impact fees to the Carbondale & Rural Fire Protection District, prior to final approval.
6. That, prior to the authorization of an exemption plat, the applicants receive an approved driveway permit, for the proposed access, from the Garfield County Road and Bridge Department.
7. Improvements to Harmony Lane shall contain a crowned and graveled surface, with adequate drainage provided.
8. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of a Final Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
9. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
10. All utilities shall be placed underground.
11. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.
12. That the following plat notes be included on the exemption plat:

"Prior to issuance of a building permit, the owner shall prepare and submit a soils and foundation report, an I.S.D.S. design, and a grading and drainage plan prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such measures, which shall be a condition of the building permit."

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The

methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The lots depicted on this plat require development of wildfire management plans, approved by the appropriate fire protection district (Carbondale and Rural FPD), and submitted with building permit applications."

"The individual lot owners shall be responsible for the control of noxious weeds."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

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

"Garfield County shall not be obligated to issue building permits for the exemption lots depicted on this plat, until the water supply and roadway improvements have been completed and certified complete by a professional engineer."

13. A professional engineer shall certify that the escrowed funds are sufficient for the proposed water system and roadway upgrades. Further an instrument similar to a subdivision improvements agreement, known as a Exemption Improvements Declaration (EID), shall be enacted at the time of approval of the exemption plat. The EID shall be in a form acceptable to the County Attorney and the escrowed security shall be in a form acceptable to the County Attorney. If these funds are deposited with the County Treasurer then, at the Treasurer's discretion, an account maintenance fee shall be collected from these funds. Releases of funds shall be preceded by certification of completion, prepared by a professional engineer. The EID shall acknowledge that neither the Board of County Commissioners nor Garfield County is required to complete the improvements in the event of default by the applicant. Adequate security as identified within the EID shall be in place at time of execution of the exemption plat.

Commissioner McCown moved to approve the exemption with the recommendations excluding no. 7 on page 2 adding the verbiage of Sunset and Sunrise lanes as emergency access, and coordinated fire control as in the Levitt Subdivision; that security be in place at the time the Board approve the plat; and the Line of Credit is accepted. Commissioner Martin seconded the motion; carried.

Glen Horn thanked Herb Nelson, Eric McCafferty and Larry Green in getting this accomplished.

Honeywell

Chuck Deschenes, Tom Dalessandri and Jim Stevens were present.

A discussion was held regarding the cooling situation in Communications and the process with Honeywell. A consensus was reached to hold off until Honeywell was given an opportunity to provide the Board with numbers and bid specifications.

A motion was made by Commissioner McCown to impose a July 7th drop dead date to hear back from Honeywell with numbers and bid specifications otherwise to proceed with other avenues. Commissioner Martin seconded the motion; carried.

Special Local Improvement District Canyon Creek

Don DeFord presented that he had received correspondence from Russell George and some homeowners in Canyon Creek who has requested to form a special local improvement district.

Discussion:

The County will not front the cost and if they do form this, which meant it will necessitate being some sort of bonded or some type of secured financing. He also informed the Board that bond counsel should also be involved because the structure needs to be set up so they can market the instruments properly. The cost of bond counsel and other expenses can be worked into a financing mechanism. Don was instructed to contact Blake Jordan with respect to the expenses of setting up the bond counsel and financing. Don also implied they are trying to get this on the ballot for November.

Executive Session - Personnel Issue Outcome/Settlement

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into Executive Session to discuss personnel; carried.

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

PUBLIC HEARING: ZONE DISTRICT TEXT AMENDMENT - RELATED TO COMMUNICATIONS FACILITIES, COMMUNITY CORRECTIONS FACILITIES, GROUP HOME FOR THE ELDERLY, STORAGE OF HEAVY EQUIPMENT, RIGHT TO FARM AND RANCH POLICY. APPLICANT: BOARD OF COUNTY COMMISSIONERS

Don DeFord and Mark Bean were present.

Chairman Smith sworn in Mark Bean and Don DeFord.

Don stated he had reviewed the Public Notice and it was in order and therefore the Board was entitled to proceed.

Mark presented Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - a memo to the Board from Don DeFord regarding proposed suggested language changes to Zone District Text.

Chairman Smith admitted Exhibit A - C into the record.

Mark stated these proposed amendments deal with a variety of issues and mainly to do a clean up in the Zoning Resolution of 1978.

Mark stated that during the past few months, staff has been asked to develop amendments to the zoning resolution to deal with a number of different issues. The following changes are to deal with immediate issues dealing with corrections facilities, communications facilities, heavy equipment storage, group home for the elderly and a "right to farm regulation." The words in italics are being deleted and the words in bold are being added to a particular section of the Garfield Zoning Resolution as follows:

1.08 Ranching, farming, and all manner of agricultural activities and operations within and throughout Garfield County are integral elements of, and necessary for, the continued vitality of the County's history, economy, landscape, lifestyle, and culture. Given their importance to Garfield County, western Colorado, and the State of Colorado, agricultural lands and operations are worthy of recognition and protection.

Colorado is a "Right-to-Farm" State pursuant to C.R.S. 35-3-101, et. seq. Landowners, residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector. Those with an urban sensitivity may perceive such activities, sights, sounds and smells only as inconvenience, eyesore, noise and odor. However, State law and County policy provide that ranching farming or other agricultural activities and operations within Garfield County shall not be considered to be nuisances so long as operated in conformance with the law and in a non-

negligent manner. Therefore, all must be prepared to encounter noises, odor, lights, mud, dust, smoke chemicals, machinery on public roads, livestock on public roads, storage and disposal of manure, and the applicant by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides, any one or more of which may naturally occur as a part of legal and non-negligent agricultural operations.

In addition, all owners of land whether ranch or residence, have obligations under State law and County regulations with regard to the maintenance of fences and irrigation ditches, controlling weeds, keeping livestock and pets under control, using property in accordance with zoning, and other aspects of using and maintaining property. Residents and landowners are encouraged to learn about these rights and responsibilities and act as good neighbors and citizens of the County. A good introductory source for such information is "A Guide to Rural Living & Small-Scale Agriculture" put out by the Colorado State University Extension Office in Garfield County.

The Board of County Commissioners has also established a dispute resolution procedure designed to informally resolve conflicts that may arise between landowners relating to agricultural operations or activities. When you and your neighbor cannot come to an agreement or understanding about fences, ditches, livestock, or other agricultural issues, this may be the forum you need -- knowledgeable mediators, solution-oriented, informal, voluntary, confidential, and without direct lawyer involvement. For further information regarding your obligations and rights under this policy, you are invited to contact the Board of County Commissioners of Garfield County.

2.02.155 Communication Tower Facility: A noninhabitable structure *over twenty-five (25) feet in height, built for the purpose of transmitting or receiving electrical impulses and approved by the Federal Communication Commission and Federal Aviation Administration, where appropriate.* **Supporting antennas and microwave dishes that sends and/or receives radio frequency signals, including television and data impulses through space by means of electromagnetic waves. Communications facilities include structures or towers, and accessory buildings, not including individual/personal direct-to-home satellite services. (A.84-78)**

2.02.156 Corrections Facility: A use which provides housing, treatment and/or care for individuals legally confined or placed pending resolution of criminal charges or as a condition of a court order and designed to incapacitate/rehabilitate individuals in secured setting or a non secured community setting. Neither this definition nor the provisions of this zoning code shall be deemed to apply to any corrections facility to be owned and operated by a governmental entity which has complied with the provisions of Section 30-28-110, C. R. S., as amended, or which proposed or existing correctional facility is otherwise exempt from application of a local zoning code, pursuant to the constitution and laws of the State of Colorado.

2.02.281 Group Home for the Elderly: An owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older per home and for the purpose of providing assistance for such persons to live in a residential setting.

3.01.02 Uses, conditional: Aircraft landing strip, airport-utility, salvage yard and sanitary landfill; **group home for the elderly.**
Home occupation, storage. (A.80-180; 86-09)

3.01.03 Uses, special: Camper park, agriculture-related business, resort;
Airport-air carrier, **communication facility, corrections facility.**

Plant for fabrication of goods from processed natural resources; material handling, pumping facilities, electrical distribution, warehouse facilities/staging areas, fabrication areas, storage areas, water impoundments, access routes, utility lines, pipelines; extraction, processing; public

gatherings; commercial park; recreational support facilities; guest houses. (A.80-180; 81-145; 81-263; 86-09)

- 3.02.03 Uses, conditional: Aircraft landing strip, church, community buildings, day nursery and school; **group home for the elderly.**

Boarding or rooming house, studio for conduct of arts and crafts, home occupation, water impoundments. (A.86-09; 87-108).

- 3.02.03 Uses, special: Airport utility, feedlot as principal use of the lot, crematorium, agriculture-related business, resorts, kennel, riding stable, and veterinary clinic;

Two-family dwelling, camper park, ski lift and trails; broadcasting studio, communication *tower facility*, **corrections facility, storage of heavy equipment**, golf course driving range, golf practice range and accessory facilities, commercial recreation facility/park;

Public gatherings; storage of oil and gas drilling equipment;

Site for extraction, processing, storage or material handling of natural resources; recreational support facilities and guest house. (A.79-132; 80-64; 80-180; 80-313; 81-145; 81-263; 84-78; 86-9; 86-84; 86-106; 87-73).

- 3.03.02 Uses, conditional: Church, community building, day nursery and school, home occupation; **group home for the elderly.**

- 3.03.03 Uses, special: Two-family dwelling, row house, studio for conduct of arts and crafts, water impoundments, utility lines, guest house, **communication facility, corrections facility.** (A.81-145; 81-263; 86-09).

- 3.04.02 Uses, conditional: Church, community building day nursery and school, home occupation.

- 3.04.03 Uses special: Two-family dwelling, studio for conduct of arts and crafts, water impoundments, utility lines, **communication facility, corrections facility.** (a.81-145; 86-09).

- 3.05.02 Uses, conditional: Row house; studio for conduct of arts and crafts; home occupation; church, community building, day nursery and school; **group home for the elderly.**

- 3.05.03 Uses, special: Mobile home park, water impoundments, utility lines, **communications facility, correction facility.** (A. 81-145; 86-09).

- 3.06.02 Uses, conditional: Row house; studio for conduct of arts and crafts; home occupation; church, community building, day nursery and school; **group home for the elderly.**

- 3.06.03 Uses, special: Mobile home park; restaurant or retail establishment accessory to principal use of the lot for multiple-family residential purposes; **communication facility, corrections facility**, water impoundments, utility lines. (A.81-145; 86-09).

- 3.07.01 Uses by right: Single-family, two-family and multiple-family dwelling, and customary accessory uses including building for shelter or enclosure of animals or property accessory to use of the lot for residential purposes and fences, hedges, gardens, walls and similar ; landscape features; park; boarding and rooming house; hotel, motel, lodge;

Church, community building, day nursery and school; auditorium, public building for administration, fraternal lodge, art gallery, museum, library;

Hospital, clinic, nursing or convalescent home; **group home for the elderly.**

3.07.03 Uses, special: Automotive service station or washing facility; camper park; mobile home park; **communication facility, corrections facility.**

Any use, by right, in this zone district used principally as a drive-in establishment where the customer receives goods or services while occupying a vehicle; water impoundments, storage commercial park; utility lines; recreational support facilities. (A.80-180; 81-145; 81-263)

3.08.03 Uses, special: Any special use of the C/L district subject to all conditions listed thereunder;

Plant for processing natural resources and agricultural materials into food and beverages; **communication facility, corrections facility.**

Salvage yard, water impoundments, automobile race track and material handling; recreational support facilities. (A.81-263)

3.10.01 Plateau

Uses, by right: Ranching, farming and general agriculture, guiding and outfitting, accessory uses and structures related to agriculture;

Single-family dwelling units related to an individual ranch or farmstead.

Uses, conditional: allowed by permit only: Communication tower, extraction, processing, fabrication, storage area, salvage yard, sanitary land-fill, water impoundments, mineral waste disposal area, access routes, utility lines, pipelines, warehouse facilities/staging areas, and accessory uses to the above; **group home for the elderly.**

Uses, special: Air carrier airport, commercial recreational uses; public gatherings, **communication facility, corrections facility.**

3.10.02 Escarpment

Uses, by right: Ranching, farming and general agriculture, guiding and outfitting.

Uses, conditional: allowed by permit only: Extraction, processing, access routes, utility lines, pipelines, water impoundments, warehouse facilities/staging areas, and accessory uses to the above; **group home for the elderly.**

Uses, special: Mineral waste disposal area; public events, **communication facility, corrections facility.**

Additional Requirements: All uses shall be subject to the provisions under Section 5 (Supplementary Regulations). (A. 86-09)

3.10.03 Talus Slopes

Uses, by right: Ranching, farming and general agriculture; guiding and outfitting.

Uses, conditional: Allowed by permit only: Extraction, processing, access routes, utility lines, pipelines, water impoundments, warehouse facilities/staging area, and accessory uses to the above; **group home for the elderly.**

Uses, special: Mineral waste disposal areas; public gatherings, **communication facility, corrections facility.**

Additional requirements: All uses shall be subject to the provisions under Section 5 (Supplementary Regulations.) (A.80-180)

3.10.04 Gentle Slopes and lower valley floor

Uses, by right: Ranching, farming and general agriculture, accessory uses and structures related to agriculture; guiding and outfitting.

Single-family dwelling units and customary accessory uses; manufactured home as principal use of the lot meeting standards in Section 5.03.01 (2);

Kennel, riding stable and veterinary clinic;

Retail establishment for sale of goods processed from raw materials produced on the lot.

Uses, conditional:

Church, community building; day nursery and school; studio for conduct of arts and crafts; home occupation; utility airport, feedlot as principal use of the lot; group home for the elderly.

Uses, special: allowed by permit only: Industrial support facilities which would include: material handling, pumping facilities, electric distribution, warehouse facilities/staging areas, storage areas, water impoundments, access routes, utility lines, pipelines; extraction, processing, accessory uses to the above; camper park, hunting lodge; mineral waste disposal areas; public gatherings; commercial park; resort; agriculture-related business; sanitary landfill; recreational support facilities; **communication facility, corrections facility.**

3.11.03 Uses, special: Mobile home park, utility lines, **communications facility, corrections facility.** (A.79-132; 81-145)

5.03 CONDITIONAL AND SPECIAL USES

As listed under the Zone District Regulations, conditional and special uses shall conform to all requirements listed thereunder and elsewhere in this Resolution plus the following requirements:

- (1) Utilities adequate to provide water and sanitation service based on accepted engineering standards and approved by the *Environmental Health Officer* **Board of County Commissioners** shall either be in place or shall be constructed in conjunction with the proposed use;
- (2) Street improvements adequate to accommodate traffic volume generated by the proposed use and to provide safe, convenient access to the use shall either be in place or shall be constructed in conjunction with the proposed use;
- (3) Design of the proposed use is organized to minimize impact on and from adjacent uses of land through installation of screen fences or landscape materials on the periphery of the lot and by location of intensively utilized areas, access points, lighting and signs in such a manner as to protect established neighborhood character;

Additional specific requirements and prerequisites for certain uses are as follows: (A. 79-132)

5.03.08 (5) Storage area, salvage yard, sanitary landfill and mineral waste disposal areas:

(A) Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the National Fire Code;

(B) At the discretion of the County Commissioners, all outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property;

(C) No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces;

(D) **Storage of heavy equipment will only be allowed subject to (A) and (C) above and the following standards;**

1. **The minimum lot size is five (5) acres and is not in a platted subdivision.**

2. **The equipment storage area is not placed any closer than 300 feet from any existing residential dwelling.**

3. **All equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower. Screening may include berming, landscaping, sight obscuring fencing or a combination of any of these methods.**

4. **Any repair and maintenance activity requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. to 6 p.m., Monday through Friday.**

5. **Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way.**

5.03.13 Broadcasting Studio and/or Communication Facility Towers: Such broadcasting studios and/or communication **facility towers** shall be approved by the Federal Communication Commission and the Federal Aviation Administration, where appropriate. (A.84-78) **In addition, the following standards will be used in the review of any application for a communication facility:**

(1) **All facilities shall comply with the radio frequency emission requirements of the Federal Communications Commission and any facility in compliance cannot be denied.**

(2) **The co-location of telecommunication facilities on one site is encouraged and the denial of a landowner/lessor of the co-location of a site shall be based on technical reasons, not on competitive interests. It is the County's policy to minimize the number of communication facilities by the encouragement of co-**

(3) **A freestanding telecommunication facility, including antennas, shall not exceed the maximum structure height in the applicable zone district unless an exception is approved by the Board based on the applicant demonstrating the following:**

(a) **Use of existing land forms, vegetation and structures to aid in**

(b) **Design, materials and colors of antennas and their support**

(c) **It is consistent with existing communication facilities on the same**

screening the facility structures, site.

5.03.14 Community Corrections Facility: **In addition to the requirements in Section 5.03, all corrections facilities as defined in Section 2.02.156 and subject to the provisions of this zoning code shall demonstrate the following:**

(1) **No corrections facility shall be located in an area that is predominately residential in character within 1/2 mile of the proposed facility. Predominately residential shall be defined as over fifty percent (50%) of the property in the area is classified as residential in the records of the County Assessor's Office.**

(2) **Off-street parking shall be provided for each employee - no less than 5 extra spaces.**

(3) **No corrections facility will be located within 1/2 mile (500 feet) of any public or private school.**

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

Commissioner Martin made a motion to approve the zoning changes with corrected language adding and deleting (as reflected in the record above) which include Don DeFord's recommendations. Commissioner McCown seconded; carried.

SPECIAL USE PERMIT: A CAMPER PARK LOCATED 1 MILE EAST OF RIFLE AT 27346 HWY. 6 & 24. APPLICANT: CUSTOM CRUSHING

Don DeFord, Mark Bean and Jerry Bauer were present.

Don determined that adequate notification was given and advised the Commissioners they were entitled to proceed.

Mark Bean presented Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Report; and Exhibit E - letter from the City of Rifle. Chairman Smith admitted Exhibits A - E into the record.

Jerry Bauer requested a 30 day extension as he is working the RV Park for employee housing.

A date certain was scheduled for August 4 at 11:00 A.M. in a motion to continue made by Commissioner McCown and seconded by Commissioner Martin; carried.

GARFIELD COUNTY GRANT - RAILROAD RIGHT OF WAY

Don DeFord, Walt Brown, and Eric McCafferty was present.

Chairman Smith explained this was a draft of the final agreements and the Board will take comments from the audience.

Don DeFord presented the Final Draft - B of the Agreement Grant with RFRHA dated 6/12/97 and explained that over the last week or so, approximately on June 6, John Worcester drafted this agreement for the County's consideration to use in providing the \$500,000 funding amount from Garfield County to RFRHA. He stated there has been several discussions over the last several weeks about various drafts of the proposed agreements. This draft was reviewed and is available to the public. After discussion with Representative to RFRHA Commissioner John Martin, the voting member and Attorney Walt Brown at large representative, Don was directed to prepare two alternative drafts to Mr. Worcester's proposal. The first (1) is listed as a Final Agreement Draft A and Final Agreement Draft B. Don commented he was told at the meeting last Friday the Final Agreement Draft A was discussed and confirmed at the time for reasons due to various circumstances they did not reach Final Draft Agreement B. The issues as he understands them that this Board is being asked to make a decision on is primarily in paragraph 4 of that agreement. The primary discussion over the representatives of the County and Don are issues on crossing right-of-way, at least public crossings of right a way and control of adjacent land use. Paragraph 4A in the various drafts title - Additional Conditions - in the final draft A, the primary concern was to protect the public crossing of Garfield County as they exist and one additional proposed crossing referred to as the Holy Cross crossing, shown in Attachment listed as an extension of County Road 117. In the discussion of the last few weeks, RFRHA has submitted various lists of crossings to GoCo for GoCo's approval of this. As they came down to the last list, which is list C which concerned the Holy Cross crossing still left this crossing for final consideration by CDOT, GoCo and RFRHA to be concluded sometime in the future, such as within a year or two that would be proposed, but it was not a firm commitment from CDOT or GoCo that the crossing would definitely be approved. This was a concern to the Board's representatives and that is the primary reason for the adoption of the language in Final Draft Agreement A as well as to protect existing crossings. There has also been a concern expressed over control of adjacent land use through the GoCo Conservation Easement. There is language discussed as a Board and in the last draft GoCo excised that portion of the draft which would have prohibited use of the Comprehensive Plan where it is supposed to control adjacent land uses. So the primary purpose of Paragraph 4 B and 4 C is to make very clear that the crossings of the corridor and unincorporated area of Garfield County would be subject to review based solely on circumstances or conditions that would be applicable to crossing the railroad. In paragraph 4C it specifically included language which would prohibit the use of standards applicable to open space and trails. The reason for this was the motivation in controlling the use of the crossings and not so much the impact on the railroad but their utilization to control adjacent land use.

In paragraph 4D it was added that as one of the remedies that might be available to use for breach of the agreement would be specific performance that RFRHA actually perform the conditions of this agreement rather than be subject to a claim for damages.

4E was added in the last Draft A because of the concern of longevity, the perpetual nature of the conservancy easement. Go back on a few drafts regarding the conservation easement, there was concern expressed in the draft and later in discussions with GoCo that the easement put in place was perpetual whether or not a Comprehensive Plan was ever adopted or not for the utilization of the corridor. The last drafts of the easement that Don has seen attempt to resolve that concern by providing that if Comprehensive Plan is not adopted within in two years or if GoCo doesn't come through with the last 2 million dollars, then RFRHA can extinguish that easement through the payment of monies that have already been received from GoCo together with interest.

4E would actually extinguish that easement without repayment of funds if the Comprehensive Plan was not adopted in two years. The reason for that was there was concern among this Board's representatives that if the one or two million, depending upon what GoCo had paid was not repaid by some entity, the conservation easement would continue to stay in place. And it was not at all clear from the various agreements whether there was an obligation by RFRHA or its members to actually repay those sums.

Lastly in paragraph 4 F that the terms of this paragraph 4 would be included in any recording easement particularly in the Conservation Easement so that these provision in Paragraph 4 would be a matter of record in Clerk & Recorder's office along with the rest of the easement.

Finally, the other significant change in the numeration was the telecommunication easement which concerns the Qwest easement which traversers the length of the corridor. To the best of knowledge of Don and this Board's representatives, this remains unresolved however additional discussions were to take place today on this. This provision would require that a document be recd from Qwest or from RFRHA that would affect or remove significant or elements of that easement at least sufficient to allow the anticipated uses for primarily railroad and/or trail purposes.

Due to the potential for conflict in the GoCo and the Garfield County Agreement they found certain terms unacceptable as this Board's representatives particularly the rail crossings. Recognizing these factors, Don stated he was requested to prepare a Final Draft B Agreement and this has not been discussed to date. Don stated in a quick summary, it eliminates paragraphs 4 A, B, and C and provides that Garfield County would be entitled to review the Comprehensive Plan when adopted and have a right to veto that Plan and the rationale expressed for this was they felt they were asking in this provision no more than other grantees such as GoCo has received which is a chance to utilize how the Comprehensive Plan will impact the County's land use, Comprehensive Plan and zoning; determine how it will affect property the County owns; crossing of the corridor that are public and determine whether it should be approved. This Final Draft Agreement B is an alternative. It also retains the two years extinguishment if the Comprehensive Plan is not adopted for the reasons Don expressed earlier as well as the provision on the Qwest easement that is still up in the air.

Chairman Smith called for comments from the Board.

Commissioner Martin stated he had a discussion with Tim Sarno, Dept. of Local Affairs, and expressed the Board's concerns as well as discussing Draft B with him and he has that information. Additional, he stated that numerous others had contacted Tim both members of RFRHA and GoCo and Tim is relaying this information to those callers. Therefore Draft B is being submitted to the Board to see if it is acceptable or if the Board wishes to stay with Draft A.

However, he commented that we cannot go forward and make a 100% stand until we have the final document from Qwest and U.S. West as this holds up everything.

Don stated that John Worcester has commented this is pretty much a deal breaker with Qwest and Don concurs. Unless this issue is resolved, it makes it difficult to make full utilization of the railway.

The question is how does this Board want to proceed?

Don stated the Conservation Easement is the heart of the matter.

Chris Lane of 2003 Arbor Park Drive, Basalt and Tom Newland of 417 Original Road, Basalt were present to represent RFRHA. They discussed Draft Agreement A and what went on at the last meeting and to answer questions.

Chris addressed the Conservation Easement stating Rock Creek Studios has done what is called a baseline inventory of the property essentially identifying everything that exists within the property including biological and conservation values, railroad facilities that exist, photographing and photo documenting and is in the Commissioner's possession given about one month ago to Don DeFord. The point behind this is to identify and develop a picture of the corridor over the next two years prior to Comprehensive Plan being identified and then at some time after the Comprehensive Plan a more detailed inventory will occur.

Chairman Smith pointed out that the Conservation Easement states it will introduce new land use patterns including without limitation those relating to trail recreation, open space, park and rail transportation. The question then is - it sounds like some of that should have been in the original baseline documentation but apparently this is something over and above the original baseline documentation. Can you explain?

Tom stated those are things the Comprehensive Management Plan hypothetical will identify over the next few years. By having a picture of the corridor now, they can freeze it and decide over the next two years what to do about it.

John stated the plan will attempt to fuse these all together.

Chris Lane and Tom Newland continued to explain the Agreement.

Chairman Smith stated the Commissioners had just received the Drafts and had not had an opportunity to review it in totality although many questions and concerns were addressed.

Commissioner McCown summarized the way he understands it there would be a basic moratorium on all activity for two years, then if the Comprehensive Plan is not approved the moratorium will stay in place until at which time the Comprehensive Plan is approved and in place which could be perpetuity.

Tom Newland clarified that it was not all activity that is being frozen, but all new activity was being frozen. Chris Lane stated everything existing remains existing and the uses concur the way they have always have. Actually, the new uses they identified that were in the pipeline and ready to occur can occur.

Commissioner McCown - basically this agreement splits Garfield County for seventeen miles and shuts it down regarding any new activity.

Chris Lane - actually maintenance and safety improvements on public road crossings is permitted which would be classified as new activity.

Commissioner McCown asked then about development.

Chris Lane - outside of the two on List C - the Holy Cross and Sanders Ranch, Glenwood Land Company that can occur prior to Comprehensive Plan through final approval of the Master Plan, yes. He added they have tried to foresee all the development projected over the next two years in order to be close to including it.

Chairman Smith asked then if List C was accepted.

Chris Lane confirmed that List C has been guaranteed a process which includes prior to final draft of the Comprehensive Plan if it meets the following criteria outlined in the Draft Agreement Access Plan A, B, and C and can move forward to completion.

Commissioner McCown asked if increased traffic was a consideration in respect to these two crossings.

Tom Newland clarified that this includes the entire corridor.

Don DeFord referenced these were on page 13 of the document that was added Holy Cross and Sanders Ranch crossings could be considered.

Public Comment:

George Hanlon - Sanders Ranch commented regarding the access plan accounting for the conditions for Holy Cross and Sanders Ranch.

Kent Mueller, Town of Basalt suggested a minimum of agricultural grade crossings.

Leslie Lamont, Pitkin County Commissioner discussed the Conservation Easement adding that she has not seen Draft Agreement B; however she agrees with the Comprehensive Plan and encouraged this Board of Commissioners to stay on board with the negotiations. She commented that all people involved are trying to design and create better crossings keeping in mind safety and efficiency in the corridor which she sees in the Comprehensive Plan process. She added that she understands the RFRHA decision has been extended to the June 30th deadline. All people in the eight jurisdictions are trying to make sure to design and create better crossings, efficiency and safety in the corridor.

Commissioner Martin stated Garfield County has never offered to leave they have been asked to leave.

Walt Brown commented that Garfield County does have a Master Plan and require the same types of things already. The extra territoriality of it is what bothers him and has all along. The history of these grants they take a square piece of land and take a conservation easement and things over that land. They don't go over the boundaries of their effects, what's on that land is no problem but railroad is different, it is this is a long strip and the difference is the effect of this thing is to basically..... we have a wildlife and recreational component in our Master Plan that is no where close to this and yet this effectively changes things. This is his concern. GoCo has a statutory requirement, but Garfield County does also that we are required to follow. This takes it away in his opinion.

Commissioner Martin expressed that Garfield County loses its authority and our dedicated duty to make proper decisions and we have just delegated it away to someone that is not elected and not even in our valley and they may have a great idea which may be super for the whole valley but what it amounts to is we become useless - why are we here. That's why we are here, to make those kinds of decisions and we are capable of making those decisions and not to delegate it away.

Tom Newland added that the process has demonstrated to him that everyone needs to be involved in decisions on this strip of land. It is a strip of land that goes all the way up and down the valley and connects us all and needs to be looked at in a Comprehensive Plan. He called attention to the fact that other Counties also have Comprehensive Plans but are willing to work for the good of the corridor.

Chairman Smith stated that she has been involved from day one in the acquisition and applied for the funds taking a lot of flack from some of the other energy counties because we were even applying for it. It isn't that we don't think there is a value in the corridor but at that time GoCo was not a party to it and for the amount of dollars they are putting in are demanding a lot. They have their own rules, but no one else is demanding the same for their portion of the money.

Tom Newland stated the GoCo legacy grant was a real leverage instrument for them and did not get CDOT to come along and will not without GoCo money so it's more than just \$2,000,000 it is really a \$5,000,000 donation that the legacy grant has given this endeavor.

Mick Ireland in 515 Independence Place, Pitkin County - agrees with Garfield County and should not be a land use agreement. CDOT is spending \$30 million on a 4-lane highway. And CDOT demanded the restriction of the crossings. Mick stated it would go forward and wants GARCO go with it.

George Rousseau - 0487 Sunset Drive - ditto what Leslie Lamont stated; acquire the Corridor and go through a Comprehensive Plan process. He stated the Eagle County Commissioners want GARCO as part of the process and urged the Board to endorse.

Bob Boyle - property owner and tax payer and a railroad advocate. He expressed a concern from land use and rail crossings added you can't have too many agricultural crossings. When one purchased their property you have a given of "no absolutely right." He added that railways provide a method of travel without the parking problem.

Kay Phillip - 75 South 3rd - serves with Bob Boyle with the Roaring Fork Forum and encourages the inclusion of everyone.

Robert Burry - 9175 Highway 82, Carbondale - own a farm and depending upon private crossing to Hwy. 82 share the concern of RFRHA's control of adjacent land use. No plans to develop the property, but if that day does come his concern would be that an approving authority that he could be voted in or out; 2) what happens to private way crossings and the question was will they be consolidated. The answer he heard was that this will be dealt with in a Comprehensive Plan. This made him nervous and would like to see some language in the agreement that would assure the rights of property owners to continue crossing the railroad in its historical usage. Not thrilled that after the Comprehensive Plan is developed someone comes back and tells him - but we think you should go to Aspen Glen or Cattle Creek to cross the railroad.

Dave Sturges - asked if this would be continued.

Commissioner Martin - stated he felt the Board should review Plan B and wait for a final document from U. S. West and present our final draft next Wednesday 9:00 A.M. at the meeting.

Walt Brown agreed this Plan B should be given to the full committee as it was mentioned at the last meeting.

A meeting was set to review 1) Amendment to IGA and 2) the final agreement for 3:45 P.M. on June 23rd

CAPITAL IMPROVEMENTS PROGRAM

Mark Bean, Dean Gordon, Dennis Stranger and Peter Nichols were present.

Volume I of the Capital Improvements Program was submitted which dealt with the following topics: Garfield County Fiscal Profile 1995-1997; Inventory of Fixed Assets, Equipment and Vehicles; and Capital Expenditure Perceived Needs.

Dennis Stranger stated in providing this information to the Commissioners, they looked at the County for the next 20 years and even with the 3/4 cent increase in sales tax there still would not be enough money to do everything that was needed, therefore there was a necessity for prioritizing. He presented 3 parts - 1) the physical profile, 2) the fixed assets and 3) the perceived needs by the management team consisting of both elected and department heads.

His presentation was verbal and provided recommendations he received from input from the various governmental entities as well as direct discussions with elected and department heads.

Fairgrounds

This has been identified by City of Rifle as a desire to move it although there is no alternative and no funds to replace the facilities.

Airport

The Airport Authority is following their master plan and spending \$900,000 this year of which \$840,000 is being paid by State and Federal grants. The one item being pursued but not finalized is a fire fighting station at the airport.

Road and Bridge

There is a potential to save money if the three shops were consolidated with a possible maintenance staging area in Parachute and the main shop somewhere near Glenwood Springs.

This could easily be financed by the sale of existing sites being sold as each presently sits on valuable land. He projected operational and supervisory cutbacks and a combined utility bill. Regarding Road and Bridge equipment and how to finance, they keyed on establishing an internal service plan. A motor vehicle fund is a fund set up to do maintenance and replacement. The charges going to the sheriff would be segregated and held in the same fund.

Dean Gordon provided a capital improvement plan for Road and Bridge - focusing on serviceability and the road impact fee structure.

He defined serviceability in category amounts to the cost of keeping roads in serviceable condition and divided paved roads, graveled roads, and road base surfaced. Those not included would be strictly provided snow removal.

Serviceability was contrasted to road impact fees where certain roads are subject to impacts more than others. He suggested to have Road Impact Fee Roads where basically upgrading or expanding was required. Serviceability Roads included: chip/seal; overlays; reconstruction of culvert replacement; safety and bridge replacement. This activity is recurring and looking at it over 20 year, these items do not last normally 20 years except bridges.

Impact Fees

Dean commented that this was a complicated process and admitted it was subjective. Per conversations with Mark Bean and King Lloyd, he projected the needs of 19 roads or combinations that were subject to development over the next 20 years; 100 miles of road subject to a big percentage of the paved road surface which is 1/3 of the total paved mileage.

He ranked roads and prioritized into 4 categories:

- 1) anticipated needs
- 2) physical condition
- 3) current level of service
- 4) municipal priority (input from municipals gave a yes or a no.

Rating example

rated 1 - 5 (high 1)

Four mile - 7 segments identified

109 road - identified in past by the Board

240 - East of New Castle

231 - Silt Mesa

346, 319, 352 - Rifle

323 - Rulison

Four Mile - top priority roads

Four Mile - highest need was the lower part - 1.53

109 road - Sievers to West Bank - 0.46

117 Midland Avenue Exit - 0.52

117 - Hwy. 82 connection - 4.12

109 Aspen Glen to CR 108 - 1.43

300 Colorado River to Battlement Mesa - 2.40

335 - CR. 312 to I-70 - 1.33

117 Bershyni to Black Diamond 1.72

In summary there is a higher priority in the East end of the County with the most pressure being put on it. Most of the roads, except CR 100 to CR 102, all other came up in the bottom 1/3 of priority. Roads are in good conditions. The numbers didn't support a higher ranking such as Missouri Heights.

Impact Fee Roads

County Road	Location	Segments	
117	Four Mile		7
109	Harwick Bridge	3	
300	Parachute/Battlement Mesa		
335	Colorado River Road		2
114	CMC Road		2
100	Catherine Store Road		2
245	Buford Road		2

231/233/237	Silt Mesa	
346/319/352	Rifle Rulison	3
214/235	Peach Valley	
113	Cattle Creek	3
102	Missouri Heights	
240	Bruce Road	
346/331	Rifle/Silt	
103	Crystal Springs	
114	Red Canyon Road	2

Peter Nichols provided additional information stating the courts projected needing 14,000 net square feet. This is a result of the increase in crime rates and they estimate a need for 3 times as much space as they currently occupy. Dean stated this would mean 100,000 sq. ft. The Courthouse building has 71,000 sq. ft. The courts, if they stay here, will push everyone out and Rifle is the same. The District Attorney and Probation projected to double by the year 2020.

Options he suggested were to either build office space or court space and it would be far cheaper to remodel the present Courthouse for office space versus courts. A Criminal Justice Center was recommended and to build one new large building down valley.

Libraries

By the year 2020 they will need 5,685 sq. ft. of space.

Sheriff Vehicles

By implementing internal control the County could save about 1/4 million. This idea would work for motor pool and road and bridge and suggested to get someone hired in with experience in fleets to operate.

Personal computers, desk chairs came to a general total \$300,000. He suggested adopting a computing strategy, developing a general fund and passing down equipment to department needing basic word processing.

Public comments:

Bill and Charlotte Zilm - stated the consultants did a very good job and understand what is going on.

Dave Sturges - had a question on internal service and how it would be funded.

Dennis Stranger explained there would be a charge for vehicles per mile and transfer all police cars into a fund. This could be done in a transition period.

The method of Road Impact Fees was addressed and Dean stated you take a road which has a cost assigned divided by approximate number of projected vehicles equals level of service.

Dean added that the County will pay 2/3 of the cost and only 1/3 will come from road impact fees.

Georgia Chamberlain commented that she appreciated the work being done and added it benefits for everyone by doing this study. Now following through was the next step.

Kevin Milner - commented that 25% of the sales tax was for communications and referenced the Communication Authority.

Chairman Smith commented the bottom line is that \$320,000 a year is too little to do all that is required.

The Capital Improvements Plan was continued until July 23 at 10:00 A.M.
Adjourn 9:40 P.M.

JUNE 20, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 9:00 A.M. on Friday, June 20, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present was Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 9:00 A.M.

Don DeFord and Walt Brown were present.

Don and Walt provided updates regarding the Garfield County contribution of \$500,000 toward the right-of-way purchase for RFRHA.

Discussion with John Worcester was presented; agreements were examined that have been presented and the amended Intergovernmental Agreement was thoroughly reviewed.

Discussion regarding the final date of closing on the agreement with RFRHA was one issue in considering the final draft of the Amended IGA and the Conservation Easement.

RFRHA - Right-of-Way Contracts

A motion was made by Commissioner Martin and seconded by Commissioner McCown to ratify the RFRHA Right-Of-Way Agreements with the noted changes in language and also to hold the execution of such agreements until the County has all copies of the various documents executed or should there be injunctive relief entered by a proper court or prohibition of sale by STB or significant changes in the documents with respect to the Conservation Easement in a special meeting on June 20, 1997; carried.

Executive Session - Jail Issues

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss jail issues; carried.

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

Adjourn

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

JUNE 23, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 9:00 A.M. on Friday, June 20, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown were present. Also present was Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 9:00 A.M.

DISCUSSION OF APPLICATIONS FOR EXPANSION OF NUMBER OF GAS WELL DRILL SITES - TOM BEARD AND JOHN SAVAGE

Tom Beard and John Savage were present.

A discussion was held with respect to the oil and gas drilling sites in the Battlement Mesa area and how this is impacting roads, landowners, and some possible environmental mitigation.

A motion was made by Commissioner McCown to authorize the Chair to sign a letter of support to Tom Beard and John Savage when meeting with the Oil and Gas Commission in Denver and in protest of the mass gas well drill sites. Commissioner Martin seconded the motion; carried.

Chuck suggested John Savage provide some direction and input for this letter in order to clarify the issues they were wanting the County to support and protest.

Building and Planning

Mead Subdivision - Lot Lines Moved

Mark Bean presented a Right-a-Way extension for Taughenbaugh on County Road 320 which involved lot lines being moved.

A motion was made by Commissioner McCown and Commissioner Martin to authorize the Chair to sign the final plat; carried.

Conditional Use Permit - Daniel Smith

Daniel Smith - Submitted a Conditional Use Permit Application and the Board has the option of setting a Public Meeting, referring it to the Planning and Zoning or setting up a Public Hearing. A public hearing was scheduled for August 4, 1997 at 2:30 P.M.

Veterans Officer - Re-Open of Position

Chuck stated the Veterans Officer has resigned. The Commissioners directed Chuck to re-open the position.

Agreement to Provide Professional Consulting Services

Chuck stated this was the same as last year.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an agreement to provide professional consulting services for David M. Griffith and Associates, Ltd. to provide one central services cost allocation plan based on actual costs for the fiscal year ending in 1996 and other related matters; carried.

COUNTY ATTORNEY - LEGAL ADVICE

Executive Session

A motion was made by Commissioner Martin to go into an Executive Session to discuss legal advice regarding current status with contracts with Spacemaster, URS, Francis Construction, and Reilly/Johnson. Commissioner McCown seconded the motion; carried.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to contact Spacemaster and cancel our contract knowing that it is the sum of \$50,000 loss; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to send letters to those persons who assisted the County, URS Construction, Reilly/Johnson, and Francis Construction and also making appropriate payments to those firms; carried.

PERSONNEL WORKSHOP

Barbara Ramirez was present.

Discussion included what short and long term goals the Commissioners wanted for this newly developed department. It was determined that Eagle and Mesa Counties should be visited to provide Barbara with some ideas however, realizing these Counties were different from Garfield County in a lot of aspects; to have files presently contained in the Accounting Office transferred to the Personnel Office; and other areas involving training and medical orientation/forms.

New Employee Orientations would be held from 8 - 11 A.M. on specific dates.

DISCUSSION WITH McKENZIE TELECOMMUNICATION GROUP

Dave Scott was present.

A discussion included land use, revenue enhancements and PCS conversation with respect to interstate systems, towers, tall buildings, QWest and the eventually development of a plan for Garfield county.

COMMUNITY CORRECTIONS WORKSHOP

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard and Scott Wood and Jim Tanner of CMI, a Boulder based correctional management company presented their tentative plan for operation of a Work Release/Community Correction Program for 60 beds. The County would pay CMI \$34.34 a day per inmate to house its community corrections and work release prisoners.

All aspects of the arrangement was discussed including various locations as options.

A possibility of using the Spacemaster Building of which a lease with the County could be arranged was also discussed.

BUILDING AND PLANNING

Resolution - Amending Garfield County Zoning Resolution of 1978

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a Resolution concerned with amending the Garfield County Zoning Resolution of 1978 by the amendment of Sections of the Resolution related to the Right to Farm, Corrections Facilities, Communication Facilities, Heavy Equipment Storage and Group Homes for the Elderly; carried.

Referral to Planning and Zoning - General Store/Feed Store - Naugel

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer to Planning and Zoning the request of a General Store/Feed Store for Naugel; carried.

TELEPHONE CONFERENCE - ALLAN RANDALL - KJOL/KDRH RADIO

Allan Randall conducted a telephone conference with the Board of Commissioners discussing the jail, growth including the clustering; master plan including sewer/water districts; and Road and Bridge especially the sales tax generated revenue.

CONTINUED: GARFIELD COUNTY GRANT - RAILROAD RIGHT-OF-WAY

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the agreement in final form accepted by vote with the RFRHA Board. Don DeFord stated that once the agreement was approved, that he wanted it recorded in the Clerk and Recorder's Office. Motion carried.

Second Document - Non-Objection

Don DeFord stated this passed the RFRHA Board unanimously.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Non-Objection Amended and Re-stated GoCo Agreement; carried.

Don stated he would hold the Final Draft of the Conservation Easement; the GoCo Legacy Grant and the final documents Qwest Easement which he had explained will possibly involve two agreements - one with U. S. West and one with Qwest. To date, they do not have the U.S. West agreement. He had passed this on to John Worcester.

Don stated they did also ask about the form and date of payment. Final documents will be looked at and signed on Friday, June 27. To date Don stated he did not know who to pay.

Chuck suggested authorization of the Chair to extend the grant until the end of July. Commissioner McCown so moved; Commissioner Martin seconded, carried.

CITIZENS NOT ON THE AGENDA

Betty Hollenbaugh discussed 40 acre tract with the Commissioners in the Rifle area for a possible jail site. She stated the listed price was \$295,000.

Executive Session - Bill from Walt Brown

A motion was made by Commissioner Martin to go into an Executive Session to discuss the bill from Walt Brown. Commissioner McCown seconded the motion; carried.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize payment to Walt Brown legal services for \$1,037.50; carried.

Annexation - McLearn Orchard

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign plat on Annexation of Goldberg Tarasiuk to the City of Rifle, Lot 32, McLearn Orchard; carried.

Contract - Administrator

Chuck Deschenes was present.

Commissioner McCown stated to Chuck Deschenes that the additional 2.5% combined with the already approved 2.5% (total of 5%) raise retroactive to January 1st was the best offer they could do and would like a response by the first meeting in July if possible.

Asphalt Bids

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue the meeting to award the Asphalt Bids until 8:00 A.M. on June 24, 1997; carried.

JUNE 24, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, June 24, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present was Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 9:00 A.M.

King Lloyd, Chuck Deschenes, Don DeFord, and Greg Rippy were present.

Asphalt Award

King reported the bids were opened last week and that Grand River and Elam Construction submitted bids. 5 projects were submitted with instructions that low totals would be awarded.

A project on the upper end of CR 154; County Road 100, County Road 133 and County Road 245.

Grand River gave us a price of \$116,176.20 for A; Elam a price of \$124,448.00.

For project B - Grand River \$182,659.80; -Elam a price of \$198,668.

For project C - Grand River \$50,284.60; Elam \$49,496.00.

Project D - Grand River - \$20,434; Elam \$19,567.50.

Project E - Grand River \$95,736.20; Elam \$102,114.50.

King stated the totals that those came out to and noted the Board should make a notation that the Grand River packet has a math error and the totals for Grand River should actually be \$465,280.80 and Elam total was \$494,294.00.

Discussion occurred:

Chairman Smith - so you added in that \$2,377.00 in the bottom line.

Commissioner McCown - no it's not there, it needs to be another \$2,377 added to the \$465.

King - no, the \$465,280.80 is the corrected total.

Commissioner Martin - the bid shown is on County Road 100.

King - the math error was high so we deducted that

Commissioner McCown stated he didn't think it had been added to it.

Greg Rippy - it hadn't been added to it but that is the correct number.

Chuck Deschenes - considering the math error.....

Greg Rippy - the difference of \$2,377 was on the stripping portion which should have been extended at a unit price of \$.60 which was 123 which was portion instead of 2,500. There was no place on the bid for a total of all the projects but it came out \$463 and that is a math error. Using the correct number of 123 instead of the 2500 the \$465,280 is the correct number. It wasn't intended that the difference of \$2,377 should be added to the total.

Chairman Smith - okay

King - so I would like to suggest that the totals will need to be changed in the finalization of the contract and would like to suggest we make the award to Grand River Construction as we've discussed in previous meetings where we are trying to do a cooperative project with the Town of Glenwood on County Road 133. There is nothing at this point that has been finalized so I guess my recommendation would be that we not include project D for \$20,424 until we can get things worked out. If we can get it worked out.

Commissioner Martin - any indication as to when it is going to take place?

King - no, see there is another party involved. West Glenwood Sanitation District and Scott Leslie

Chairman Smith - he's the Director but who's the Chairman of the Board?

King - Lee Sphuler - is who you should be dealing with. Scott's usually the person he tries to deal with up there. We still have quite a bit of time to include that project in this year's work so I guess for purposes of this award, we don't have anything in place at this point, that I would suggest.

Commissioner McCown - I guess if we see any hope of this being done in the near future, I'd just as soon leave it in the bid, this price has been agreed, if the work's not done, then we just back it out.

King - all right

Commissioner McCown - because we may get our ducks in a row and get it done and then we wouldn't have to go out and re-bid it.

Chuck - or a change order could be implemented.

King - whatever is easiest is fine with me.

Commissioner McCown if it doesn't happen, we'll deduct it the \$20,424.

King - sounds good.

Greg Rippy - the only impact that has on me is my quantity and if I'm paying for the bond and the \$20,000 is included in the bond and we don't do it, then I have a bond expense to cover.

Commissioner McCown - okay, then we can back it out, I never thought about that.

Greg Rippy - it's not that big a deal actually.

Motion to Award Bid

A motion was made by Commissioner McCown to award the asphalt bid to Grand River Construction. He added we can change order and add it; the price will stay the same.

Chairman Smith - then maybe that would be better.

Chuck Deschenes - bond companies get enough money as it is.

Chairman Smith - okay

Commissioner McCown - okay I move we award the bid to Grand River Construction deleting Project D County Road 133 for R20,424.

King the new total would be - \$465,280, no I'm sorry - \$444,856.80.

Commissioner Martin - seconded.

Motion carried.

JUNE 30, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 30, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

Don DeFord, Walt Brown, George Hanlon, and Chuck Deschenes were present for the discussion on RFRHA updates.

The following motions were made with respect to this discussion and meeting.

Don DeFord presented on June 30, 1997 in a Special Meeting to re-authorize the Chair to sign both the agreement under which the County would tender one-half million dollars to RFRHA and sign the non-objection for modification can be made to the IGA for RFRHA.

The following motions were ratified that were acted upon June 30, 1997:

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the non-objection by Garfield County to the First Amended and re-stated Intergovernmental Agreement between Pitkin County, Eagle County, City of Glenwood Springs, City of Aspen, Town of Carbondale, Town of Basalt, Town of Snowmass Village all concerning the purchase and public ownership of the Aspen Branch of the Denver Rio Grande Western Rail Right-of-Way; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the final signature by the Chair on the Agreement between the Board of County Commissioners of Garfield County and Roaring Fork Railroad Holding Authority authorizing the disbursement of 1/2 million dollar contribution of Garfield County as a form or a grantor of those funds under the terms of that agreement and authorized to sign a subsequent budget agreement appropriating those funds; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to direct the County Administrator to disperse the 1/2 million dollars pursuant to conditions under which the 3rd amendment to the Quest easement, 1st amendment to the sub-easement between U. S. West and Quest and the drafts of the GoCo Legacy Grant and Conservation and Trail Easement all have been executed before closing in the form represented by Don DeFord to the Board including the facsimile; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a memorandum to the Treasurer to disperse the \$500,000; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin directing the Garfield County Clerk and Recorder record both the Agreement termed the Grant Agreement as well as the non-objection forthwith upon execution by the Chair of the Board of County Commissioners; carried.

A motion was made by Commissioner McCown to re-appoint Commissioner John Martin as the voting member on RFRHA Board process and re-appoint Walt Brown as the non-voting member on the RFRHA; and Mark Bean designated as an alternate either or to assure Garfield County has representation and Eric McCafferty as the alternate voting members for the RFRHA Comprehensive Plan. Chairman Smith stepped down as Chair to second the motion; carried.

Don DeFord, Chuck Deschenes and Margaret Long was present.

Margaret provided the Board an overview of Human Services last year, the needs for this year, direction for Garfield County regarding Health and Dental Care, State priorities, Block Grants within the Welfare Reform arena, Medicaid updates and reform, and Human Service Commission representation.

Human Services Commission

A motion was made by Commissioner McCown and seconded by Commissioner Martin on June 30, 1997 at a special meeting to appoint Oswald Mueller from Valley View Hospital to the Human Services Commission; carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn until July 7, 1997; carried.

JULY 3, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL MEETING of the Board of County Commissioners began at 11:00 A.M. on Thursday, July 3, 1997 with Chairman Marian Smith and Commissioners John Martin present; Commissioner Larry McCown was on the speaker phone. Also present were County Administrator Chuck Deschenes; and Deputy to the Clerk and Recorder, Marian Clayton.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 11:04 A.M.

ORDINANCE 96-2 - ESTABLISHING A PROCESS FOR THE IMPOSITION OPEN FIRE RESTRICTIONS WITH GARFIELD COUNTY, COLORADO - EXHIBIT A AND EXHIBIT B

Don DeFord presented a draft Resolution and explained the Board had received evidence of a continuing high fire danger in the County evidenced by a moisture content of less than 15% in thousand hour fuels.

The Glenwood Post will be the newspaper of notice.

Don explained to Commissioner McCown that Guy Meyer and Jim Sears were present. He added fireworks are exempt to sale and use by State Law. This cannot be enforced against fireworks.

Don added the County's procedure was the Board passed a Fire Ordinance and requires a Resolution finding less than 15% thousand hour fuels and a notice in the newspaper.

Guy Meyer - passed out information related to a red flag warning with a possible dry lighting. Haines index, which the Feds use, indicates fire could be rapid if it starts. He added the thousand hour fuel moisture for our area in Garfield County is running between 5 - 10 and 15 or below is what is used to make the determination. Therefore, based on this information Guy suggested implementing a fire ban.

Don referenced the Garfield County's Ordinance 96-2.

Commissioner McCown stated he did not have a problem and made a motion to accept the Resolution banning open fires and take action on it immediately. Chairman Smith stepped down as Chair to second the motion.

Discussion: A new date of August 4, 1997 at 4:15 P.M. was set to review the ban.

Motion carried.

Don informed Commissioner McCown that this would not be effective until published in the newspaper and Glenwood Post would be the source used.

Discussion continued. The radio would be informed of the ban and asked to provide public announcements by faxing them a letter outlining the ban; the dispatch center would be notified; and Public Television would be asked to include a notification also.

Jail Issues

The on-going jail issues were briefly discussed. Don submitted a draft letter to the City Council.

If the City uses a stall tactic on the jail issue, Don inquired as to the benefit of speaking once more with Russ George.

Commissioner McCown indicated that conversations had been held recently with Russ George who indicated unless the City and County were in agreement over the move of the County Seat, then he suspected that Russ with his local representation would fail it in the House. He projected that Senator Wattenberg might carry it in the Senate.

Chuck reiterated that this was an issue where good business and good politics go hand in hand and have the unique opportunity with all the publicity regarding the jail turn down to keep it shoved in front of the voters. This is the maximum chance of getting Russ too buy off on it. He doesn't like potentially the position the Colorado Municipal League might take in this, but again good business and good politics aren't always opposite ends of the pole and in this instance they should be identical. Chuck mentioned that some Eastern slope Counties have been successful in getting this type of legislation passed and this leaves Garfield County being treated with disparity and to have the courts and the jail separate is just plain bad business and a waste of taxpayers funds. Keeping it that simple is the best change.

Commissioner McCown stated he agreed with this theory.

Chairman Smith noted Gilpin County got it passed.

Commissioner McCown asked how many counties had this in place. Don stated Arapahoe and Gilpin Counties. Arapahoe is unique with Littleton and Aurora in their Counties. Commissioner McCown stated he didn't have any problem pleading our case to Russ George. Again, he recommended to wait and see what the City did and if they pulled the stall tactic, then it may be time to look into other solutions.

Dale Hancock joined the meeting and mentioned the "My Side" published in the Glenwood Post written by Sam Skramstad, Bob Zanella and Lou Trapani was well done.

Additional discussion was held regarding submittal of the Resolution before the City due to the late agenda time set to hear this.

Chairman Smith mentioned the fax she had received from the Chamber of Commerce highlighting three items on the City Council Agenda for tonight's meeting - land use, city buses for local use, and the ordinance to support the jail system.

It was decided that a letter should be submitted to City Council requesting a Special Meeting with City Council.

Commissioner Martin provided that the Resolution may be tabled by City Council, however, if the Commissioners attend the meeting, then they will expect the Commissioners to withdraw. Commissioner Martin stated the City Council wanted the Commissioners to withdraw it.

Don suggested the letter include, "Additionally your staff informed one member of our Board the consideration of our Resolution could possibly be tabled. Also your staff suggested that we withdraw for this meeting our request for consideration of our position on relocating the jail and court facilities."

Commissioner McCown stated he would be out of town and had a problem with dates of re-scheduling the special meeting for the 17th of July.

A Special Meeting dealing with this issue specifically would be the Commissioner's recommendation.

Don stated the issue that needs to be decided is whether all three Commissioners need to be at the meeting of City Council tonight.

Commissioner Martin stated he would be in attendance.

Chairman Smith stated she wanted all conversations with the City in an open, recorded meeting.

Commissioner Martin had a conversation with Mike Copp and reported there was a strong likelihood that the Resolution would be tabled and Mr. Copp wanted to be informed if the Board was going to be requesting action or a vote. Also, Mr. Copp wanted to know if the action they take hinged on our response to any litigation.

A consensus of the Board was that there would not be a response to any form of litigation this Board may take; and yes they expected action tonight in the form of a vote taken; and by submitting the letter to City Council would put this issue before Council requesting a special meeting.

Commissioner Martin stated he would be in attendance at the City Council meeting tonight and represent the Board of Commissioners.

Chairman Smith clarified that the letter would be signed, copies made for each Council member, and if they table the Resolution, then Commissioner Martin would ask for a special meeting on the TV screen.

Don stated another comment in the letter of discussion included, "we have not appeared as an entire Board for the sole reason we were told it would be pointless as a result of the tabling of our request." Commissioner McCown suggested "in the likelihood our request was going to be tabled." Commissioner Martin suggested "could be tabled."

An agreement was made that this letter would be personally delivered to City Manager Mike Copp by Commissioner Martin.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter to be the City Council of Glenwood Springs setting forth the Board's position concerning the tabling of the County's Resolution for relocation of the court and jail facilities. Motion carried.

Spacemaster

Don presented that Chairman Smith had signed a letter authorizing Spacemaster terminating their agreement which required the \$50,000 payment. Subsequent, Dale and Chairman Smith asked Don to hold off pending what might happen with Community Corrections. Don asked for directions of the Board.

Dale stated the management staff from CMI have reviewed the building in Carbondale and it is not cost effective, however, they would like to consider the Spacemaster building.

Don stated we are still within the 90 day period and wanted the Board to be aware that the letter had not been sent to Spacemaster.

A consensus of the Board was to hold off and look into the possibility of looking into a lease arrangement with CMI with a possibility of selling the unit after the lease arrangement.

Midland Avenue - Annexation

Don reported that Robin Milyard had contacted him stating the legal description for the Midland Annexation was incorrect and Robin's position in respect to Park West annexation left about a 2 foot gap between Park West and the Midland Grade Subdivision and wanted this corrected. Don stated even though it is only 2 feet there were some technical defects that should have been found months ago, the problem is who owns this other than the County's right-of-way, how did this come into County's hand. The questions is should Sam Phelps change this legal description. Don asked for direction of the Board. This is on City Council's July 17th agenda.

Discussion - The Board directed Don to proceed to have Sam Phelps use his best judgment, correct the problem and the County would pay for it.

Adjourn - until 7/7/97.

JULY 7, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 7, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Lift-Up House

Chuck Deschenes reported he had a "Bill of Sale" conveying to John Hazen a two story Victorian style home with all interior improvements in an "as is" condition based upon the contingency that the home be moved no later than August 20 otherwise it resorts back to ownership to the County.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Bill of Sale as presented; carried.

Declaration of Trust - CCOERA

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Declaration of Trust with the verbiage necessary to change the Retirement Association Deferred Compensation Plan Trust; carried.

Comprehensive Annual Financial Report

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an agreement for an engagement letter for Yanari, Watson, Lyons and Company, P.C. to provide service to Garfield County with a Comprehensive Annual Financial Report for the year ended December 31, 1996 for \$19,800. carried.

Mineral Leasing to Municipalities - Letter of Consent

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter to the State of Colorado, Department of the Treasury regarding mineral lease allocations to municipalities; carried.

Sales Tax Distribution to Libraries - Budgeting Purposes

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a memorandum regarding the 1998 Sales Tax Distribution Percentages of 75% for budgeting purposes to the Library/Public Works; carried.

Human Services Commission

Discussion was held with respect to the appointment of District Attorney Mac Meyers to the Human Services Commission. A decision was made to check with Mac prior to the Commissioner's action.

Vegetation Management Position

Chuck reported that he had one applicant for this position. A date and time was scheduled for interview.

New Accounting Software

Chuck stated he would be looking for submittal in his administration 1998 budget for new accounting software which was one of the recommendations made by the auditors in their management review comments.

Additional VISA Credit Cards - Sheriff's Department and Personnel Director

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize a \$2,000 line for two new additional credit cards: one for the Sheriff's Department and the other for the Personnel Director; carried.

Update on Communications

Chuck reported that a Job Description had been developed for the Director of Communications under the Communications Authority.

Personnel Meeting

Chuck announced the next Personnel Meeting was scheduled for July 9 - 1:00 - 3:00 P.M.

PAYMENT OF BILLS

Chuck presented the claims against Garfield County for the 1st run of June, 1997.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the payment of bills; carried.

Ratify - Letter to City Council

A motion was made by Commissioner McCown and seconded by Commissioner Martin to ratify the action taken by the Board in a Special Meeting held on July 3, 1997 at which time a letter was authorized for the Chair to sign to the City of Glenwood Springs City Council in regard to setting forth the Board's position concerning the tabling of the County's Resolution for relocation of the court and jail facilities; carried.

Ratify - Resolution - Fire Ordinance

A motion was made by Commissioner Martin and seconded by Commissioner McCown to ratify the action taken by the Board in a Special Meeting held on July 3, 1997 at which time a Resolution was approved to be immediately effective upon proper publication to ban open fires referencing Garfield County Ordinance 96-2; carried.

Employee of the Month - Recognition Luncheon

Mildred Alsdorf submitted a request that the Commissioners close the Garfield County Offices from 11:00 A.M. until 1:30 P.M. on July 23, 1997 for the Annual Employee of the Month Recognition Luncheon. Discussion included inviting the Library to be a part of this function.

A motion was so moved by Commissioner McCown and seconded by Commissioner Martin; carried.

RATIFYING PREVIOUS ACTION TAKEN IN SPECIAL MEETINGS

RFRHA - Right-of-Way Contracts

A motion was made by Commissioner Martin and seconded by Commissioner McCown to ratify the RFRHA Right-Of-Way Agreements with the noted changes in language and also to hold the execution of such agreements until the County has all copies of the various documents executed or should there be injunctive relief entered by a proper court or prohibition of sale by STB or significant changes in the documents with respect to the Conservation Easement in a special meeting on June 20, 1997; carried.

RFRHA - Dispersing the Money - Memorandum to the Treasurer

Don DeFord presented on June 30, 1997 in a Special Meeting to re-authorize the Chair to sign both the agreement under which the County would tender one-half million dollars to RFRHA and sign the non-objection for modification can be made to the IGA for RFRHA.

The following motions were ratified that were acted upon June 30, 1997:

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the non-objection by Garfield County to the First Amended and re-stated Intergovernmental Agreement between Pitkin County, Eagle County, City of Glenwood Springs, City of Aspen, Town of Carbondale, Town of Basalt, Town of Snowmass Village all concerning the purchase and public ownership of the Aspen Branch of the Denver Rio Grande Western Rail Right-of-Way; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the final signature by the Chair on the Agreement between the Board of County Commissioners of Garfield County and Roaring Fork Railroad Holding Authority authorizing the disbursement of 1/2 million dollar contribution of Garfield County as a form or a grantor of those funds under the terms of that agreement and authorized to sign a subsequent budget agreement appropriating those funds; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to direct the County Administrator to disburse the 1/2 million dollars pursuant to conditions under which the 3rd amendment to the QWest easement, 1st amendment to the sub-easement between U. S. West and QWest and the drafts of the GoCo Legacy Grant and Conservation and Trail Easement all have been executed before closing in the form represented by Don DeFord to the Board including the facsimile; carried.

Memorandum to the Treasurer

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a memorandum to the Treasurer to disburse the \$500,000; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin directing the Garfield County Clerk and Recorder record both the Agreement termed the Grant Agreement as well as the non-objection forthwith upon execution by the Chair of the Board of County Commissioners; carried.

RFRHA Voting Members

A motion was made by Commissioner McCown to re-appoint Commissioner John Martin as the voting member on RFRHA Board and re-appoint Walt Brown as the non-voting member on the RFRHA; and Mark Bean designated as an alternate either or to assure Garfield County has representation and Eric McCafferty as the alternate voting members for the RFRHA Comprehensive Plan. Chairman Smith stepped down as Chair to second the motion; carried.

Human Services Commission

A motion was made by Commissioner McCown and seconded by Commissioner Martin on June 30, 1997 at a special meeting to appoint Oswald Mueller from Valley View Hospital to the Human Services Commission; carried.

Minutes

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the minutes of: Special Meeting February 4, 1997 on the Capital Improvements Plan; April 10, 1997 on Jail; April 18 on the Jail; Continued Meeting April 22 Road and Bridge - Bids; Special Meeting with the Building and Planning Commission April 23, 1997; carried.

Agenda - Tuesday July 8 with Glenwood Springs City Council

County Road 154 and Mel Rey Road; Railroad Right-Of-Way Crossing; Support of Four Mile Road; Lookout - Rudd; and 40% or more slope concern with building envelopes.

JAIL DISCUSSION

Tom Dalessandri, Don DeFord, Dale Hancock, Al Maggard, Dave Sturges, and Chuck Deschenes were present.

Jail Count

Total in jail: 120; 47 main jail; 44 Work Release; 8 females; 19 other jails; no Home Detention; no Day Reporting and 19 DOC.

The Wulfshon Property was discussed briefly stating 5.6 acres have been mentioned as a site for discussion.

Special meeting with the City Council of Glenwood Springs

This is scheduled for July 15th at 6:30 at City Hall. Chairman Smith stated this would be a Continued meeting of July 14th.

Executive Session

Don stated he needed an Executive Session sometime today to provide advice and receive direction regarding jail litigation issues.

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

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

Community Corrections

Dale Hancock reported he had the 1997-98 contract for the use and benefit of the Department of Public Safety, Division of Criminal Justice signed by Chairman of the Correction Board that needs to be signed by Mildred Alsdorf for 20 beds for a \$274,976 contribution.

Al Maggard some of the Community Corrections Board operate independent.

Dale stated he would like to ability to have a fund balance. The 5th judicial district operates that way.

Al announced the regular board meets Thursday at noon at the Hotel Colorado.

Executive Session - Potential Litigation Regarding Jail

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss litigation issues; carried.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize Don DeFord to proceed on litigation regarding the jail issue; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

George Hanlon 1208 Catherine Court, Carbondale - Sanders Ranch - stated he filed for condemnation on the right-of-way however he was interested in continuing working with RFRHA. This was to ensure that he did pursue every avenue on zoning to assure access.

George stated he spoke with Don and Mark regarding the regulations because he wanted to understand some of the background as it related to this vested easement issue and Don explained.

George commented he knows Sanders Ranch is on List C; they are pursuing condemnation; they own both sides of the property; and not having to go through someone's property to ask for access or to ask the board

to condemn access. He did ask the Board to allow Planning and Zoning to at least look at that portion of the regulation on List C. He understands the intent but thinks this situation is different. Additionally, he stated he feels that if he is going to work with RFRHA his big concerns is that we are dealing with one Board over here on strictly the planning of an access and don't even have the ability to identify what the community or the development's going to be. This is a concern of working the left hand and the right hand without putting them together. For all these reasons, he is making a request for the Board to consider the regulations and how it affects those properties adjacent to the rail and how we can at least proceed with their zoning process given the circumstances of it.

Chairman Smith asked Don if he looked at those and would this be a proper way to do this - under the zoning amendments to the County zoning Code?

Don stated both he and Mark had talked to George about this and they agree the Board would need to amend their PUD regulations. Many things are flexible in a PUD and traditionally PUD's in the County are done with extensive conditions. This is one of the areas that is very certain and requires a vested legal access. So that would have to be amended. From Don's perspective this is what he informed George he would advise the Board. It will be required as part of the application.

Chairman Smith asked George if he knew how long his condemnation process would take and/or the time from in working with this.

George - under the condemnation, you can sue for possession which brings all the legal issues to the forefront and he's been informed it is 90 to 120 days in terms of the courts determination, then the other issues is valuation. And this maybe the process they take. The other side of it is that he doesn't think he's tried to take the adversarial position but he has attempted to work through the administrative process to reach a conclusion. His initial intend is to go to approach RFRHA and say would you be willing to modify List C or at least grant them their access otherwise they will pursue condemnation. Other than working with the county on some type of amendment to the regulations, it doesn't make it hard and fast because he didn't think hard and fast as it particularly relates to the access when you own both sides of the tracks is what the intent of the regulations were. The reason the County regulations were there and put into them was to address the problems the County had. There is a lot of flexibility in PUD's and certain requirements the Board can place on Sanders Ranch.

Commissioner McCown - stated that he and Don had conversations and he was not in favor of amending the regulations. What about letting George proceed upon obtaining legal access prior to the Board's approving.

Don stated this is what George is requesting, he wants to be able to file a request for a PUD under circumstances that the Board could impose a condition upon approval before a plan is submitted or a final plat approval provided he has to come in and proved he has legal access. It puts the Board in a position of reviewing a PUD that may never have access.

George stated he does have access to his property either through 154 or 109, but these are alternatives if he is not successful going across the rail. George stated he wasn't the only one.

Commissioner Martin informed George that RFRHA was talking about crossings and accesses already and wondered why George's was not listed on the agenda. It is for July 11th.

George again asked if he could start the process to see if they are totally in left field or that they have some consensus as it relates to the overall zoning concept, understanding that they would not get zoning approval until they can assure this Board that they have access. This would at least allow Sanders Ranch to be talking to RFRHA on the Comprehensive Plan along the same lines and this is probably the more important thing to be able to make some type of presentation.

Don responded back to what Mark and he talked about on Friday, there are some changes to the PUD regulations being discussed at present in the Planning Commission and if this Board is interested without saying whether or not you are committed to changes this specific provision, but if you're interested in it, then the Planning Commission should take a look at it.

Commissioner McCown stated he was not in favor of changing the regulation.

Don - if you don't change the regulations, the way it is worded right now then when this application were to come to Mark, we would have to say they can't accept it and they couldn't even start it due to the wording. Again there have been issues in the past that have caused this. If you want to make this for something a conditional approval could be given or some contingency out there, then you could consider the application, pending receipt of a firm access then we need to make changes to this regulations.

George stated his is not access to a public road or to a road, it is simply access to his property. And this is the difficult part. The tie into Hwy. 82 is something they are moving on, but his property is separated by a

railroad that they have been crossing, but now he has to prove that he has a vested right to cross it. It is a situation where he owns both sides. They could take the attitude that they will only zone half of it for the present, but there again, you get back into what has plagued this county forever, a good comprehensive plan never develops when a developer works around the County's regulations and do whatever I have to do to obtain what I can. He's not here for that reason. If he needs to go to the Planning and Zoning, then he will do that. He is not the only property owners that will be dealing with this same issue up and down this valley.

Chairman Smith stated George still needs to deal with RFRHA.

Don stated what they have not wanted to do in the past was to review extensive PUD projects where we didn't even know if access was feasible. This is the main reason this regulation is in place. Also, the Board has felt they were put in a box as a Board in the past where they felt they had to use condemnation authority for a private developer. If you change the regulation some of those may be opened up.

Chairman Smith asked if it could be considered in a fairly narrow context similar to property that is split by a gully, river, - is a railroad a split of property?

Mark added it was completely different ownership and this is the issue. This is a question and the regulation is very clear. The question here is - is there a vested right for the type of development proposed on the property.

Commissioner McCown stated we can't even take a look at the proposed development until he shows us legal access, so we don't really know what he's proposing.

Commissioner Martin once again stated the July 11th meeting is where George needs to start.

Commissioner McCown stated P & Z needs to take a look at this regulation and hates to see something like this happen when the intent of the regulation was not referring to this situation. However, he cautioned if there is a modification, he did not want to open up Pandora's box.

Mark stated they have suggested a way to do this without getting into specifics of their project and that is to use the County's comprehensive plan that P & Z has adopted as a basis of explaining the dilemma created by the railroad right-of-way and this gets to the issue of the right-of-way and the way that they are written.

George commented he believes the condemnation action - the comp plan has a lot of bearing on that and it also, if they are able to establish what they could do with the property under the comp plan, has a lot of bearing as well. Not only on the value but also has a bearing on what was the intent of the parties and what is equitable and - railroads are crossed everyday and this is not a situation that we can't cross. Again he stated he felt the Court would certain, in the process, when they own both sides of it, realize they never intended to land lock themselves and have the basis for at least asking for consideration and the basis for at least asking this is where the county is and where does the county want to go in this process. If we've going to go through the comprehensive plan and establish certain land uses, mark won't have anything to review if they can't present it.

Mark stated from day one, it has been an issue - what effect is the railroad right-of-way and their planning is going to have on the existing plan.

Commissioner McCown asked if a medication could be made that specifically addresses a rail crossing through property.

Mark stated yes, he thought it could.

George said tell him where to go and he would.

Commissioner Martin and McCown both agreed that he should start at P & Z.

COUNTY BUSINESS/EMPLOYEE OF THE MONTH

Kristi Broman-Wight from Social Services was awarded the Employee of the Month.

DEPARTMENT HEADS

Emergency Management

Guy Meyer regarding the Fire Ban publication, Guy said he spoke to the Glenwood Post. It was over there and they couldn't tell Guy why it hadn't been published.

DR-COG

Guy stated this is for the Regional Position and encouraged the Board not to participate in the funding of this. When the program was started it was a good idea and a lot of good things occurred, but now we only have 12 Counties and the regional position is not needed.

Commissioner Martin once again complimented Andy and the Weekenders program.

Extension

Carol McNeel introduced Pat McCarty, the new Extension Agent.

Pat will be attending the Weed Tour in Delta on July 8th.

Pat informed the Board that his recent past was as a Resource Planner with the Al Mountain Partnership - a partnership of state and federal agencies and private landowners in a 5 year time frame - agricultural and natural resource issues working with ranchers and landowners to help solve some of the problems elk and livestock related issues. Also educational and information issues related to this type of things which he shared. Thus far in his short tenure he is getting a lot of horticultural questions and he needs to study up. He is planning to set aside one day each week to meet with these people and get familiar with the people and the problems.

Carol reported the Horse Camp was last week and Lee was a big help.

Fairbooks

Fairbooks were presented.

Directorship - Holly not here anymore. Carol stated she is the director only for Garfield.

Community Correction

Dale Hancock submitted a bill of sale and assignment of equipment and FCC authorizations and a check for \$5,000 from the Vacation Channel, Inc. He stated a copy of site lease agreement is being reviewing by Don for substance and form.

Dale stated the site at Sweetwater Creek is still ours; we are only selling the license.

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign the Bill of Sale and Assignment to the Vacation Channel, Inc.; carried.

Telecommunication Board

Dale was directed to go ahead and advertise for interested persons to serve of the Telecommunication's Board.

A press release was mentioned as one way to draw interest.

There is an ordinance that has the guidelines and Dale suggested a Mission Statement as well.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to proceed with the advertising for a duly authorized telecommunication board; carried.

Offers on Hardware

Dale stated he had some offers on some miscellaneous hardware stored at Road and Bridge for old TV Stuff and offers for translators. He asked to sell the hardware parts but would like to hold off on the larger items as he trying to make a deal with Channel 6 in tuning up their broadcast on 5 sites.

Discussion

Chairman Smith stated Dale should ask more specifics regarding the hardware they want and get back to the Board.

Building and Planning

AMENDED PLAT - SUNLIGHT EXEMPTION. APPLICANT: PETER BRIGHAM

Mark Bean presented the amended plat for the Sunlight Inn Exemption for Peter Brigham. Moving a line to accommodate the ice rink. Skating rink was not included. This is an amendment. Mark requested the Board approve a plat subject to the County Attorney and staff review for Sunlight Inn. Commissioner McCown so moved, Commissioner Martin seconded; carried.

PUBLIC HEARING; ZONE DISTRICT TEXT AMENDMENT - SECTION 2.02.07 (1)

Mark Bean and Don DeFord were present.

Don stated publication was made and should be accepted into the record.

Chairman Smith swore in Mark Bean.

Mark submitted Exhibit A - Proof of Publication; Exhibit B - Project Information and Staff Comments. Chairman Smith admitted A and B into the record .

Mark Bean submitted a Zone District Text Amendment to Section 2.02.07 (1), Garfield County Zoning Resolution. Mark explained that Garfield County agreed to settle a lawsuit brought by the Colorado Manufactured Housing Association by the modification of the County Zoning Resolution to allow manufactured homes of certain dimensions in every zone district. The attorneys for the Manufactured Housing Association reviewed the language before adoption and had accepted it. Subsequently, they have had a problem with one section of the definition of building contained in 2.02.07 (1), dealing with the wind design parameters. Mark summarized the only change was from "and" to "and/or" regarding the wind design and windload option in Resolution 95-043. He further added that the staff has never had a problem with this and the language in the issuance of building permits for manufactured homes subsequent to the adoption of Resolution No.. 95-043 since a local deal submitted an analysis of the wind design and windload requirements that demonstrated at a "HUD Certified" unit meets the requirements of the resolution.

Rather than spend an inordinate amount of legal time dealing with the "and/or" issue, the Board of County Commissioners have decided to amend the language.

Recommendation:

The Planning Commission recommended APPROVAL of the proposed zone district text amendment at their April 9, 1997 meeting.

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a Zone District Text Amendment to Section 2.02.07 (1) of the Garfield County Zoning Resolution; carried.

**PUBLIC HEARING: LIQUOR LICENSE - DOWN VALLEY, INC. DBA RELAY STATION.
APPLICANT: PHIL HENKE - TAVERN LICENSE**

Mildred Alsdorf and Phil Henke were present. Mildred swore in Phil.

Mildred Alsdorf presented the request for a tavern liquor license for Phil Henke dba Relay Station. She stated fingerprints and criminal history has been run and no adverse reports. One problem occurred, the State raised their fee schedule and Mildred informed Phil Henke needed to submit another check. She also showed the Certificate in good standing for the State. The petitions state the tavern will be operated as a County/Western place as before which he ran for about 13 years. The sewer and water agreement with Phil Henke is okay for him. He also stated the Ranch at Roaring Fork was glad to have him back. In regard to the parking with David Brown, he has an agreement with Lot 13 and 14 and a proposed deed to Phil Henke at a cost and to be used for open space. 11,000 square feet to accommodate 50 cars. Phil stated he will only serve dinner Friday and Saturday night and will be promoting banquets, weddings, etc. during the week. The Tavern is different but they will still have food specializing in baby back ribs and barbecue chicken and sandwiches. Phil stated it planned to put everything back and restore it like it was. He plans to open end of July.

Mildred stated she will go and take more pictures.

Mildred stated there will be a school for "servers" on July 17 at the Courthouse.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a tavern liquor license for Down Valley, Inc. dba Relay Station for applicant Phil Henke; carried.

Mildred commented she will draft a Resolution to raise the fees here in Garfield County for liquor licenses.

CONTINUED PUBLIC HEARING - AMENDED PLAT - ANTLERS ORCHARD DEVELOPMENT COMPANY. APPLICANT: RAY GILBERT

Mark Bean, Don DeFord and Ray Gilbert were present.

Mark Bean presented he had a conversation with Mark and asked for the meeting to be continued. He wanted to do more research.

Ray Gilbert submitted a request to amend the Antlers Orchard Development Company plat for lots included in a parcel of land owned previously by Robert J. Antonelli and an amendment to 8 lots. After conversations with joining property owners they are slivers and not buildable lots. The amended plat process does not obligate the BOCC to approve. Amended plat are usually to make the lots cleaner, etc. A map was presented and Mark stated he could amend it to five.

Karen Greene of 0600 County Road 216 and Jeannie McPhearson were present.

This was continued until August 18 at 3:45 P.M. by a motion made by Commissioner McCown and seconded by Commissioner Martin; carried.

Fairgrounds - Colorado Quarterhorse Association

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the contract for the Fairgrounds for the Colorado Quarterhorse Association for July 23 - 27, 1997/Carried.

Fairgrounds Committee

Discussion was held regarding having Chuck sit down with the committee and develop a program to plan for the Fairgrounds and not for running events as they are experiencing burn-out by running events. It was suggested that non-profits such as the Rotary Club, Chamber, etc could run these events and make money at the same time.

Resolution and Plat - Susan Stevens Trant

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County subdivision regulations for Susan Stephens Trant; carried.

Request - Westbank Mesa Limited Partnership - Release

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a release of security for the Subdivision Improvement Agreement for Westbank Mesa Limited Partnership with the exception of \$10,000 for revegetation; carried.

Continuance of Exemption - Richard and Karen Haff

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue the SB-35 Exemption for Richard and Karen Haff until November 1997; carried

ROAD AND BRIDGE DISCUSSION

King Lloyd presented the report.

Mag Projects

King provided an update on the mag projects on both side of the river. West Rifle; South of the River; CR 320, and Beaver Creek.

Landfill

King submitted a comparison report and stated that business is doing good. The only one dropped is BFI.

He added the blow off from the oil and gas have been making the gatekeepers ill.

Weight Reports

King submitted the weight reports for May and June.

Budget

King stated he may be over budget at the Landfill in that he has had to drill one more well that previously expected.

Rotomil

Bob Mosten originally reported approximately 4,000 ton of Rotomil would be available, now that is down to 2,000 ton. King and Kenny are going up to measure the pile and see how far that will get the road work.

Citizens - County Road 250

King reported there is a petition being circulated with about 95% of the property owners who want County Road 250 paved and question why it has been returned to gravel.

Discussion:

A group of landowners appeared before the commissioners to submit their petition and request the road be changed back to gravel surface. The following spoke on that issue:

Stan Barrows of County Road 250 referenced County Road 266 which King explained it has evolved from a gravel base and they are only do a chipping.

Rose Rauman 2158 County Road 250 - has her home for sale and the road has been paved for 25 years.

Louann Pifer concerned about the County taking 5 years to re-pave the road.

Sue Durer - this is a school bus road and she has a handicapped child.

Stacey West 251 County Road stated that plowing is first priority.

Wes Morris referenced the pipelines and irrigation.

Brenda Hazelwood - expressed major concerns. She claims the County is tearing up the road and that it is not being re-done this year. The road needs to be a top priority.

Commissioner McCown - stated it will take 1/2 million for County Road 250 and only \$140,000 for Sunrise. This year County Road 250 was returned to gravel and it will be on the list next year to be re-paved. He explained that it is better and less expensive to do roads in phases.

Chairman Smith - commented if they started on it now, it would be on next year's list before it could be re-paved.

Commissioner Martin requested that all of the residents become watch dogs and alert the Sheriff's department if there are speeders.

CITIZENS NOT ON THE AGENDA

Gail Samuelson of 6491 County Road 115 stated a concern regarding Wayne Rudd and a landing strip of 6,000 feet for private aircraft off the Spring Valley.

Commissioner McCown commented that it takes a Conditional Use Permit to have a landing strip and nothing has come before the Commissioners.

Pete Simmons, Red Canyon Ranch requested the Commissioner incorporate a Public Hearing for Conditional Use Permits and include restrictions for airports.

Jim Larson - Silt Mesa - County Road 266 - expressed appreciation to the Board of Commissioners. He mentioned the stall work on the Rail Corridor and the County Jail have gone above and beyond the call of duty and commented these were difficult issues and felt they were doing a great job of representing Garfield County. He encouraged them and asked them to continued. His concern was on County Road 266. He has talked to Marvin and thanked King and Marvin and requests the County install speed bumps on the road and he and his wife will contribute the labor.

Don stated this was not appropriate. The road is short less than 1 mile and loops onto other roads, no traffic controls or signs. Law enforcement was the key to solving speeders. He requested signs with a low speed rate and stated he will follow up with law enforcement.

John Schenck requested a continuance for Dr. and Mrs. Allen regarding the Gaddis's until August 4 at 4:30 P.M.

DISCUSSION: BOB MAYO - ASSESSED VALUATIONS AND LAND USE REGULATIONS IN GARFIELD COUNTY

Don DeFord, Mark Bean, Steve Rippy, Chuck Deschenes and Bob Mayo of 295 County Road 290 Road - New Castle - was present to complain about the current building code, planning and zoning and assessed valuation of property stating they were at rash odds. The Assessor is going around and assessing property that cannot be replaced and disclaimers are being put on deed where if people sell the property they can't replace what is there and you have individuals buying insurance on property that is there and the insurance companies are not going to pay off if there is a loss.

Chairman Smith asked Bob what was the specific thing he was before the Commissioner.

Bob stated that in all the modulars and trailers are zoned out and can't built a house without hiring an engineer, an architect a couple of lawyers and go through about 10 meetings which is adding to the costs and turning Garfield County into Pitkin County by the adoption of Resolutions in Planning and Zoning.

His main complaint is with the Assessor is he assessed his trailer for \$80,000 and he cannot replace it as it is too old.

PUBLIC MEETING: SB-35 SUBEXEMPTION LOCATED APPROXIMATELY 6 MILES NORTH OF NEW CASTLE ALONG COUNTY ROAD 243. APPLICANT: MARY DONLAN

Eric McCafferty, Don DeFord and Mary Donlan of County Road 243 were present.

Don determined that adequate notification was completed and advised the Commissioners they were entitled to proceed.

Eric McCafferty presented this is an exemption from the definition of subdivision for Mary Donlan on two tracts of land 25 acres plus located approximately six miles north of New Castle along county Road 243.

The applicant proposes to divide, by exemption, two 12.5 acre tracts into a total of three parcels of 6.0, 7.4, and 9.8 acres each, more or less.

Discussion:

Chairman Smith suggested to continue this and give Mary a change to provide the Board with the following:

Floodplain mapping of Main Elk Creek relative to the property;

Lot slope determinations that comply with the Zoning Resolution;

Initiation of a water augmentation plan;

Determination of driveway locations and consultation with Road and Bridge;

and Confirmation of inclusion within a fire protection district.

A motion was made by Commissioner Martin and Commissioner McCown to continue this until August 11 at 3:00 P.M. so the applicant can have time to answer these several concerns; carried

Road and Bridge

King Lloyd presented he had a request from the Glenwood Chamber of Commerce, organizers of the Circus to be held on July 15th, to mow a vacant lot of approximately 6 acres in Glenwood Park. This is land owned by the Glenwood Land Company and the lot is in Glenwood Springs.

King was directed by the Board to hold off and they would discuss this at the July 8th Joint City Council/Board meeting and get back to King.

PUBLIC HEARING: FLOODPLAIN SPECIAL USE PERMIT - LOT 1, BLOCK 9, RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANT: GIL BATY

Eric McCafferty, Don DeFord and Gil Baty were present.

Don stated he had a questions with respect to the published notification.

Eric explained that this is not a proper application; there was an amended final plat that did affect this Lot 1, Block 9, Rifle Village South Subdivision and this is a different rendering than is shown in the staff packet.

Don stated the application and the notice would have to be altered.

Eric added it requires a finding by the Board if notification was adequate. It could comply by the newspaper notification and publication.

Commissioner McCown determined that the actual process was in place and suggested amending the application stating the corrected location and proceed. This was his recommendation and so moved. Commissioner Martin seconded; carried.

Don determined that notifications were sent timely and adequate and advised the Board they were entitled to proceed.

Chairman Smith - swore in speakers Eric McCafferty and Gil Baty.

Eric presented the following Exhibits for the record. Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application with all attachments; Exhibit D - project information and staff reports; and Exhibit E - copy of the Garfield County Zoning Resolution 1978 as amended.

Exhibits A-E were admitted into the record by Chairman Smith.

Eric McCafferty presented:

This is a request for a Floodplain Special Use Permit for development within the regulated 100-year floodplain of Helmer Gulch for Gil Baty on a 1.59 acre parcel of land located adjacent to Lot 1, Bloc 9, Rifle Village South Subdivision. The applicant proposes the construction of a new, single family dwelling and access road on land within floodplain zone AO, a sheet flood hazard area that can be inundated by shallow flooding where depths are one (1) foot or less with associated velocities of 4.5 feet per second.

Recommendation:

Staff recommends APPROVAL of the Floodplain Special Use Permit, pursuant to the following conditions:

That all representations by the applicant made before the Board of County Commissioners shall be conditions of approval, unless otherwise stated.

That the minimum, finished floor elevation of the residence shall be no less than 5362.7 feet.

That the building permit application for the subject parcel shall contain an engineered foundation design, signed and stamped by a Colorado professional engineer, demonstrating the design shall be capable of withstanding the forces associated with the sheet flow flood hazard and shall be based on geotechnical soils evaluation.

The foundation shall be cast-in-place reinforced concrete footers and stem walls and all foundation designs should be based on site specific geotechnical soil and foundation investigations.

That site grading around the perimeter of the residence be such that there is a minimum grade of 10% for a minimum distance of 10 feet and all patios, driveways and sidewalks slope away from the house at a minimum grade of 2%. Beyond these features, the 10%/10 foot grade shall be continued.

All foundation construction shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.

Prior to approval of a final inspection/certificate of occupancy for the residence, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the single family dwelling unit.

No basement will be allowed.

That the recommendations contained in the Resource Engineering letters dated April 25, 1997 and June 4, 1997, shall be followed. Additionally, the applicant's engineer shall observe placement of these materials and certify construction was accomplished in accordance with these recommendations.

That the applicant and any agents shall adhere to the conditions contained in the Easement Agreement, Garfield County Recorder's Reception #504653.

The applicant shall formally merge the properties through a boundary line adjustment.

Periodic maintenance shall be undertaken to ensure that the culvert is unobstructed at all times.

The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modifications to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.

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

Commissioner McCown made a motion to approval a Special Use Floodplain for development within the regulated 100 - year floodplain of Helmer Gulch for Gil Baty on a 1.59 acre parcel of land - Lot 1, Block 9, Rifle Village South with the corrections in the applications as discussed and the recommendations by staff 1 - 11 and adding Nos. 12 and 13 (as above).

Commissioner Martin seconded the motion; carried.

DISCUSSION: JOHN HIER/TOWN OF CARBONDALE - WASTE WATER TREATMENT PLANT

Don DeFord, Eric McCafferty, Chuck Deschenes and John Hier - Town of Carbondale - Town Manager were present for the discussion.

John stated he appreciated the opportunity afforded him to discuss the expansion of the present waste water treatment plant. He introduced Louis Meyer, a member of the Board; and the Mayor of Carbondale who were present in the audience.

John explained the Town of Carbondale was under pressure from the State of Colorado to do this expansion. He added they wanted to look at the most optimum type of facility that would also allow for future expansion.

In response to the concern of the Commissioners that this was less than the 100 feet required from a residence, John stated there are several mobile homes already closer to the present site and submitted a plan for mitigation and proof that they can solve the potential odor problems generally associated with a plant of this nature. He stressed that the Town of Carbondale has a much better change of gaining the necessary approval from the Department of Health with a letter of support from the Board of County Commissioners. John further explained that Carbondale is trying to annex the mobile home park into their town.

Louis Meyer - explained that they would be eliminating a pre-treatment building where most of the odor comes from.

John Hier - noted that the current plant and mobile homes have been in the same location for many years.

Louis Meyer - explained the choice of the site versus moving it to a higher site saying it cuts out any possible expansion which may be necessary with Carbondale areas growing at the rate they are now.

Mark Bean added that the position of the County is one of an advisor. The decision lies with the State Board of Health.

John Heir - again stressed that if County does not agree, then it may be very difficult to get approval.

Jim Breston - Trustee for the Town of Carbondale reiterated that as the plan has been explained, the lower site is more efficient and asked for the Board to go along even though it violates the 100 foot setback.

Randy Vanderhurst - commented that the Colorado Rocky Mountain School (CRMS) with sludge on their fields had also created odor.

John Hier - added the new expansion facility will connect CRMS and solve that problem.

David Rippy - encouraged support stating the 100 foot setback was already a problem with the preexisting plant and should not be considered since it is not a new plant.

Chairman Smith stated action would need to be taken by both the Board of Health and the Board of County Commissioners and asked Mark Bean to draft a letter of support to the Department of Health.

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

Board of Health

A motion was made by Commissioner Martin to support the effort of the waste water treatment plan within the 100 foot boundary and some of the problems cited in the past have been moved farther away; Commissioner McCown seconded the motion; carried.

A motion was made by Commissioner McCown to come out of the Board of Health; Commissioner Martin

Board of Commissioners

A motion was made by Commissioner Martin to support the effort of the waste water treatment plan within the 100 foot boundary and some of the problems cited in the past have been moved farther away; Commissioner McCown seconded the motion; carried.

KAREN DUNBAR/COLORADO MOUNTAIN COLLEGE - GATEWAY PROGRAM UPDATE

Chuck Deschenes, Patti Christensen representing Wo/men in Transition; Margaret Long and Janice George representing Garfield County Welfare; and Karen Dunbar representing Community Gateway Director for Carbondale, Rifle and Glenwood were present.

Karen stated the Gateway program is the pre-1997 legislation Garfield County's approach to welfare reform as well as the future of welfare reform.

In 1989 in response to the Family Support Act of 1988, Colorado Mountain College and Garfield County Department of Social Services began a unique collaborative effort to enhance participants the opportunity to become self-sufficient. There are five components of the program and every public assistance recipient in the county is required to be in at least one component in order to receive benefits. The program provides short term comprehensive services over a two year period or less that enable recipients to move from dependence to work. Offered are: GED classes; short term vocational training of one or two years; and a prevocational skills curriculum. The Gateway program is recognized as a United Way agency and receives funds annually for continuation of the counselor's position.

Karen also stated that the Lions Club offers pre-screening on vision for the participants.

Margaret added that Garfield County has the jump on other Counties in the State of Colorado with respect to welfare reform and the mandates that begin July 1, 1997 by having these programs in place and requiring participation of all recipients.

A short video tape was presented showing program participants.

Chairman Smith commented that she gathered the participants had a sense of pride and accomplishments even in adverse circumstances.

Patti Christensen added that the participants' self-esteem and ability to cope with a lot of adverse situations is incredible.

Chairman Smith stated it was very important to have a program where the recipient does automatically expecting assistance and starts doing something for themselves.

Karen added that men are also participants in the Gateway program.

Patti mentioned that most men will have skills already; it is the women who find themselves in situations that are most uncommon to them and usually with one or more children in addition to taking full responsibility for themselves. Women have been raising kids and have less skills. Usually the men graduate earlier from the program.

Margaret informed the Commissioners the Gateway program has continued to operate under an interim plan. Her main concerns were how to get into more private businesses; accelerate the educational component since many that enroll are not beyond a 7th grade level of education and it takes more than the full period allocated of one year under the current guidelines to obtain their GED; and thirdly, child care assistance. She reiterated the County does a partial subsidy and federal dollars are available with a match from the County. She added that more about the child care assistance program would be presented later in the month.

DISCUSSION: ROD POLAND/TELLER SPRINGS SUBDIVISION - DRAINAGE ON COUNTY ROAD 109

Eric McCafferty, Chuck Deschenes, Don DeFord, Rob Clausen and Rod Poland of the Teller Springs Homeowner's Association were present.

Eric summarized his letter dated June 17 to the Teller Springs Homeowner's Association in which he stated he was instructed by the Board of County Commissioners to conduct a site investigation of a portion of the Teller Springs Subdivision relative to a subsidence problem adjacent to and underneath County Road 109. The results of that investigation are as follows:

- Beginning from the area of road damage located immediately east of Lot 1 of the Teller Springs Subdivision Eric reported he walked uphill toward the site of the water storage tank. He noticed immediately significant superficial cracking generally perpendicular to the county road. Further

investigation demonstrated actual subsidence of the surface, between these cracks, resulting in displacement of between 6 inches and 12 inches, in some locations. Portions of the ground surface within these cracks were noted to be damp or wet.

- Proceeding uphill towards the water tank site, generally along and within the area bounded by the superficial cracks, the area within the cracks was damp and, in some places notable subsidence was observed. Upon reaching the storage tank area, he noted exposed electrical cables.

- The storage tank has been developed with what appears to be an overflow pipe that was not emitting at the time of my observation; however, the ground surface at the terminus of the pipe was wet. After reaching the tank site, he turned back downhill and observed significant surface cracks along the southerly boundary of the sunken area, which were less prominent on the northerly boundary. Continuing on downhill, he observed the ground surface to be damp within the area bounded by the surface cracks and, outside this area, the ground was dry. Although no sinkholes were observed, significant lateral cracks were observed at the toe of the slope, approximately 25 feet uphill from the county road, suggesting that solution cavities may be forming.

Based on these observations and analysis, the County requires the following actions:

- 1] Immediate cease all overflow from the water tank;
- 2] Immediate consult with your engineer concerning this situation;
- 3] Immediately develop a mitigation plan to repair the county road and the uphill disturbance;
- 4] Consult with the County Road and Bridge Department concerning repair of County Road 109.

Rod Poland, President of the Teller Springs Homeowner's Association stated he had received the letter from Eric McCafferty addressing road settlement; run-off supposed from their watertank; and problems on County Road 109. He stated he had taken photos to demonstrate that for the last two years water has been coming down the hill and he disputed the report submitted by Eric adding there are no culvert pipes which attribute to the water getting under the pavement and creating damage.

Rob Clausen - mentioned the problem would be still there due to the natural water source and a lack of drainage.

Rod Poland added that water is going to the low spots all through Aspen Glen; two culverts are in place but one is plugged and the other is not effective at all.

Eric maintained the most significant problem attributing to the road damage is at the overflow and is contributing to the problem.

Chairman Smith submitted the photos as part of the record.

Chairman Smith suggested Rod Poland walk it with them and jointly engineer the problem by perhaps mitigating the flow of water through a culvert and into the culvert under the County road.

An agreement was reached for the Board to take a look at the situation and work jointly with the Teller Springs Homeowner's Association.

Building and Planning

Mark Bean stated he, Eric and Commissioner Martin had interviewed three applicants and made a decision to hire Victoria Giannola. She has very extensive experience in dealing with land use and comprehensive planning issues and all reference checks yielded high praise for her qualifications and ability to deal with very controversial issues. She would start August 1st.

Capital Investment Plan

Mark stated the report has been received from Dennis Stranger, Peter Nichols and Dean Gordon and they would like to present at the August 11th meeting.

Resolution and Plat

Commissioner Martin made a motion to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Santos Amaya. Commissioner McCown seconded the motion; carried.

Titles - Motor Vehicle

A motion was made by Commissioner Martin to authorize the Chair to sign three titles owned by Garfield County: a 1982 BMC; 1976 Ford PU Truck; and 1988 Plymouth 4-dr. Mildred explained the PU truck and trailer was the one in the wreck with the Snowcat and the other is from the Sheriff's office. Commissioner McCown seconded the motion; carried.

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

Adjourn - 5:45 P.M.

JULY 14, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 14, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

New Library Director

Darlene Merritt introduced the new Library Director, Jackie Spuhler who will begin August 1, 1997. Darlene requested permission for the Library Budget to be turned into the Commissioners 7 - 10 days late due to the change over in administration. She also thanked them for the fact of the change in .25% in sales tax. The breakdown is: County 75% and Library 25%.

Chairman Smith suggested the Library consider the same salary scale as County employees.

Mildred shared the Personnel Salary Study and Employee of the Month Recognition Luncheon and invited the Library Staff to join in the festivities and become a part of the County Employee of the Month Committee.

The Commissioners assured Jackie they were an definite part of the County.

Discussion was held and Jackie stated she definitely wanted to be more active in all of the employee functions and they would appoint someone to serve on the Employee of the Month Committee as well.

Sharon Brenner - Yanari, Watson and Lyons, CO., P.C.

Chuck presented the letter from Sharon Brenner of Yanari, Watson and Lyons, CO., P.C. to the Commissioners and stated that Sharon was here for questions the Commissioner might have to ask her. Commissioner McCown inquired as to the problem areas Sharon referenced in her letter with respect to random purchases from County Officials or Elected Officials.

Sharon Brenner reported bills and random purchases were a problem from the Sheriff's Department.

Discussion was held regarding Accounting Principles and Management Practices.

Chuck reiterated some of the management problems were due to a lack of training. However, he identified insufficiencies as the main problem. He added it was a matter of processing bills and submitting them for payment as they come in versus holding them off for a period of time before submittal to accounting. The other problem was resource limitations in accounting contributing to the problem as they have to check the bills for accuracy before submitting for check and signatures.

Commissioner McCown identified poor planning in some departments to account for a portion of the accounting deficiencies.

Chuck stated improvement was needed and the manner in which purchasing was implemented needed to be reviewed.

Sharon Brenner recommended some suggestions. One major problem was the supplemental budget preparations and she predicted the Commissioner would be receiving a letter from the State Auditor. She also recommended better accounting software estimated at \$20,000 to implement next year.

Chuck stated the software currently being used was implemented in the 70's.

Sharon recommended the Town of Parachute had a sophisticated software (Casalle) and they paid \$25,000 of it. One consideration when deciding on which software to invest in was to inquire of present users how good is the customer support system. She suggested Delta and Rio Blanco Counties would be good ones to compare.

Sharon emphasized the State Auditor doesn't care about the over revenues, it will focus on the appropriation based on the method of reporting the funds.

Human Services Commission

Chuck stated Mac Meyers has agreed to serve on the Human Service Commission. A motion was made by Commissioner Martin and seconded by Commissioner McCown to appoint Mac Meyers, Garfield County District Attorney to the Human Service Commission; carried.

Low Voltage - District Attorney's Office

Chuck also reported that Mac Meyers had completed a survey regarding power readouts and determined he has a low voltage drop between 7 - 8 A.M. and then it goes up in the evening. This is not being checked on the main power line. Chuck stated that power conditioners may be a necessary purchase for the District Attorney's office.

Data Readings

Chuck reported it looked like the Feds were looking at independent contracts. Susan should look at Dennis Niblack's contract and if this is in the gray area.

Fairboard Meeting

Chuck reported there was a Fairboard meeting held last Thursday. Casey Binger was looking for 4-H Judges for the Fair.

Chairman Smith stated she wants someone to randomly judge how the kids treat, work with and generally care for their animals - unannounced. An award is slated to be given at the Fair.

Chairman Smith and Commissioner McCown volunteered to be a part of this.

Tax Appropriated Funds

Commissioner McCown stated there is a tax credit ability that counties have and he questioned if counties can issue a tax credit in lieu of services. He specifically referenced Barrett Resources and the \$500,000 projected to be spent on improvements to County Road 320.

Don - stated he would have to research this.

Commissioner McCown reiterated that the schools are getting the lion share of taxes versus the main impacted Road and Bridge department.

County Attorney

Child Welfare Services

Don stated Margaret and Carolyn were working on some of the changes.

Mary Meisner had submitted the Nursing Contracts with the State of Colorado to provide Child Care Services. Don stated he needs to review but wanted the Chair authorized to sign subject to review of the contracts, not to exceed \$898,649.00.

Commissioner Martin so moved; Commissioner McCown seconded; carried.

JAIL DISCUSSION

Sheriff Dalessandri, Don DeFord, Dale Hancock, Chuck Deschenes and Al Maggard of the Jail Advisory Board were present.

Jail Count

Total in Jail: 125 total. 45 main jail; 46 work release; 6 females; 19 other jails; no Home Detention; 1 State Hospital; 17 Department of Corrections; 8 Workenders; no Day Reporting.

Weekenders Program

Commissioner Martin asked if the Weekenders will be working with the new staff person once he comes on board with weed control.

Proposed Jail Site on Midland By-Pass

Bob Brasher sent Tom a version of what would fit on the proposed site out on the By-Pass. He speculated it would hold 200 plus bed jail, 8 courtrooms and 200 plus parking spaces on the 5.7 acres.

Commissioner Martin inquired if the Sheriff would be available at 6:30 P.M. on Tuesday, July 15th .

Sheriff Dalessandri commented that if this site continues to work favorably then he would be an advocate of the site.

Commissioner McCown wasn't an advocate for the price of the land.

Sheriff Dalessandri stated he thought the asking price was ridiculous also.

Dale - stated there were two other considerations as well. Number one the parcel is situated in the C-1 Zone and this represents complications and the other part was that he secured a geo-technical performed by CTL Thompson and viewed it at some length and there would be some significant engineering with the soils as it relates to foundations.

Commissioner McCown - stated they had another meeting with the two original deal makers on City Council and he stated they will not support the Resolution tomorrow night. He suggested the Board actively start looking at another site and get to work on the jail. Russell George stated nothing will happen until January as well when they go back into session and the only way he would feel comfortable supporting and carrying the bill would be to prefer a vote of the public both in the City and County to move the County seat.

Don added another complication, the legislation issues of 1998, it's unknown how the Attorney General would approach this type of a ballot issue and it might be an election either in 1998 or the year 2000. The Attorney General has ruled on what things can be put on the ballot on even numbered years and this County would be limited to either one of those.

Mildred stated that odd years has to always be taxing questions.

Community Corrections

Chairman Smith asked as a side effect, where are we are on the Community Corrections.

Dale - stated he had a phone conference with Jim Tanner of CMI and was having a hard time to get a commitment from the Carbondale Mine Service and would like to place the Spacemaster on that land. He also stated CMI was prepared to lease back from the County at \$6,000 month.

He advised Jim to call Mark Chain of Carbondale Planning to determine what was needed for the Town of Carbondale.

Don stated we were 30 days into our 90 days and suggested this issue be revisited in August. He reminded the board they can negotiate on the 89th day of the contract extension.

Executive Session - Legal Advice - Jail Issues with City of Glenwood Springs

A motion was made by Commissioner McCown to go into an Executive Session to discuss legal advice. Commissioner Martin seconded; carried.

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

FINAL PLAT - ASPEN GLEN, FILING II. APPLICANT: ASPEN GLEN GOLF COMPANY

Mark Bean, Don DeFord, Chuck Deschenes and Larry Green were present.

Mark presented that he and Don had reviewed the final plats and have approved it. Mark stated he would like the Board to authorize the Chair to sign the SIA and proposed plat.

Commissioner McCown so moved; Commissioner Martin seconded; carried.

AMENDED EXEMPTION PLAT - JOHN TRAU

Mark Bean explained this was an exemption plat by Oak Meadows and Dr. Traul was moving an easement but it was not changing his driveway access. The easement is one that is not necessary. The Board did not have any objections.

DEPARTMENT HEADS

Dave Gallagher - Weed Management

Dave presented a report.

He added regarding the Dalmatian Toad-flax across from Berthod's he was trying to arrange a weed pull all the way up the hillside with a 4H group and the BLM supervising with community participation. BLM will carry the liability.

Railroad

He sprayed on July 2 the 8 foot booms on each side of the tracks between Glenwood Springs and New Castle.

Renewal - Cooperative Agreement - CDOT Rights of Way and Garfield County

Dave submitted the IGA with the Colorado Department of Transportation and Garfield County for weed spraying in CDOT rights of way for the period of July 1, 1997 - June 30, 1998. A motion was made by Commissioner McCown to approve the Chair to sign this agreement as presented. Commissioner Martin seconded; carried.

Ratify the Colorado Division of Wildlife Contracts

Dave reported the agreements came in June 24 and Chuck signed off on them. The Board was asked to ratify the action taken for the County Weed Representative, Chuck Deschenes in signing these agreements between Colorado Division of Wildlife, West Region - Area 7 West Rifle Creek; Region - Area of Garfield Creek; and West Region - Parachute. Commissioner Martin so moved. Commissioner McCown seconded; carried.

Dave recommended Gary Janieck for the position as Weed Management Director as a replacement for himself.

Chuck stated the Board will be interviewing Gary Janieck on July 28th at 8:00 A.M.

Contracting - with Dave Gallagher

A motion was made by Commissioner McCown and seconded by Commissioner Martin to allow Dave to have the authority to contract the BLM work and get someone on it now versus waiting for a new Weed Manager to come on Board, but not to exceed 85% of the amounts contracted would be paid to the contractor; carried.

Extension

Carol McNeel presented an invitation to the Commissioners to meet with the Fairboard on July 30, 1997 at 7:30 P.M. at Fairgrounds. She added the staff is getting geared up for the Fair; and Director is doing good.

Community Operations

Sovereign Networks, Inc.

Dale Hancock presented the Lease with Mizell of Sovereign Networks, Inc. on Sunlight stating there were no legal issues but needed the Board to authorize him to execute the contract subject to the review of the County Attorney and to Dale's re-wording the contract to include getting the storage trailer situated on Sunlight. There are no legal issues that can't be addressed by stating if the Feds put rules on us they have to abide by them and putting a date certain such as 30 days. They also asked for a 10 year with a 5 year renewal but Dale stated he preferred to do 5 year with annual renewal; they want to do \$750.00 deal in the renewal for 5 years with 110% escalator (2% per year), Dale would rather do an annual assessment to the CPI using the same formula we used with Amendment I. These are the only substitutive changes. Don stated this contract will permit an additional public radio station to operate from Sunlight. Dale stated he also wanted to prevent this from going into further sub-leasing with their space.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to execute a contract with Sovereign Networks, Inc. subject to altering the terms of the contract in accordance with Dale's recommendations; carried.

Fox Affiliate Channel 21 in Colorado Springs

Dale stated this company is interested in purchasing some hardware and it wasn't clear what he really wanted to purchase. It amounted to an offer for \$1000 for bits and pieces of equipment that is in the trailer. What he would like to do is bring the buyer up to look at the available spare parts; have the buyer identify what he wants; buyer suggest a price; and Dale amortize the price based upon amortized prices. Then Dale would compare the price offered with the amortized price making sure the entire component was purchased.

RAPIDS ON THE COLORADO SUBDIVISION - FINAL PLAT EXTENSION

Mark Bean, Don DeFord and Tim Thulson were present. Don presented that Gene Hilton is still working on financial arrangements. Scott and Don discussed and agreed up to a 90 days extension of an additional 60 days and Gene will either have the financial arrangements or the work would be done. A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue this until September 8; carried.

COUNTY BUSINESS/BUILDING AND PLANNING REPORT

Mark Bean gave his report.

Commissioner McCown stated that Silt was interested in getting their inspection/permitting back in-house; they have been subletting it out the past few years and this arrangement is not working. The code enforcement is the problem. They are willing and would like to have the County train an individual, showing how our filing systems are set up, how we go through our permitting process and stated they have \$38,000 plus and next year over \$40,000 that they would be willing to provide. The possibility of the County using the same person as a 1/2 time employee during the training process was discussed. He asked Mark to talk to Jim Yale and/or John Steele.

Extension Request - Wesley Kent

Mark stated he had a request for an extension for Wesley Kent for up to a full year which would be up on October 13 of this year.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to extend the extension for Wesley Kent to October 13 deadline; carried.

Activity Reports

Mark submitted the summary of activities for the month of June.

Acknowledgment of Subdivision Improvement Agreement - Dennis and Wanda Sue Cooley

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an acknowledgment of subdivision improvement agreement for Dennis and Wanda Sue Cooley for Sierra Bluffs, Filing No 2 certified for \$105,000; carried.

Request - Computers and Printer

Mark submitted a request to purchase a computer for both Victoria and Eric as well as an additional printer for \$3200.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve this request; carried.

RFRHA

Commissioner Martin and Mark were at the RFRHA Meeting last Friday and a request was made to have the Board submit a letter authorizing various alternates for Commissioner Martin to be appointed in case one can not be present.

A motion was made by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair to name Commissioner John Martin 1st; Mark Bean 2nd; Eric McCafferty 3rd. and Walt Brown 4th for alternates to serve on the RFRHA Board; carried.

PRESENTATION: COMPUTER AIDED DISPATCH SOFTWARE IMPLEMENTATION - JIM STEVENS/TOM DALESSANDRI

Jim Stevens and Tom Dalessandri submitted a request for computer aided dispatch software for the server in Communications. Jim stated he has \$27,300 left in the budget from the grant and has until August 31st to expend these funds. After the \$15,500.30 for this software, he will have approximately \$12,000 left. He explained the contract.

Jim explained the remainder of the grant funds would go toward a server for the system which he estimated to cost about \$5000 and some equipment for the mobile communication van and decoding accessories. Sheriff Dalessandri stated that this equipment going into the communication van would remain property of Garfield County.

A motion was made by Commissioner McCown to authorize the Chair to sign the award of grant funds for \$15,500.30 to purchase software from Sovereign Network, Inc. for CAD software for Communications. Commissioner Martin seconded the motion; carried.

Executive Session - Legal Advice on the Jail - and Threatened Litigation/Sheriff's Department

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss legal advice on the jail issue and threatened litigation regarding the Sheriff's department; carried.

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

County Attorney - Annexations

Yampah Mountain School

Don DeFord updated the Board on the Yampah Mountain Annexation/Subdivision Process that he had further discussion with Beattie and John Kemp. Steve Beattie represented to various parties including Don that they are going to file an exemption request with the County which would be a formalized splitting of the property and subject to the Board's approval he told both Steve and John that if this is filed, then he would take the discussion for July 28 off the agenda.

Chairman Smith commented this would give everyone concerned an opportunity to come in and express themselves.

Don added that the Board's concerns would be limited to exemption concern which are not the same as building a school there which is zoning for single family residential and/or agricultural use at the present. He stated they could talk about soils, water and all those things.

Midland Avenue

The second one is the Midland Avenue and County Road 117. Don spoke further with Sam Phelps about the question on the one foot split and he has confirmed it does in fact exist. Sam's position is with this split there is not the necessary 1/6 contiguity for annexation that this Board represented in our petition. Don informed Sam that if he has to change to legal description to include that parcel which was quit claimed to the City, then the City will also have to sign the annexation as a property owner. The Chair has been authorized to sign any new petition. This comes up on the City's Agenda this Thursday. Don requested direction from the Board.

Chairman Smith stated the Board should acknowledge this in a letter to the City.

Don stating he would send a letter to the City signed by Chairman Smith stating the County's Survey confirmed the information received from Robin Milyard that there is a split and without including this property it would appear to eliminate the necessary contiguity although we will still sign a petition for our portion of the property.

Road Vacation - Subject to Annexation - Rifle

Don stated the road vacation subject to annexation in Rifle at UNOCAL was no problem according to Sam Phelps as long as there is no more paved surface. The road has been realigned and it is not in the vacated area. Sam confirmed with King about vacating the corner.

Chuck confirmed this has been realigned and John Savage removed the debris.

Don suggested setting this for consideration on the agenda's and bring these issues to a head.

Transportation District

Don stated Commissioner Martin has discussed with him the formation of a Transportation District and he would be bringing this before the Board as an Agenda Item. He needed to do some research prior to discussion.

ROAD AND BRIDGE DISCUSSION - CHIP AND SEAL CONTRACT AWARD

Dennis Niblack, Chuck Deschenes, Mike McBreen, Kristy Wancura and Kenny Gardner were present. Dennis presented in the absence of King Lloyd. He stated there was only one bid and it was difficult to spec out.

Chip/Seal Sealcoat Award

Roaring Fork - GMCO Corporation submitted the bid for the Chip/Seal Coating County Roads for \$383,054.78.

Dennis stated these prices were identical to last year's prices. The work is scheduled to be completed by August 28.

Commissioner McCown moved to accept the bid from GMCO for \$383,054.78. Commissioner Martin seconded; carried.

Baxter Pass

Bogue Construction has commented that Baxter Pass does not need blasting and hopes to widen the slide area by removing the ledge.

County Road 109

Kenny Gardner submitted photographs showing the road damage on County Road 109 with respect to the Teller Springs Subdivision.

Discussion was held.

The Board inquired as to number of hours per week that Dennis charged to Road and Bridge. Dennis reported it was approximately 45 hours per week which includes solid waste.

Other items discussed were: Airport Pre-Construction for July 29; Custom Crushing haul route across the river, I-70 to Mamm Creek and the possibility of a waiver for BFI for dumping trash picked up at the Fair.

CITIZENS NOT ON THE AGENDA

Arbitrators - Board of Equalization Appeals

Mary Lynn Stevens submitted to the Board the situation regarding finding arbitrators to provide for possible appeals stemming from the Board of Equalization hearings. Some possible suggestions were offered during discussion including checking with Eagle County to see who does their arbitration.

Mary Lynn confirmed the Board of Equalization hearings would be July 29 from 10 A.M. until 3 P.M.; all day on July 30 and the morning of July 31st.

REPORT - Special Events Liquor License for the Battlement Mesa Chamber of Commerce Beer Tent

Tom Beard reported on the July 4th activities and especially with respect to the Beer Tent that was opposed by some of the senior residents of Battlement Mesa. He stated the event had a very low attendance and things were very slow. There were no incidences at the Beer Tent however.

Oil and Gas Meeting - Battlement Mesa

Tom Beard stated there was a large attendance at the meeting in opposition of the Oil and Gas Industry drilling wells in the Battlement Mesa District. They proposed to file a Writ under State Statute 106.

PUBLIC HEARING: BATTLEMENT MESA TOWN CENTER PRELIMINARY PLAN. APPLICANT: BATTLEMENT MESA PARTNERS

Mark Bean, Don DeFord and Tom Beard of Battlement Mesa Partners were present. Don determined that adequate notification was in order and timely and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented that this was for a 40 unit residential care facility and submitted the following Exhibits for the record: Exhibits A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Report; Exhibit E - copy of the 1978 Garfield County Zoning Resolution, Exhibit F - Subdivision Regulations; and Exhibit G - letter from Bruce Smith, Director of Metropolitan District.

Chairman Smith submitted A - G into the record.

This is a Preliminary Plan for the Town Center Filing 5 Subdivision in the Battlement Mesa PUD on a 22.37 acre tract of land located approximately one-half mile south of Parachute. The applicant is proposing to subdivide the 22.37 acre parcel into four (4) smaller blocks of 4.189, 5.035, 2.855 and 7.884 acres each. The blocks will be served by the Consolidated Metropolitan District for water and sewer.

Recommendation:

The Planning Commission recommended approval of the proposed subdivision subject to the following conditions of approval:

All representations of the applicant, either within the application or stated at the public hearings before the Planning commission shall be considered conditions of approval unless otherwise state by the Planning Commission.

A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities and include the following plat notes:

1. "Control of noxious weeds is the responsibility of the property owner."
2. "All construction shall be consistent with USFS Wildfire Prevention Guidelines."
3. "No open hearth solid-fuel fireplaces will be allowed; each dwelling unit will be allowed one (1) new wood-burning stove as defined by C.R.S. 25-7-407, et. seq. and the regulations promulgated thereunder; and there will be no restriction on the number of natural gas burning fireplaces or appliances included in the protective covenants."

Final building plans will be revised per the Grand Valley Fire Protection District's request in a letter to the Garfield County Planning Department date May 27, 1997.

That affirmative action from the Colorado Division of Water Resources be submitted prior to approval of Final Plat.

That annexation of the property to the consolidated metropolitan district be submitted prior to approval of Final Plat.

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

A motion was made by Commissioner Martin to approve the preliminary plan for the Town Center Filing 5 Subdivision in the Battlement Mesa PUD as described in the project information and staff report with all major issues and concerns, suggested findings, and recommendations adding (4) that affirmative action from the Colorado Division of Water Resources be submitted prior to approval of Final Plat and (5) that annexation of the property to the consolidated metropolitan district be submitted prior to approval of Final Plat. Commissioner McCown seconded the motion; carried.

BUILDING AND PLANNING

Mark Bean submitted the following for the Board's recommendation:

Special Use Permit - Alpine Waste Services

A Special Use Permit for storage at Harold Blue's Property for wood base material for Alpine Waste Services. Mark suggested this could go to the Planning Commission or to be set for a Public Hearing.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer this to the Planning Commission; carried.

Special Use Permit - Floodplain - Lawrence Bradley

Mark submitted a request for an amended SUP and floodplain in Rifle Village for Lawrence Bradley. He added the staff is recommending referral to the Planning Commission.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer this to the Planning Commission; carried.

Special Use Permit - Contractor Storage Yard - Dave and Anna Johnson

Mark presented a request for a storage yard at the West Rifle Interchange out of Rulison Park next to the tracks for Dave and Anna Johnson. Mark stated staff would recommend setting this for a public hearing.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to set this for a Public Hearing on September 2, 1997 at 2:00 P.M.; carried.

Conditional Use Permit - Amend for Western Academy

Mark presented a request for a Conditional Use Permit Amendment for Western Academy to expand the existing structure. He stated the City of Rifle supports the request and staff recommended a Public Meeting be set.

A Public Meeting was set for August 12, 1997 at 8:30 A.M.

County Business - Continued

Ratify Action - Baxter Pass Job

A motion was made by Commissioner McCown and seconded by Commissioner Martin to ratify the action taken at a special meeting held on July 8, 1997 to authorize King Lloyd to proceed with the emergency process with Bogue Construction with respect to the widening of the slide area on Baxter Pass not to exceed \$35,000, adding that if blasting was necessary, the Board would be informed and vote by telephone; carried.

Fair - Dump Fees

A motion was made by Commissioner McCown and seconded by Commissioner Martin to allow BFI the waiver of dump fees pertaining to the County connected with the 40 yard dumpster pick-ups at the Fair however, they must still pay the State landfill fees; carried.

White River Road Estimate

Commissioner McCown stated he would like to have in writing from Tim Moore of the City of Rifle that they will pay their proportional share in order to complete the gravel section of White River Road. He added they could pay the \$10,042.56 or the County could deduct this amount from their road payments/share of property tax. The gravel part only will be less than \$66,908.

Fairgrounds

Chuck reported that Lee Moss requested some participants in the Weekenders Program help at the Fairgrounds.

DISCUSSION: AFFORDABLE HOUSING - JOHN BAKER/WESTERN PINES

John Baker of 0190 South Oak Way Oak, Dick Fallon of Ute Avenue in Aspen, Tom Stephens of 0155 Maroon Mesa and Mark Bean were present.

An affordable housing project was presented which would be built on property partially owned by the County at the base of the Glenwood Springs Golf Course off of Donegan Road.

The proposed development is a project that the developers suggested (1) the County could become a working developer or (2) directly sell the land to them for development. John stated he works on the Affordable Housing Task Force in Glenwood Springs; this would be similar to the one in Williams Ranch in Aspen where it is a combined private lots with free market lots to affordable housing that meets certain guidelines; deed restricted; affordable housing is 1/2 of the number of units; potential homeowners qualify at 80% rate of the median \$44,000 income per year; and large employers such as Valley View Hospital, Holy Cross, City of Glenwood Springs, Colorado Mountain College and Garfield County were being

contacted to become participants in this project. Garfield County has 270 county employees and 50 live in Rifle; of the 270 employees, 135 would qualify for the \$2,000 a month and under requirements to apply for this housing. They passed out plans and described the project location and details of proposed subdivided land into 14 single family lots, to the south of the area 6 duplex lots and below another 4 six plex lots. John added it was zoned R-2 and was 1.67 acres in size.

John asked the Board of County Commissioners to consider the possibility of joining in the development of the housing project that would benefit the County.

John added they had previously talked a bit about the plan to Mark and to Chuck and both had suggested they come and speak to the Board before a proposal was submitted. This allows them to incorporate open space and a bus turnout to Donegan.

Tom Baker presented the proposed options and stated they looked at several alternatives. He added they took this to the City early in the process and massaged the plan to get to the best layout possible.

Discussion was held and questions asked by the Commissioners.

John, Dick and Tom indicated they were not looking for a decision today from the Commissioner, however, if they were interested in pursuing they suggested three options: 1) direct staff to look into this and come back at a later date when they can quantify the trade of assets - 2) if interested can proceed with a plan and 3) if not switch to a different plan.

The Commissioners agreed they would provide a written decision on July 28, 1997.

Notice to Proceed - GMCO

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Notice to Proceed on GMCO for Chip/Sealcoat Contract; carried.

Final Plat and Resolution - Richard Jolley

A motion was made by Commissioner Martin to authorize the Board to sign a plat and resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Richard Jolley. Commissioner McCown seconded the motion; carried.

Final Plat and Resolution - Violet Mooney

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a final plat and resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Violet Mooney; carried

Recess until City/County - 6:30 P.M. Tuesday, July 15, 1997 - City Hall

A motion was made by Commissioner McCown and seconded by Commissioner Martin to recess until 6:30 P.M. Tuesday, July 15, 1997 for the meeting with Glenwood Springs City Council to be held at City Hall; carried.

JULY 28, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 28, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Gary Lee Janieck - Weed Manager Interview

Chuck summarized the position responsibilities to Gary.

Gary stated he had worked very closely with Dave Gallagher for the past three years.

The Board suggested they survey the other counties and look at the personnel factors in determining the salary scale. The position would begin September 1, 1997.

Weed Board

Buckey Arbaney volunteered to be a member on the weed board.

Fairgrounds

Lee had called Chuck and a Latino group wanted to use the ball field. A City of Rifle policeman was called in to reiterate the rules of the Fairgrounds due to the language barrier.

Rural Resort Governor's Award

Chuck reported the Rural Resort Governor's Award was received by Garfield County. A Certificate had been received.

Chairman Smith commented it would be nice to hang it in the Commissioners Room.

County Road 221

Chuck stated some folks were asking about paying for a portion of the road surfacing process including a match of funds. It was stated to him that the cost had been estimated at \$60,000 and they would put up \$10,000. Chuck suggested plugging in a fund for "volunteer programs" within the planning process.

PAYMENT OF BILLS

Chuck Deschenes presented the bills for approval of the Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills and payroll as presented; carried.

Journal Entries

Chuck presented the Journal Entries for review.

Airport Authority - Fire Station at the Airport

Chuck stated that the Airport authority, County staff, BLM representatives and members of the Rifle Fire Protection District presented a proposal and some preliminary figures were discussed. A decision was made to have everyone put in \$5,000 and the County needs to apply for a grant to provide the research into the actually cost.

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign a Grant application for the \$5,000 for the Forest Service to implement this study; carried.

WIC - Contract 1997 Change

A motion was made by Commissioner Martin and seconded by Commissioner McCown to ratify the authorization of the Chair to sign a Change Order amounting to an additional \$6500 bringing the WIC Contract to a total of \$114,897.00; carried.

Other items discussed included:

Capital Improvements Fund - Agenda

Budget Calendar - August 18th - Summary Due to Chuck

DECISION: AFFORDABLE HOUSING/WEST GLENWOOD

Commissioner McCown made a motion to sell the property for the price determined by the previous appraisal, plus the market inflation amount.

Motion died for lack of a second.

JAIL DISCUSSION

Deputy Sheriff Jim Sears, Chuck Deschenes, Al Maggard, Don DeFord and Dale Hancock were present. (Sheriff Dalessandri was with a Teenage Gang Expert visiting here from California).

Buckey Arbaney of 2585 Midland Avenue was present and stated a petition had been presented to him being circulated by Maurice Barz seeking a public vote on the jail at the present location. He added the petition only gives the one location; it is poorly limited and doesn't say a lot; it is designated primarily at putting the initiative on the ballot. Buckey added his main concern was that choices of a site were not being given such as the Wulfshon Property, the UPL site, or sites in the West-end of the County.

The Commissioners stated this does not end the lawsuit if there is a ballot question.

Buckey strongly suggested the Commissioners place a deed restriction on the UPL property in order for that piece of property to remain in County ownership as long as the County Seat is in Glenwood Springs and used only for the benefit of Garfield County.

Jail Discussion

Total in Jail - 122. 42 - main jail; Work Release - 50; 5 females; 14 other jails; 2 Home Detention; no Day Reporting; no State Hospital; 15 DOC and 9 Weekenders.

Electrical Relocation - UPL Property

Discussion was held regarding taking down 8 telephone poles and electrical overhead wiring and removing transformers overhead to underground on the UPL property. The re-routing eliminates the need of an easement for the City. Jim Gambrel has been contracted to submit a bill for the work. The expenses would come from capital expenditures.

Commissioner McCown made a motion to proceed with the removal of the above ground electrical and have this work done by Jim Gambrel of the City of Glenwood Springs. The motion was seconded by Commissioner Martin; carried.

County Operations

Dale Hancock reported the updates with CMI out of Boulder with respect to the Spacemaster Building under contract with the County. He stated re-configuring the floor plan there would be a reduction in cost with Spacemaster however, September 19 is the final date to complete transaction to pay the liquidated damages.

Dale added the agreement with CMI will be reached with them on July /29; it is for a 5 year lease with the County providing the up-front cost paid in full.

Don DeFord stated he needed an Executive Session to discuss a personnel issue in the Sheriff's Department.

Executive Session - Personnel - Sheriff's Department

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

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cindy Crandell - Colorado Animal Rescue Shelter - asked to clarify if the UPL jail site was still being considered and if so what was the surrounding acreage and if a tunnel had been discussed to get to this Courthouse building.

The Commissioners stated yes the UPL site was still being considered, and yes a tunnel had been discussed as part of those plans.

Colorado Animal Rescue - Cindy asked if the Commissioner preferred pre-printed cards over individual letters of support for an Animal Shelter. She also stated they have \$220,000 in funds committed but the land issue is the problem. Discussion has been on-going for the Bowles Property West of the Dry Dock. There is a possibility of 12 acres being donated or sold to them.

Chairman Smith - stated she preferred letters. She considers this more valuable for public input.

Ron Call - 10 K Race

Ron Call requested permission from the Commissioners for a 10 K Race in Battlement Mesa to be held on September 9, 1997 in partnership with "Kids Awareness of Careers Project." He added that this is where they meld with businesses and the High School runs the entire thing. They need permission to use County Roads for the race. The Homeowners and Tom Beard have given permission to use the roads.

The Commissioners did not have a problem but directed Ron to make sure there was a rider on the school's insurance policy and also to notify and obtain an okay with Road and Bridge and the County Sheriff.

New Castle and Silt Flood Damage

Dennis Davidson and Tammy Moss approached the Commissioners regarding emergency assistance with the recent flooding in Silt and New Castle that devastated a lot of land leaving huge piles of debris consisting of wood, rock and silt.

Dennis mentioned the Emergency Conservation Fund that will assist landowners who can come in and receive assistance, remove debris and returning things to the order they were with a 60% cost share.

Chairman Smith mentioned the Emergency Watershed Programs where the government picks up 75% and the other 25% by sponsors. The County has acted like sponsors in the past.

Dennis requested the Board of Commissioners be a sponsor. He estimated the cost at \$100,000; 14,000 feet damage on the Roseman Ditch, Ware and Hines and Cactus Valley Ditch. He stated the Ditch Companies will be approached.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to be a sponsor of this request; carried.

Change in Zoning Resolution - Storage

Buckey Arbaney - 2585 Midland stated he had requested a "Storage Resolution" prior to his leaving office and this was completed in June, however, it was not what the County needs. He apologized if he had not made his request specific enough but what he had in mind was "storage on a maximum of 10 acres; property owner has to state what he will be storing before the application is approved." Buckey submitted a written example. He added by having these stipulations in the application, it enables the public to obtain a true picture of what the applicant has in mind.

COUNTY BUSINESS

Guy Meyer reported that Commissioner Martin had called him regarding working on a project involving a minor flood. He added that a lot of residents were overwhelmed with the flood and estimated approximately 20 victims with damage ranging from sidewalks to more severe damage. Workenders worked at Neisbets and Morris's place and the residents who were assisted were very appreciative.

Guy requested some direction regarding dumping of the debris and added the Workenders would be included in the clean-up process. The Commissioners suggested that King be contracted to see if he could spare trucks and a front-end loader in helping with the clean-up.

Chuck stated he would attempt to get a crew from the Rifle Correctional Center to work at the Fairgrounds in preparation for the Fair.

SPECIAL EVENTS LIQUOR LICENSE. APPLICANT: MULE DEER FOUNDATION

Wesley Kent of Mule Deer Foundation - 4064 County Road was present. Mildred presented the application stating this was a one-time event with liquor being served on-premises.

Wesley explained that last year's event drew an attendance of 180. He stated they paid for a security guard last year and were doing that again this year. The event is scheduled for August 9 at the Battlement Mesa Activity Center.

Commissioner Martin inquired if he had sent the Sheriff's Department a letter of notification about the event.

Wesley stated he had not but would do so.

Commissioner McCown moved to approve the Special Events Liquor License for the Mule Deer Foundation. Commissioner Martin seconded; carried.

DEPARTMENT HEADS - TREASURER'S SEMI-ANNUAL REPORT

Jean Richardson, Deputy Treasurer and Public Trustee presented the Treasurer's semi-annual report and requested a motion to accept and to authorize the Treasurer to publish it in the paper.

Commissioner Martin so moved to accept and publish the report as presented. Commissioner McCown seconded; carried.

Extension

Pat McCarty representing Extension reported on updates regarding the Fair. He announced the Fairboard meeting this week. Pat commented that he has also been asked to field the calls for Dave Gallagher until the position has been filled which he was happy to do.

Community Operations

Sovereign Networks, Inc.

Dale Hancock presented the Lease with Mizell of Sovereign Networks, Inc. on Sunlight stating there were no legal issues but needed the Board to authorize him to execute the contract subject to the review of the County Attorney and to Dale's re-wording the contract to include getting the storage trailer situated on Sunlight. There are no legal issues that can't be addressed by stating if the Feds put rules on us they have to abide by them and putting a date certain such as 30 days. They also asked for a 10 year with a 5 year renewal but Dale stated he preferred to do 5 year with annual renewal; they want to do \$750.00 deal in the renewal for 5 years with 110% escalator (2% per year), Dale would rather do an annual assessment to the CPI using the same formula we used with Amendment I. These are the only substitutive changes.

Don stated this contract will permit an additional public radio station to operate from Sunlight.

Dale stated he also wanted to prevent this from going into further sub-leasing with their space.

Dale Hancock requested a signature on the agreement with Mizell reflecting the move on Sunlight. He stated the motion to approve the signature was done in the July 14 meeting.

Dale requested approval to put out RFP/RFQ's for technical contractual electrical assistance to upgrade power deliveries to the emergency sites at Roan Creek and Harvey Gap. He also stated he has money in his budget to do this.

Commissioner Martin moved to approve the request for RFP/RFQ's on power assessments as necessary. Commissioner McCown seconded the motion; carried.

Telecommunication Board

Dale reported the following individuals have expressed an interest in the Telecommunication Board - Traci Collins, Computer Instructor at Colorado Mountain College; Attorney Walt Brown; Allan Bell former owner of KMTS Radio; and Conrad Sranak.

Building and Planning

Mark Bean presented his report.

Amended Lyons Ridge Plat

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign the amended plat for Lyons Ridge; carried.

Amended Plat -Traul

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign an amended plat for Dr. John Traul; carried.

Acknowledgment of Satisfaction - Subdivision Improvements Agreement - Westbank

Mark presented the Westbank Limited Release of Security was amended to read the County was releasing \$10,409.00 plus interest accrued. Treasurer Georgia Chamberlain requested Mark submit an amended release in order to have a good paper trail.

A motion was made to authorize the Chair to sign the release with the corrected amount released on the Acknowledgment of Satisfaction for Westbank by Commissioner Martin and seconded by Commissioner McCown; carried.

Zoning Resolution - Storage

Mark stated he had misunderstood Buckey's request but would process the new request as stated. Chairman Smith stated Buckey requested general storage; he recommended indoor/outdoor storage on 10 acres or less; RV's, Boats, and more broader than just the constructor's storage yard. Commissioner McCown added he was looking for commercial storage.

Airport - Special Use Permits

Mark stated he had conversations with Chuck and with the Board regarding amending the zoning resolution to deal with making airports a special use permit. They are technically a SUP now for anything over a landing strip. He has for the record sent a letter to Mr. Rudd to advise him that a landing strip falls under a Conditional Use Permit. Mr. Rudd's biggest concern is presently with FAA and as long as he is not in violation of their processes, the County's would be minimal.

Planning Commission Members - Attendance

Mark addressed a concern regarding a request that Eric has discussed with him with respect to regular attendance at the Planning Commission meetings.

Some of the members are better than others in terms of attendance. Mark submitted a breakout of attendance to support his concern.

Stacey Ehlers is leaving the Planning Commission August 1st which leaves a vacancy. She has requested a sabbatical.

The Board stated they had previously denied Peter Simmons a sabbatical and would follow their past actions and deny her request advising her to re-apply when she returns to this area.

Mark stated the Planning Commission is having work sessions to deal with the Comprehensive Plan and had to cancel the last meeting due to a lack of attendance. It takes 5 members to make a quorum. We are making decisions to bring before the Board for recommendations and Mark stated he needed members to participate.

Mark stated by statute membership can be up to 12 with 3 alternates/associates.

Regarding attendance, Mark suggested he draft a letter for the Chairman's signature based upon the statute which reads, "in the event a member should miss three scheduled meetings without just cause, the member's position may be declared vacant." This does not include workshops.

Commissioner Martin recommended Mark write a letter for the Board's consideration specific to Dick Stephenson and Calvin Lee to determine their continued interest in serving on this Commission.

Amended Plat - Bradley

Mark informed the Board of a call he had received regarding the proposed amended plat at Rifle Village South for Mr. Bradley where he is grading off the hillside. There are some deep ditches dug there and the County has advised Mr. Bradley that he has personal liability only as there are no requirements the County can take requiring him to cover these up.

Commissioner Martin stated he had the same call and sent word to the Sheriff to go out and assess the depth of the water and the "at risk" factors for kids.

Rose Ranch PUD

Assuming it meets the basic requirements, (Mark reported that this PUD has been received in his office as of last Thursday) and he, Don and Eric will review the application for completeness to determine referral to the Planning Commission before the Commissioners on August 4. The first thing necessary is for the applicants to sign an agreement recognizing their filing time does not start until a certain time and what they have said thus far is that if this is a complete application and depending upon the Board's referral on August 4, the 120 days will start when the Building and Planning is required to make a decision.

Discussion was held regarding closure on the land acquisition or if they were doing the option. Mark stated closing was tomorrow. Technically the applicants are Jim Rose, Ross Jeffrey, and an entity The Roaring Fork Holding Company. The interesting part is they do have an 11 hole golf course in this application but it does not include Westbank course. However, the Building and Planning understand the purchase of Westbank golf course is part of their proposal. Westbank is a 9 hole course.

Preshana Ranch

Mark reported the site application for Preshana Ranch would be coming back very shortly. The site application for the St. Finnebar Ranch which is 1000 gallons per day facility theoretically will be able to accommodate Preshana and other developments further up stream. Mark stated he was trying to tentatively get this to the Commissioners the first part of September.

Mid-Valley is interested in taking over the facility for management purposes. They are talking about creating a management facility for waste water treatment for that part of the valley. A similar to this type of a system is set up over in the Gunnison County area between Crested Butte and Gunnison. The Waldorf School could be served by this facility.

Commissioner Martin indicated there was a lot accomplished already at the Waldorf School and they were using the "Straw Bale Construction."

Follow-Up - Silt Building Inspections

Mark indicated there was a misunderstanding on Silt's request and they actually wanted the County to do the inspections for Silt and not just training of Silt's own personnel. Mark stated this was a concern as it created potential conflicts and this was the original reason they withdrew from providing service to Silt.

Commissioner McCown stated it was represented to him that Silt wanted training of their personnel however until their staff was up to par, they would want the County to provide those inspections. Mark indicated he would discuss this further with Jim Yale, Silt Administrator.

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

SOCIAL SERVICES

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

DISCUSSION: SPACE AT TAUGHENBAUGH- MARGARET LONG/BRUCE CHRISTENSEN

Bruce Christensen of Mountain Valley Development and Margaret Long presented there was a request from Marilyn Hammer for the space at the Taughenbaugh Building in Rifle. Bruce stated it might be helpful to give the Board a quick update. Mountain Valley has leased space from the County since the County owned the building. The uses have changed somewhat the biggest being when the school districts took over the 3-5 years old - they used to run a pre-school group in their space and they do not anymore. After that occurred, the usage dropped and they made free space available for other humans services providers as well as Margaret's department because they felt like it was in everybody's best interest.

When the Day Care Respite Program was operating under the auspices of the Family Visitors Program, they were under the impression that 1) they were using Mountain Valley's license and insurance coverage through Family Visitors; and 2) operated under a non-profit Board. This Board has since folded and Family Visitors has notified them that they are no longer operating under their auspices. Bruce served them notice indicating they were operating a non-profit program and would need two things in order to allow them to continue using the space. 1) a certificate of insurance of some sort showing they had liability insurance for their operations and 2) some legal entity. This has triggered concerns and letters. Now the group is apparently working with Rocky Mountain SER as their fiscal agent. Bruce has called the director on several occasions to ask clarification if they were assuming responsibility for this program and the director has never called him back.

Bruce stated he had informed Marilyn Hammer in writing and verbally.

Chuck has tried to call Marilyn also without response and supported Bruce with his requests for these documents.

Margaret stated part of the grant funds were coming from the State Ed Grant, called Part H and the State is no longer willing to fund her due to administrative issues. Part H is the big grant and it isn't there but she wants to continue these play groups.

Bruce stated he and Margaret wanted to advise the Commissioners of the issues in case they received letters referencing this.

Chairman Smith - stated they need more information.

HONEYWELL PROPOSAL(S) - HEATING/COOLING, LIGHTING CONTROLS

Andy Morton and Jim Douglas were present and the Honeywell Performance Contract Proposal was given to the Board. The Proposal included: lighting upgrades; setback thermostats; 2 options for cooling needs at the Courthouse; upgrade water heating system at the Courthouse; replace dielectric unions at the Courthouse; additional maintenance training; supplemental equipment service; and added it was a turn key project. They stated by implementing the proposal, Garfield County would have improved comfort; energy and operational savings; ability to update equipment today; solves existing problems; allows Garfield County to be proactive and positive cash flow opportunity.

They stated the Commissioners need to consider which option, then develop a contract, and then they would implement the program.

ROAD AND BRIDGE DISCUSSION - CHIP AND SEAL CONTRACT AWARD

King Lloyd presented his report.

Landfill

King Lloyd provided the Commissioners with an update regarding the suspected problem with the gas wells at the landfill.

The gatekeeper, Leo is in the hospital with pneumonia and another gatekeeper is complaining about severe eye irritation.

Commissioner Martin stated it is an unhealthy situation and one can see it visibly. There is a mist or condensation.

King stated he had contacted BLM and Barrett Energy and Mike Mottice commented he was unaware of the problems.

Chairman Smith suggested King contract the Colorado Department of Health and ask them to do an air monitoring at the landfill.

King stated Barrett Oil is insistent that nothing is wrong.

Four Mile Project

King stated the rock that was to be removed from the site was harder than the geologist or contractor estimated and the need for blasting has become evident. This will be a \$10,000 addition to the cost of the project. The job has shut down and all the rock has been excavated that can be at this time.

King stated he would need a Change Order signed.

Motor Grader Rodeo

King stated the Motor Grader Rodeo will be held this Thursday. Grand, Summit, Eagle, Pitkin, Rio Blanco, Gunnison and Garfield Counties will be competing.

White River Project - Tim Moore, City of Rifle and Gary Osier, White River National Forest

Tim Moore, Gary Osier, King Lloyd and Chuck Deschenes were present.

Commissioner McCown stated it was his idea to have them all come to together to discuss this project. It appears that due to budget constraints the City of Rifle was not going to participate like it had been previously discussed this year. His suggestion was to see what it would cost to do the remaining gravel portion of White River, part is the City's and part is Garfield County's. Since the County has the funds allocated to do the White River Project this year. He suggested the County proceed with the gravel portion if the City would come back next year if it was in the city's budget.

Chairman Smith - Next year the City of Rifle could pay that portion.

Tim stated he had taken it to the Rifle City Council and he interpreted it that this was acceptable. He represented to City Council that the County would do the section that was graveled, which is almost 4/10's of a mile, part of that being the City's and part the County's; that the County would use their forces to do the base and some of the blade work and then in exchange the County wanted the City to commit to an overlay for that section from where the City limits now ends (presently chip/sealed) North to where the chip/seal ends. He told them the City's share would be \$30,000 and the County's would be \$27,700. This is what City Council of Rifle committed.

Commissioner McCown stated to go ahead and do 3" of Road Base and 3" of Asphalt, get it done and let the City of Rifle Chip/Seal the County's portion of the remaining overlay next year.

King clarified that he was to start where the Chip/Seal presently ends and go to the State Highway.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Charles Grace 178 East Tamarack Circle and Bob Zortman of Battlement Mesa appeared on behalf of former deputy Troy Gorman appealing to the Commissioners in the recent termination of his employment. Don DeFord explained the legal issues which is that the Sheriff is an elected official and answers to this Board only on budget issues. He also stated it was in the purview of the Sheriff's duties and responsibilities as stated in Statute to hire and fire at will and the fired personnel was not entitled to a hearing before this Board.

Chairman Smith informed the concerned citizens that it was very appropriate to talk to the Sheriff as he was an elected official.

Don reiterated the Sheriff is responsible to the voters and would possibly be more responsive to them than to the Board.

Chairman Smith directed the men to go to the Sheriff and explain their concerns. She added there may be circumstances of which they are not aware and perhaps the Sheriff will share the other side of the story with them.

County Road 266

Michael and Valerie Orian of 0319 CR 266 on Silt Mesa in the Asgard Subdivision and Becky Maloney of 56 CR 266 stated they were here today to discuss the chip/seal project on CR 266. They requested the County not Chip/Seal CR 266 rather to leave it as a graveled road.

Chairman Smith suggested that all residents affected should be involved, and then inform the Board of the feelings. If the majority wants it to remain gravel, it will remain gravel.

Mark Bean requested the Board postpone the 2:00 P.M. Agenda Item until 2:25 P.M. due to a public notice regarding time.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to postpone the 2:00 P.M. agenda item until 2:25 P.M.; carried.

PUBLIC HEARING: PLANNED UNIT DEVELOPMENT PLAN AMENDMENT - ASPEN GLEN PLANNED UNIT DEVELOPMENT. APPLICANT: ASPEN GLEN GOLF COMPANY

Larry Green, Mark Bean, Don DeFord, and Chuck Deschenes were present. Mark Bean presented this is a request for a Planned Unit Development (PUD) Modification to the Aspen Glen PUD Plan for Aspen Glen Golf Company.

Don verified that adequate notice and publication was done and advised the Commissioners they were entitled to proceed.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; and Exhibit D - Project Information and Staff Reports.

Chairman Smith admitted Exhibits A - D into the record.

Mark Bean stated this was a PUD Plan Amendment to relocate the proposed Golf Clubhouse Zone District to the location originally approved by the Board.

Recommendation:

That the Planning Commission recommended APPROVAL of the proposed PUD Plan zone district amendments at their June 11th meeting.

Larry Green presented maps that showed the present configuration and the proposed changes. He added that the changes were on the clubhouse itself and specifically were changed with regard to getting food and beverages into the location; the second aspect was a lack of a view. There is no change in density; it is just a better plan.

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

Commissioner McCown made a motion to approve the Planned Unit Development Plan Amendment changing the Golf Villa Zone District. Commissioner Martin seconded; carried.

County Road 109

Larry Green stated the Board had requested of him in previous filing of Aspen Glen one of the requirements of the Board was to notify them in August of the preceding year when they wanted to do the reconstruction of County Road 109. He added that in the next 4 - 5 weeks they would be submitting an application for an additional filing of Aspen Glen which will be platting lots beyond the old railroad bed that was their trigger point. And it is in Aspen Glen's budget to do County road 109 in 1998. The formal plat application and formal notice to do this in 1998 is forthcoming and would be requesting the County's participation next year.

CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION LOGGING ON A TRACT OF LAND LOCATED APPROXIMATELY 8 MILES SOUTH OF RIFLE OFF OF COUNTY ROAD 317. APPLICANT: TUCKER/FRASE

Mark Bean, Tim Moore, Gary Osier and David Levy were present.

Chairman Smith swore in new speakers.

Mark submitted the following additional Exhibits: Exhibit X - Copy of permit for watershed district permit from Rifle; Exhibit Y - U.S. Forest Service Environment Assessment; Exhibit Z - Memo included as part of the Packet. AA - Letter from David Levy - three scenarios of traffic flows.

Chairman Smith admitted Exhibits X - Z and AA into the record.

Mark provided a brief summary of what happened in February at the Board meeting.

Recommendation

The Planning Commission recommended APPROVAL of the proposed commercial logging operations as a natural resource extraction operation, with the following conditions of approval.

That all verbal and written proposals of the applicant shall be considered condition of approval, unless specified otherwise by the Board of County Commissioners.

That prior to issuance of a County Special Use Permit, the applicant receive a Special Use from the U.S. Forest Service for a haul route and the appropriate land use permit from the City of Rifle for watershed protection. Any additional conditions of approval attached to those permits shall be considered conditions of approval for this permit.

That all timber hauling on County Roads be on Monday through Friday, between the hours of 6 a.m. to 6 p.m. That any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m., Monday through Friday.

The haul route for timber and other overweight service vehicles will be approved by the County Road and Bridge Supervisor. Additionally, an overweight vehicle permit will be acquired for each vehicle needing such permit.

That the forest management practices will be monitored for compliance with the proposed Teepee Park Forest Management plan by a consultant agreed upon by the Board of County Commissioners and the applicant, and paid for by the applicant.

Approval of this applicant is based on the representations of the Forest Supervisor of the White River National Forest that Forest Service Road No. 824 is a legal right-of-way for the proposed Special Use permit. It is the responsibility of the applicant to obtain a declaration of the status of the road from a court with the appropriate jurisdiction.

That prior to the issuance of a Special Use permit, the applicant submit engineered plans for the construction of intervisible turnouts on CR 317 meeting the Forest Service standards for sizing and spacing. Additionally, the applicant will be responsible for the acquisition of any additional right-of-way necessary for the placement of the turnouts, without the County's use of the power of eminent domain.

That prior to the issuance of a Special Use permit, the applicant shall pay for an overlay of at least 1 1/2 inches asphalt overlay of County Road 320 from the City Limits of Rifle to the intersection of CR 317 and 320, that is acceptable to the Board of County Commissioners. A road bond of \$100,000 will be placed with the Road and Bridge Department to be used for the repair of CR 320 due to damage attributable to the applicant's activities. The bond shall be valid for the period of time that the applicant is actively logging on their property.

This Special use Permit is subject to review for compliance or non-compliance with performance requirements associated with the issuance of the permit. The applicant will be required to submit a report one year from the date of approval of a resolution of approval indicating the measures taken to comply with the performance requirements of the permit. The Board of County Commissioners will review the report in a public meeting within 30 days of receipt of the report and may

determine that a public hearing is necessary to consider suspension of the permit or that conditions of approval must be met before additional activities can occur on the property.

All vehicles used in conjunction with logging operation must be licensed in the State of Colorado, through the Garfield County Clerk & Records Office.

The hauling of logs will be discontinued during normal times for local ranches to move cattle up or down County Road 317, when requested by a local rancher with grazing rights or property in the Beaver Creek drainage.

The applicant will not allow employees to drive personal vehicles to the site and will provide a crew cab for the transport of employees on and off of the site.

There will be no harvesting of aspen trees from the site, with the exception of the incidental cutting of trees, approved by the inspector agreed to by the City of Rifle and the County.

A revegetation of the site will be done with certified weed free seed mix.

County Road 317 will be resurfaced to an all weather/season surface to the USFS boundary and consistent with the standards approved by U.S. Forest Service of the Forest Service access road.

The haul route will only be along CR 320 from the intersection of CR 320/317 to Taughenbaugh Avenue in Rifle.

Upon transfer of ownership of the property subject to this special use permit, the new owner(s) shall meet with the Board at a regularly scheduled meeting of the Board and published as an agenda item on the Board.

That prior to the issuance of the permit, the applicants enter into an agreement with the Rifle Emergency Services to provide emergency services to the site.

Prior to the issuance of the permit, the Fire Management Plan is filed with the Garfield County Emergency Services and the Rifle Fire Protection District.

David Levy - 305 Railroad Avenue- Nevada City, Calif. addressed the aspect of traffic control monitoring stating he feels they can engineer road and/or widen some parts of the roads by removal of brush and is a potential solution without having to obtain additional right-of-ways. He stated a floating flagger is also a possible solution. He requested these two possible solutions to be considered as alternatives.

The only condition the owners have a problem with is - No. 13 - "harvesting of aspen trees." He clarified that sometimes when you fall a tree there are some instances when incidental cuts of aspen is unavoidable at times. However, he wanted it on the record and requested to leave it open to accidental removal of aspen. The aspen that would have to be cut would have to be stacked until a full load was available.

Tim Frase - 5211 Mica Ct. Street, Redding, California spoke on road issues suggesting cutting brush and widening the road.

Gary Osier - 0094 County Road 244 - stated the decision notice was imminent regarding the intent to sign and no changes were made. However, he was not sure which option was selected.

Tim Moore - County Road 202, City of Rifle - addressed the water quality and quantity and how it would be supervised and monitored. He questioned if every tree will be marked in order to ensure compliance and asked the Board to state this as a condition.

David Levy - stated that within the plan all trees will be marked.

Chris Locher - 3309 County Road - 317 asked to what conditions will County Road 317 be improved.

Mark Bean commented it would be resurfaced by the applicant.

Commissioner McCown - "to County standards."

King stated it was to be to the standard of an "all season road."

Chairman Smith suggested there be a \$100,000 road bond.

Chris Locher asked how the road would be coordinated with the oil and gas industry and how it will work for traffic.

Tim Moore stated the City of Rifle had reviewed the application for Tom Brown of KN Energy/Wildhorse Energy and in addition Barrett Resources/Standard Oil Company all have exploratory desires in the same area so they asked for a comp plan encompassing five years out and asked them to show the City the development plan and allow the City to review in a holistic manner looking at all the impacts.

David Danko representing Tom Brown Inc. - 555 17th Street - Denver, CO. stated he was one of the people coordinating oil and gas activity as it relates to the construction of roads, permits, etc. for Tom Brown, Barrett Resources, Snyder Oil, and Wildhorse/KN Energy and in response to Mr. Locher's question

they are preparing a plan of development for BLM and the City of Rifle and King to prepare a road engineered plan for the portion of road that comes from the Intersection of County Road 320 up 317 South of Section 1 which is actually 1 1/2 miles further than what the Tucker/Frase proposal looks at. They are more than happy to coordinate the construction being proposed on the road however the engineer plans are not complete. This will also be coordinated with King, the Road and Bridge Supervisor. He added that the pipeline was included and they will work with each other and are willing to coordinate efforts. He added it has become very clear that the County Road is the utility corridor in that area and this is why it has been chosen as the proposed route. What they are going to propose is that Wildhorse will come in and construct their pipeline up Road 317 after they are done, we'll come back in with a gravel overlay. He did not have the particulars. However, their intention was not to have the road fixed, then tear it up again with a pipeline, rather to wait until after the pipeline has been laid and then fix the road so everyone can use. Gary Osier - asked for clarification if it was the energy industries intent to have an "all weather road?" David Danko stated this was correct. He also indicated an interest to work with Tucker/Frase both on a cost basis and an engineer analysis realizing that one cannot function without the other. Chris Locher - requested this coordinated effort by the gas and oil/pipeline with the timber sales be written down and a one-time construction on the road. Commissioner McCown - commented to Chris that until they come before us with the application for the pipeline down that road the Commissioners have no part in the permitting process as far as exploration and drilling. When they come before this Board wanting to put a pipeline down our county road then they can put the stipulations back on the oil and gas industry to where they will have to step up to the plate and carry their end of the maintenance and upgrade of the road. This hasn't happened as yet. They have come to the Board with a preliminary plan then canceled several times. He added that everyone except this Board has decided that County Road 317 is the ideal utility corridor, but this Board has not decided that yet. Chris Locher - addressed the re-vegetation of the road. Tim Moore - City of Rifle requires \$100,000 revegetation bond which includes a two-year growing season. Mark Bean alluded to Condition NO. 9 in the recommendations. Don Dorrell - County Road 317 - asked what kind of road base is referenced on County Road 317 and expressed concern with City of Rifle's watershed. He stated from an agricultural viewpoint that he has a concern as it involves over 5,000 acres of land. Terry Brodan 3980 County Road 320 voiced a concern regarding the watershed.

Commissioner McCown made a motion to close the Public Hearing. Commissioner Martin seconded the motion; carried.

Commissioner McCown made a motion to approve the Special Use Permit for natural resource extraction logging for Tucker/Frase, however to modify Condition No. 1 to include "and the forestry plan;" modify No. 5 to include "and revegetation..... the City of Rifle... That each tree will be marked prior to harvesting for inspection by the consultant and the Division of Wildlife, prior to harvesting;" Condition No. 7 to include "and the improvements be constructed. and Any property so acquired will be dedicated to the County." Condition No. 8 "and/or CR317 be added as well as the addition of a zero to make the bond read \$100,000;" Condition No. 11 "during normal times for local ranches to move cattle;" Condition No. 13 "with the exception of the incidental cutting of trees, approved by the inspector agreed to by the City of Rifle and the County;" Condition No. 15 "to the USFS boundary and consistent with the standards approved by U.S. Forest Service access road;" add Conditions No. 16 - 19 - Condition No. 16 "The haul route will only be along CR 320 from the intersection of CR 320/317 to Taughenbaugh Avenue in Rifle." Condition No. 117 "Upon transfer of ownership of the property subject to this special use permit, the new owner(s) shall meet with the Board at a regularly scheduled meeting of the Board and published as an agenda item of the Board." Condition No. 18 "That prior to the issuance of the permit, the applicants enter into an agreement with the Rifle Emergency Services to provide emergency services to the site." Condition No. 19 "Prior to the issuance of the permit, the Fire Management Plan is filed with the Garfield County Emergency Services office and the Rifle Fire Protection District."

Commissioner Martin seconded the motion; carried.

Recommendation - (showing the changes as above)

The Planning Commission recommended APPROVAL of the proposed commercial logging operations as a natural resource extraction operation, with the following conditions of approval.

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, and the forestry plan, shall be considered conditions of approval.

That prior to issuance of a County Special Use Permit, the applicant receive a Special Use Permit from the U.S. Forest Service for a haul route and the appropriate land use permit from the City of Rifle for watershed protection. Any additional conditions of approval attached to those permits shall be considered conditions of approval for this permit.

That all timber hauling on County Roads be on Monday through Friday, between the hours of 6 a.m. to 6 p.m. That any helicopter hauling will only occur between the hours of 7 a.m. to 5 p.m., Monday through Friday.

The haul route for timber and other overweight service vehicles will be approved by the County Road and Bridge Supervisor. Additionally, an overweight vehicle permit will be acquired for each vehicle needing such permit.

That the forest management practices will be monitored for compliance with the proposed Teepee Park Forest Management plan by a consultant agreed upon by the Board of County Commissioners, City of Rifle and the applicant, and paid for by the applicant. That each tree will be marked prior to harvesting for inspection by the consultant and the Division of Wildlife, prior to harvesting.

Approval of this applicant is based on the representations of the Forest Supervisor of the White River National Forest that Forest Service Road No. 824 is a legal right-of-way for the proposed Special Use permit. It is the responsibility of the applicant to obtain a declaration of the status of the road from a court with the appropriate jurisdiction.

That prior to the issuance of a Special Use permit, the applicant submit engineered plans for the construction of intervisible turnouts on CR 317 meeting the Forest Service standards for sizing and spacing and the improvements be constructed. Additionally, the applicant will be responsible for the acquisition of any additional all right-of-way necessary for the placement of the turnouts, without the County's use of the power of eminent domain. Any property so acquired will be dedicated to the County.

That prior to the issuance of a Special Use permit, the applicant shall pay for an overlay of at least 1 1/2 inches asphalt overlay of County Road 320 from the City Limits of Rifle to the intersection of CR 317 and 320, that is acceptable to the Board of County Commissioners. A road bond of \$100,000 will be placed with the Road and Bridge Department to be used for the repair of CR 320 due to damage attributable to the applicant's activities. The bond shall be valid for the period of time that the applicant is actively logging on their property.

This Special use Permit is subject to review for compliance or non-compliance with performance requirements associated with the issuance of the permit. The applicant will be required to submit a report one year from the date of approval of a resolution of approval indicting the measures taken to comply with the performance requirements of the permit. The Board of County Commissioners will review the report in a public meeting within 30 days of receipt of the report and may determine that a public hearing is necessary to consider suspension of the permit or that conditions of approval must be met before additional activities can occur on the property.

All vehicles used in conjunction with logging operation must be licensed in the State of Colorado, through the Garfield County Clerk and Recorders Office.

The hauling of logs will be discontinued during normal times for local ranches to move cattle up or down County Road 317, when requested by a local rancher with grazing rights on property in the Beaver Creek drainage.

The applicant will not allow employees to drive personal vehicles to the site and will provide a crew cab for the transport of employees on and off of the site.

There will be no harvesting of aspen trees from the site, with the exception of the incidental cutting of trees, approved by the inspector agreed to by the City of Rifle and the County.

All vegetation of the site will be done with certified weed free seed mix.

County Road 317 will be resurfaced to an all weather/season surface to the USFS boundary and consistent with the standards approved by U.S. Forest Service for the Forest Service access road.

The haul route will only be along CR 320 from the intersection of CR 320/317 to Taughenbaugh Avenue in Rifle.

Upon transfer of ownership of the property subject to this special use permit, the new owner(s) shall meet with the Board at a regularly scheduled meeting of the Board and published as an agenda item.

That prior to the issuance of the permit, the applicants enter into an agreement with the Rifle Emergency Services to provide emergency services to the site.

Prior to the issuance of the permit, the Fire Management Plan is filed with the Garfield County Emergency Services office and the Rifle Fire Protection District.

PUBLIC HEARING: SPECIAL USE PERMIT FOR STORAGE OF NOT MORE THAN 30,000 GALLONS OF LPG, LOCATED AT 0023 RIPPY LANE. APPLICANT: THERMOGAS COMPANY

David Thomas and John Martin of Roaring Fork Aggregate and Eric McCafferty were present. Eric McCafferty determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Reports; Exhibit E - Garfield County Zoning Resolution of 1978 as amended.

Chairman Smith admitted Exhibits A - E into the record.

Eric presented this is a request for storage of up to 30,000 gallons of LPG by Thermogas Company on a 4.23 acre tract of land located on Tract 4 of the Adair Rippy Subdivision Exemption. The applicant is proposing to use a portion of the subject tract, approximately 1/2 acre, for storage of up to 30,000 gallons of LPG, with associated storage of up to 60 smaller, individual LPG tanks ranging in size from 124 gallons to 1000 gallons. Additionally, the LPG delivery trucks would be stored on the site, when not in use. Hours of operation are proposed between 8:00 A.M.. and 5:00 P.M. with occasional weekend and after hours use. Staff has requested a photograph and dimensional information of the proposed storage tank.

Mark suggested that a letter be submitted to the Planning Department from the Homeowner's Association and adjacent landowners approving the landscaping plan.

This was to be added as a condition.

Pauline Rippy spoke regarding concerns about clean-up, water rights and the effect this will have on her property values.

David Thompson responded that this was a wholesale and retail business and he was leasing the property. He stated the height of the tank would be 12'; this was a satellite operation and would be loading of trucks and filling all sizes of propane tanks.

Landscaping was discussed and it was decided that this would be included in the Condition No. 10. (shown below in recommendations.)

Commissioner McCown moved to close the Public Hearing. Commissioner Martin seconded the motion; carried.

Commissioner McCown made a motion to approve the Special Use Permit for Thermogas with the addition to Condition No. 9 and add Condition No. 10 as read into the record. Commissioner Martin seconded the motion; carried.

Recommendations:

That all proposals of the applicant made in the application and at the public hearing with the Board of County Commissioners shall be considered conditions of approval, unless specified otherwise by the Commissioners.

All LPG storage shall be in compliance with state and federal regulations (NFPA 58) governing this type of storage. The applicant/operator of the site shall file an emergency management plan with the local fire protection district and the Garfield County Office of Emergency Management.

The minimum defensible space distance for structures and storage tanks containing LPG shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to

determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.

It shall be the responsibility of the applicant/operator of the site to control noxious weeds on the site.

The applicant shall submit a landscaping plan for the subject tract that, in the opinion of the Board of County Commissioners, obscures and mitigates visual impacts created by the storage use. The plan shall include provisions for maintenance and survival of the plantings. Survival of the plantings shall be guaranteed for a minimum of two years.

The applicant/operator should comply with the terms of said covenants.

Portable toilet facilities shall be provided and maintained by the applicant/operator of the facility.

The entrance gate to the site shall be offset a sufficient distance, within the site, to allow delivery trucks to pull completely off the frontage road when opening/closing the gate.

The Special Use Permit for Storage of up to 30,000 gallons of LPG shall be issued upon a showing of the applicant/operator of the site that the conditions of approval contained herein have been satisfactorily met.

The applicant shall submit to the Planning Department a letter from the Homeowner's Association and the adjacent (notified) landowners, if they can be located, approving the landscaping plan.

PUBLIC HEARING: SPECIAL USE PERMIT FOR A TWO-FAMILY DWELLING LOCATED AT 8711 COUNTY ROAD 300. APPLICANT: JOHN LYONS

Gary Osmond representing John Lyons and Eric McCafferty were present.

Eric determined that adequate notice was given and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Reports; Exhibit E - Garfield County Zoning Resolution of 1978 as amended.

Chairman Smith admitted Exhibits A - E into the record.

Eric presented this is a request for a two-family dwelling special use permit on a 10.7 acre tract of land located at 8711 County Road 300 in Parachute. The original building permit was approved for construction of a single family dwelling, which was converted into a two-family dwelling without Board of County Commissioners review or approval. The applicant is now seeking a Special Use Permit for a two-family dwelling that would bring the existing structure into compliance with zoning regulations.

Gary Osmond stated he did not start this but is trying to legitimize it.

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

A motion was made by Commissioner McCown to approve the Special Use Permit for John Lyons with the 5 recommendations made by staff. Commissioner Martin seconded the motion; carried.

Recommendations:

- That all representations by the applicant made before the Board of county Commissioners shall be conditions of approval, unless otherwise stated.
- That the two-family dwelling shall meet all applicable portions of the 1994 Uniform Building Code, as adopted by Garfield County and that the structure shall be required to receive a building permit and all required inspections.
- The basement dwelling unit shall not receive a Certificate of Occupancy from the Garfield County Building Department until all inspections are conducted and passed.
- The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modifications to recognize the increase rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space

requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.

The lot owner shall be responsible for noxious weed control on the subject lot.

Resolution and Plat - Susan Quevedo

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the resolution and plat for Susan Quevedo concerned with granting an exemption from the Garfield County Subdivision regulations; carried.

Resolution and Plat - William and Barton Porter - Section 12

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the plat and resolution concerned with granting an exemption from the Garfield County Subdivision regulations for William and Barton Porter for Parcel A, Section 12; carried

Resolution and Plat - William and Barton Porter - Section 18

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a plat and resolution concerned with granting an exemption from the Garfield County Subdivision regulations for William and Barton Porter for Parcel C, Section 18; carried.

Resolution and Plat - Beverly and Glen McCormick

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the plat and resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Beverly and Glen McCormick; carried.

Minutes

Commissioner Martin made a motion to approve the Board of County Commissioners Minutes for April 29, 1997; April 17, 1997; and April 14, 1997. Commissioner McCown seconded the motion; carried.

Petition - Jail Issue

Maurice Barz came before the Commissioners and stated he was circulating a petition seeking to reverse the City Council vote to allow the County to build a new five-story 234 bed jail on the current jail site. He added the petition drive is aimed at forcing a public vote on the issue. He commented if the airport justified a vote of the people, then the size and location of the jail certainly deserves one. He mentioned the airport passed 3 - 1 and suspects this issue will pass 9 - 1.

Discussion - 1041 Rules/Regulations

The Commissioners discussed the possibility of implementing some of the 1041 Rules and Regulations commenting they would direct the Building and Planning Department to look into the possibility of adopting some of those guidelines for review in planning issues especially with respect to floodplain and fire danger.

Commissioner Martin added he would also like them to look into some of the aspects covered with respect to geological hazards, natural extraction and oil and gas impacts

Continued until 10:00A.M. on Tuesday - July 29, 1997.

AUGUST 4, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 4, 1997 with Chairman Pro-Tem John Martin and Commissioners Larry McCown present. Chairman Smith was absent. Also present were County Administrator Chuck Deschenes; and Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

Nellie Duffy, Marian Smith's mother passed away earlier this morning. She was a distinct historian in this area and Chairman Pro-Tem John Martin stated he wanted her remembered this way.

COUNTY ADMINISTRATOR

Honeywell Proposal

Chuck stated they managed to lump everything in and give the County a simple payback. This contract will take 1/2 million out of the capital improvement budget. Interest earnings are up due to the lack of funds going out for a jail. Georgia was very conservative in her projections.

A motion was made by Commissioner McCown and Chairman Pro-tem Martin stepped down to second the motion to proceed with the Honeywell Proposal/Contract; carried.

Weed Management Position

In accordance with the direction of July 30, 1997 during the Board of Equalization Hearings, Chuck stated he sent a contract with \$30,000 a year offer to Gary Janieck for Pest and Weed position.

Veterans Service Officer

Chuck stated there was a couple of applications for this position.

Interim Raises - Communications

Chuck stated there was no promises made to employees to give a mid-year adjustment. Commissioner McCown stated he recalled being made aware of the gross inequities but he too was sure that no promises of mid-year raises had been made.

Chuck reiterated the Personnel Committee would be the place where these requests would be handled.

Larry McCown stated they would have a director at the first of the year and would be able to activate these people under the Authority. It will then become a landlord/tenant arrangement between Communications and the County.

Board of Equalization

Commissioners stated the meetings last week indicated that Assessor Steve Rippy was doing a very good job for the County. The process was very interesting to learn and both new Commissioners enjoyed it.

Administrator

Some discussion took place regarding Chuck's salary and his position. In a letter July 3, 1997 Chuck stated he would be willing to look at re-organizing and would submit it to the Board for evaluation. No money was allocated specifically for a finance director and airport director. These would be the areas - administration would be removed. This would be in line with his salary. For the amount of money, hire Chuck an assistant but keep him on board and if money is the only factor - they would define the perimeters - asked Chuck to look at this and get back to the Board.

PAYMENT OF BILLS

Chuck presented the bills for the Commissioners adding that the payroll was approved July 28, 1997.

Commissioner McCown made a motion and Chairman Pro-tem Martin stepped down as Chair to second the motion to approve the bills; carried.

Storage in Basement

A request was submitted by the Sheriff to have additional space in the basement.

Airport Updates

Chuck reported the FAA was installing a new BOR range; it was a replacement. Other than the weather station, this will be the first maintained equipment of FAA. Rifle will be used as an emergency landing strip for Aspen and Eagle. He added they are combining the radar system on Red Mountain. Chuck stated he sees the Rifle Airport as commercial and has the ability to make mechanical and interior repairs.

Energy Grant - Update

Chuck stated Tim Sarmo was out of town. At the grant meeting they recommended \$500,000 be awarded if the County agreed to sit out next cycle.

JAIL DISCUSSION

Jim Sears, Dale Hancock, Don DeFord, and Chuck Deschenes were present.

Jail Discussion

Total in Jail: 120; 53 main jail; 48 Work Release; 7 females; 2 other jails; 2 Home Detention; no Day Reporting; no State Hospital; 2 DOC; and 8 workenders.

Jim reported there was an inmate who escaped from the Ordway Prison, stole a transport van and stole a horse.

All the new equipment is in but they are still waiting for the adapters for the cages for the vehicles.

Oral boards will be held on August 8; need to fill 5 positions.

The new transport van has 110 miles already but they are using the big van more and the smaller one very little.

Community Corrections

Al Maggard reported the Community Corrections meeting will be on Thursday. The Quarterly Community Corrections Meeting will be held in Glenwood Springs on August 15 & 16.

Al stated the Committee reviewed properties in Garfield County and took a look at the airport property. The Spacemaster was reconfigured and it was now up to \$423,000. CMI would add an Administration portion. He commented CMI will propose an amended proposal to Garfield County before the September 19, 1997 deadline.

Commissioner McCown requested that Dale firm up the figures and submit them to the Board with more than a one week time-frame to make a decision.

Board of Equalization

Commissioner McCown moved to go into the Board of Equalization. Pro-tem Chairman Martin seconded the motion; carried.

Commissioner McCown made a motion to authorize the Chair Pro-tem to sign all Resolutions on which there was a majority vote; Resolutions No. 97-047, No. 97-046; No. 045; and 97-048. Chairman Pro-tem Martin stepped down as Chair to second the motion; carried.

Commissioner McCown moved to come out of the Board of Equalization into the Board of County Commissioners. Chairman Pro-tem Martin seconded the motion; carried.

Chuck Deschenes as Budget Officer

Ratified the action taken during the Board of Equalization sessions.

Victoria Giannola New Planner

Mark announced and introduced Victoria Giannola as the new planner in the Building and Planning Department.

RFRHA - Update

Mark Bean gave the update. Banks are not willing to loan when property owners have to cross the railroad. Tom Newland acting as an Interim Director for Chris Lane.

MK Centennial Group made a presentation about putting together a Comprehensive plan. Susie Darrell is the alternate for Brad.

CDOT to have the study done and a needs a commitment for \$400,000 before the next meeting in two weeks.

John Worcester noted that Mr. Montane was on board and needed the money to pay him. There are some sections on the rail bank in discussion and wanted to get these issues to the table.

Lawsuits from George Allen on the curves; and Jeff Parker. Parker's is more a PUC license dispute. George Hanlon (Sanders' Ranch) petition was noted for condemnation and it is in District Court. Mr. Edwards' bill and all legal bills are being funded by Pitkin County.

Chairman Pro-tem Martin commented that they are still asking everyone for their proportional share. \$361,000 per Mark. Agreed they would revise the budget for the 1997 and do a new 1998 budget in order to inform all parties of their obligations. City Attorney Teresa Williams and others were going to Washington to lobby for \$2 million; in Washington it is not seen as a valid issue. However, Scott McInnis is very excited about the project.

Items of interest is a consent agenda with the Roaring Fork Club in Carbondale. Mark brought the County's crossing going under the rail for electricity convenience. No comments from Glenwood Springs however, we made this request.

Hanlon stated it was a slam-dunk to move electricity under the railroad track.

Sanders Ranch and terms of the lawsuit include the Wye; however legal counsel will be forthcoming at the next meeting.

Into BOE/out of BOCC.

Copies of the documents for final closing were mentioned and Mark stated they hope to get this to the copier and released this week.

The next meeting will be August 15th in Carbondale at 8:30 A.M.

Employee of the Month

Postponed until next week.

BOARD OF SOCIAL SERVICES

A motion was made by Commissioner McCown and seconded by Chairman Pro-Tem Martin to go into the Board of Social Services.

DISCUSSION - MARGARET LONG OF SOCIAL SERVICES/CHILD CARE

Margaret Long, Colette Barksdale, and Gail Schoppner were present for the discussion.

The Request presented was for an *increase in the poverty level* for child care assistance in Garfield County. Chairman Smith had sent her input through Chairman Pro-tem Martin and he stated she favored an increase up to 150%.

A motion was made by Chairman Smith through Chairman Pro-tem Martin to increase the poverty-level up to 150%. Commissioner McCown seconded the motion.

Discussion:

Chairman Pro-tem Martin stated he knows the need is there and was not condemning the program but was in favor of raising the poverty level in accordance with the inflation program. He stressed somewhat of a

fear of sending a wrong message and reiterated that things need to stop the inflation rate. He also stated if this doesn't work, then the issue could be re-addressed later.

Colette Barksdale stressed that the County still has to spend the \$43,000 and the money the County loses by not raising the poverty level to the 185% may need to be looked at. She added that the State's \$423,000 draw down on the dollars is there for the Counties to use and it is an economic factor for this area as well.

The Resolution will be effective today.

Chairman Pro-tem Martin stated he had spoken to Child Welfare Worker Karen Studen and he understands the rate of inflation and that it is more expensive for child care over here on the Western Slope and child care is up drastically over here as well. Having local control you can target the various market areas. He added to make sure to counsel the people on Earned Income Credits.

Gail Schoeppner stated the cost of care is not as high as in the Resort areas. Family Day-Care Centers can be in the unincorporated Counties. But they still deal with "the not in my back yard" restrictions.

Licensing of Day Care

Gail stated there are a lot of in-home child care operations not licensed.

Chairman Pro-tem Martin stated the private sectors have set up child care for their own employees and this was a popular format in the textile industry in the 40's.

Vote on the motion - carried to go to 150%.

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Martin who stepped down as Chair to second the motion to come out of Social Services; carried.

DEPARTMENT HEADS

Consideration Local Improvement District Canyon Creek Estates

Don DeFord presented a request stating he had spoken with Melody Massey of Russell George's office regarding the petition of forming a special district in the Canyon Creek Estates. This has been set on the August 18 agenda for consideration. It would be on the agenda as Local Improvement District for Canyon Creek Estates. He added it would not be a Public Hearing at this point as he has just receive the petition. This will be a Public Hearing item later and if the Board approves the petition, it will go to an election this year. The date of August 18 - 5:15 p.m. was set.

Honeywell Contract

Don stated he was hopeful of getting a contract in place by next week.

PUBLIC HEARING: LIQUOR LICENSE/TRANSFER OF OWNERSHIP - SUNLIGHT MOUNTAIN INN. APPLICANT: RAINBOW HOSPITALITY, INC.

Postponed until August 11, 1997 at 3:45 P.M.

Building and Planning Commission Members

Mark Bean was directed to proceed with a draft letter to Dick Stephenson and Calvin Lee regarding their attendance at the Planning Commission Meetings.

Extension - Thomas Reppo

Mark presented a request for Thomas Reppo for a 90 day extension.

Commissioner McCown moved that a date be set for November 3, 1997. Chairman Pro-ten Martin stepped down as Chair to second the motion; carried.

Resolution - Special Use Permit Tucker and Frase

Chairman Pro-tem Martin questioned if there was a time deadline when they complete the natural resource extraction.
Mark suggested they may have something in the Planning and Zoning and would check into it.

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Martin to approve a resolution concerned with the approval of a Special Use Permit Application for natural resource extraction for the Tucker and Frase Partnership; carried.

CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT FOR A CAMPER PARK LOCATED 1 MILE EAST OF RIFLE AT 27346 HWY. 6 & 24. APPLICANT: CUSTOM CRUSHING (REQUESTED CONTINUANCE TO ANOTHER DATE)

Re-opened the Public Hearing. Mark Bean presented a request for continuance for the Special Use Permit. Chairman Pro-tem Martin moved to set a date certain of September 8, 1997 at 11:30 P.M.
Commissioner McCown seconded the motion; carried.

Resolution - Thermogas Company - Special Use Permit

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Martin to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Thermogas Company; carried.

Resolution - Floodplain Special Use Permit - Gil Baty

Commissioner McCown made a motion to authorize the Chairman Pro-tem to sign a resolution concerned with the approval of a Floodplain Special Use Permit for Gil Baty. The motion was seconded by Chairman Pro-tem Martin; carried

Resolution - Special Use Permit - John Lyons

Commissioner McCown made a motion to authorize the Chairman Pro-tem to sign a resolution concerned with the approval of a Floodplain Special Use Permit for John Lyons. The motion was seconded by Chairman Pro-tem Martin; carried

ROAD AND BRIDGE DISCUSSION

King Lloyd and Mike McBreen were present.

Pavement Marking

Mike presented the bid for Pavement Marking as follows:

Warning Lites and Equipment, Inc.	Exact Unit Price	\$ 18.00/gal.
Grand Junction, CO	Exact Unit Price	35.00/gal
	Approximate Total	\$30,917.70
In-Line Traffic Marking CO	Exact Unit Price	\$ 40.00/gal
Denver CO	Exact Unit Price	100.00/gal
	Approximate Total	\$67,103.00

A motion was made by Commissioner McCown and seconded by Chairman Pro-Tem Martin stepped down to second the motion to accept Warning Lites and Equipment, Inc. for a total of \$30,917.00. Discussion: Don needs to check the paperwork and the motion was made contingent that all was acceptable with the County Attorney. Motion carried.

Oversize and Overweight Report

King submitted his report to the Board which included the oversize and overweight load fees for the current year.

Discussion was held concerning spot-checking for violators without permits; this means involving the Sheriff's Deputies to assist enforce weight restrictions.

Model Traffic Code

Discussion regarding the County adopting a model traffic code was a possibility. The overweight trucks are beating up our County roads and something needs to be done in order to mandate compliance.

Four Mile Project

King reported he was having some scheduling problems. He was working closely with the contractor and placing signs on the road and utilizing the news media to keep the residents informed. He added the work schedule is behind due to the blasting needed. However, this should not create a delay in the overall project; at present they are only 4 days behind.

Landfill

Barrett Oil and Gas have set up monitoring projects at the landfill. BLM took tests as well. The result was that there was acid in the air. Leo has been in and out of the hospital. Leo has some serious health problems; possibly with lung cancer. Both gatekeepers were checked.

Don expressed concern if this is a personnel issue.

King added that Leo has notified both Marvin and him that he will not be returning. A former gatekeeper now retired has indicated a return to that position in the interim.

Graveling

At the present King stated the crew is concentrating on preparation for Chip and Seal.

Mamm Creek

Chuck indicated that the Energy Impact Grant may provide \$500,000. With their match, the County match on the \$300,000 share will put it at the needed dollars to complete the project from the Interstate South to Jenkins cut off or as far as it goes.

Commissioner McCown suggested the specifications with the goals of it being accomplished before the end of this year. Constructor manager scope of design build.

REVIEW OF SPECIAL USE PERMIT AT 1609 COUNTY ROAD 112 IN CARBONDALE.

APPLICANT: KATHY WEISS

Mark Bean, Kathy Weiss-Stephenson, and Ronald Wilson were present.

Mark stated there were three things needing to be completed in regard to her tack shop on her Ranch. 1) Legal supply of water for commercial use; 2) individual septic system adequacy; and 3) to have the plans and specification reviewed.

Mark submitted a memorandum to the board that outlined the portions that were complete, however, he added there does not appear to be any reason to set a hearing to revoke the permit. Rather he added it would be appropriate to set another date to continue this issue, to determine that the plans for the tack shop and employee apartment have been approved and the court approves the water supply for the structure.

Commissioner McCown made a motion to re-hear on August 3, 1998 at 2:00 P.M. Chairman Pro-Tem Martin seconded the motion; carried.

Canyon Creek Special District

Don informed the Commissioners that at the August meeting they will be asking the Board to determine a preliminary cost and method of construction. The statute states the County engineer will provide this. It allows the appointment of some other officer and suggested the Board could use King or appoint a special engineer to do this project. This group is willing to do this as long as Board of County Commissioners approve it. The residents can submit the name of their engineer and as long as this engineer is registered in the State of Colorado, the Board can name the engineer for this special district.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A GROUP HOME FOR THE ELDERLY. APPLICANT: DANIEL SMITH

Don DeFord, Mark Bean and Daniel Smith were present.

Don DeFord assessed the posting and notification process was in order and stated for the record there was adequate notice and advised the Board they could proceed.

Chairman Pro-Tem Martin sworn in the speakers.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibits C - Application; Exhibit D - Staff Report and Project Information; and Exhibit E - a letter from the Sunlight View Utilities dated June 19, 1997.

Chairman Pro-Tem Martin entered the Exhibits A - E into the record.

Mark presented this is a conditional use permit for a group home for the elderly on a tract of land located approximately two (2) miles south of Glenwood Springs, off of County Road 117. The subject property is located in the High Density Residential District as indicated on the Garfield County Comprehensive Plan, Glenwood Springs area, proposed land use districts map.

The proposed group home for the elderly will be located in an existing 3400 sq. ft. seven (7) bedroom house. The Sunlight View Subdivision will provide water and sewage treatment. The group home will not have more than eight (8) elderly tenants. There will be a van for the transport of the residents and an automobile for the employees of the facility.

Daniel Smith - 3490 County Eric Walter - 811 Colorado Avenue

Vern Arbaney - property owner - supports this operation. One objection to note is the way the notice is handled in the newspaper. Why do we have to add "especially if you have objections."

Should Dan sell the property, he was not sure the use should go with the property in order to have it carried away.

Chairman Pro-Tem Martin clarified the Conditional Use Permit would go with the house.

Mark added that in connection with getting the facility open, Mr. Smith has to have a sign off by the County staff on the application process.

Recommendation:

APPROVAL of the proposed use as represented by the applicant.

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown to approve the Conditional Use Permit for an Group Home for the Elderly for Daniel M. Smith following staff recommendation and authorized staff to sign off after Mark has reviewed the application license from the State Department of Health. The motion was seconded by Chairman Pro-tem Martin; carried.

Executive Session - On-Going Litigation with the City of Glenwood Springs

A motion was made by Commissioner McCown and seconded by Chairman Pro-Tem Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Chairman Pro-Tem Martin to come out of an Executive Session; carried.

Red Canyon Road - Spring Valley Caucus

A letter was received from Michael Sullivan representing the Spring Valley Caucus regarding Red Canyon Road.

PRESENTATION: DAVIS FARRAR - PROPOSAL OF RED HILL MASTER PLAN - PROPOSAL AND FUNDING REQUEST

Davis Farrar representing himself from Western Slope Consulting stated he has a personal interest in Red Hill for recreational purpose. It is a 3,000 acre tract of land North of Carbondale near Fun Land. He stated that a proposal was submitted to Carbondale, Garfield County, and River Valley Ranch that consisting of a labor of love which would provide for a project developer and a steering committee acting as a hearing body. If interest is on-going then this could develop into a management group. 50 Americor Volunteers were working on the area just weeks ago.

In the proposal, the first step base line use addresses resources that need to be cared for, trespass issues, etc. Davis stated he plans to meet with the steering committee and sort out the concerns/issues such as who uses the area that may have questions about parking, cleaning up, dogs, motorized vehicles (it is designed for non-motorized use only) and identified resources. The plan is to document consisting uses, use conflicts, methods to mitigate and provide future use of the Red Hill area. Total budget is \$6605.00 - divided into \$4,305 equals 123 hours of his labor and volunteer coordination, etc.

He added that current use of the Red Hill area has increased in the past few years. The absence of doing any overall control of the area will create many unresolved issues.

All of the property is BLM.

Commissioner Martin asked if David has been in contact with BLM.

Davis - responded that he had and BLM has agreed to participate with possible use of in-kind such as mapping.

Commissioner Martin - inquired if he had contacted adjacent property owners.

Davis - yes, and their concerns are of trespass and parking on roadway. He added the plans for jeep trails and walking trails, biking, etc.

Commissioner McCown - applauded his efforts however, without an agreement with BLM that commits them, they can change the use of their land on whim.

Commissioner Martin - gave an example such as extraction of natural resources.

Commissioner McCown stated that Davis should keep after BLM until they fund it as they are paid to manage the land.

Davis commented he was asking Carbondale to contribute \$2,000; Aspen Glen \$2,000 and BLM and Garfield County to split out the remainder of the cost.

Commissioner Martin also suggested that Davis should contract the Department of Wildlife; as well as ask staff in Building and Planning for other direction necessary to explore.

Davis indicated if the County is not willing to contribute actual dollars, then the County could do in-kind such as a culvert.

Commissioner McCown responded that he was reluctant to commit the County until he knows what is identified and he has a few more details.

King stated County Road 107 was very expensive to maintain.

Commissioner Martin stated for Davis to come back when he gets all the agreements worked out BLM, DOW, and property owners.

PUBLIC HEARING: TWO (2) LIQUOR LICENSES/TRANSFER OF OWNERSHIP - NEW CASTLE KOA

1) 3.2% BEER LICENSE/OFF PREMISES

2) BEER AND WINE LICENSE

APPLICANTS: RUSTY AND LINDA CALLOW

Don DeFord, Rusty and Linda Callow were present.

Mildred presented that the sign was posted, the transfer of ownership was completed, and the petitions were in order with no one having signed the "not in favor" petitions. There was paperwork in place for both

licenses. Nothing negative was received by her office. The Sheriff said they did not find anything detrimental.

Rusty Callow - stated he has never been at the serving end of the alcohol program.

Commissioner McCown mentioned the training for servers of alcohol and recommended they take this training.

The Callow's explained they recently purchased the campground and planned to extend the time of opening from the 2nd week of April and until October 22 this year. The store is open from 8 AM to 10 PM. The cafe portion is from Memorial Day to Labor Day. Dinner is served between 6 - 8 P.M. and this is when the beer and wine will be available. They are also open for breakfast from 8 - 10 A.M. on Sunday. Rusty and Linda will be the co-manager. They do not intend to change the offering of food as currently being offered. Rusty was a policeman in Grand Junction for 17 years.

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

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Martin to approve the liquor license for transfers of ownership 3.2 off premise and Beer and Wine; carried.

K & N ENERGY - TRANSCOLORADO PIPELINE UPDATE

Don DeFord, Gail Hutchingson - Community Affairs Represent and Tom Boyda - Western Region were present.

Tom presented maps.

He added that Trans Colorado proposed to be built next year. The Certificate was presented in 1994 and they are trying to get all Special Use Permits and Conditional Use Permits for 280 miles for 22 and 24 inch pipe. This is projected to be a \$200,000 cost. The processing plant will be expanded to 150,000 million per day.

The main purpose of the pipeline is to provide transportation access out of Pieance Creek Basin for gas to be transported from Colorado both east and west for the gas to get anywhere. This is Questar and KN Energy. Questar is in Utah. KN is in Lakewood.

Gail indicated a 1998 expected completion date to be ready for heating season by September.

Mildred reminded them all vehicles would need to be licensed in Garfield County.

Gail indicated this is a 50/50 partnership with Questar and KN Energy. Colorado is one of 6 states that produce gas for all of the states. Tom stated they will be here within the next few weeks requesting the Special Use Permits and Conditional Use Permits in Garfield County.

CONSIDER RESOLUTION - FIRE BAN

Don DeFord presented the reports have indicated a fuel moisture content increase indicating the fuel moisture content is hovering at 15 or above and sufficient to lift the fire ban. His recommendation to the Board was to not renew the fire ban at this time but review weekly.

Cristo Resolution

A motion was made by Commissioner McCown and seconded by Chairman Pro-tem Martin to authorize the Chair or Chair-Pro-tem to sign the expanded version of the Resolution; carried.

Adjourn 4:30 P.M.

AUGUST 11, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 11, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

Vehicle Bids

Mike McBreen presented the bids he had received from the vehicles placed for the bidding process. He proposed the Board accept the bid for the 1981 Toyota for \$821.00; reject the bid for the Dodge Intrepid for \$772.00; and reject the bid for the old Army weapon carrier for \$272.00.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to accept the bid for the Toyota and reject the bids for the Dodge and the old Army vehicle; carried.

Mileage Rates - Motor Pool and Personal Rates

Chuck recommended looking at the mileage costs in this upcoming years' budget. He recommended \$.30 and \$.35 reimbursement. The IRS rates are .31 and .36.

Chuck also recommended looking at the mileage reimbursement cost for personal cars used on County business.

A decision was made to compensate the same rate as the IRS effective January 1, 1998.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to change the mileage rates the first of the year to the IRS standards of \$.31 and .36; carried.

Underground Electrical - UPL Site

Commissioner Martin suggested that Chuck put out notices to the employees out regarding the underground electrical relocating services in case there is any inconveniences.

COUNTY ADMINISTRATOR

Chuck Deschenes reported.

Weed Management - Gary Janicek Contract

The Board approved the contract and terms offered to Gary Janicek by a motion made by Commissioner Martin and seconded by Commissioner McCown; carried.

Con-Sy - Blasting - Four Mile Project

Chuck presented the change order for the Con-Sy blasting of rock at the Four Mile project. Discussion was held.

Peach Valley Flood Assistance

A letter was received from the United States Department of Agriculture, Natural Resources Conservation Service regarding the Peach Valley Flash Flood Emergency, Request for EWP Assistance.

A recommendation was made that the landowners use the Farm Services Agency's Emergency Conservation Program (ECP) because the request is better suited to that program.

Personnel - Update

Chuck stated that Susan Owens was to come back to the Personnel Committee with more additional figures which would include bringing up the minimum from \$7.35 to \$7.80 as well as all levels within the salary scale. There will be a meeting on August 25 at 10:00 P.M. with the Board to go over the figures. He added the personnel committee would be making a recommendation to the Board when a decision had been made.

Personnel Evaluations - Pay for Performance

Some offices may have been using evaluations. In line with that a committee has been formulated and assigned to this to look into evaluation forms that can be used County-wide.

Chuck constituted that the Committee wanted to look at a mid-year salary adjustments and they are trying to get the other to start by the first of the year.

Chuck added that he will look at the cost. The Sheriff has money in his budget and it will not affect Social Services.

Mildred commented that the increase is not focusing on compaction rather at moving the whole chart over one space to the minimums in each classification and making the salaries closer to the market study.

Trauma Council

Chuck the Trauma Council stated he had received a call from Pitkin County requesting Garfield County join in a cooperative effort with Pitkin in a different council. Chairman Smith stated the State was not happy with Pitkin County. They wanted to be a stand alone County and we should let them. This has been referenced to Don DeFord for review.

The decision was made that the Board ask to have someone come in and explain their position.

Don DeFord presented the agreement and shared responsibilities.

Discussion took place and a potential of conflict was explored.

Commissioner McCown summarized it would be a conflict of interest and the County is covered by the Resolution previously passed. Sharon Eshelman's recommendation was agreed to be the determining factor of who to formulate the Trauma Council with at the very beginning.

Commissioner McCown made a recommendation to stay in the group they were already included in and inform Pitkin County that Garfield County would stay.

Transportation District

Chuck reported that Colin Laird's group's - Healthy Mountain Communities is moving forward.

Legislation mandates that a Transportation District requires at least two entities. If you have that one other entity then you can form a district. RFRHA and Garfield County could be the two entities. Unincorporated districts cannot participate without the approval of the County Commissioners.

BARRETT OIL AND GAS LEASES

Chuck Deschenes, Don DeFord and Tom Lawson, 802 Grand Avenue, Glenwood Springs from Barrett Oil were present.

Discussion was held with respect to a dollar figure for oil and gas leases for Garfield County.

Don DeFord commented that oil and gas leases are standard and the Board reviews and determines compensation. He explained this was normally property under a County Road. The general rule is that we do not have a right to lease our roads for profit.

Chairman Smith commented that she wanted to do some additional research before setting a dollar figure. This was re-scheduled for next week.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard, Colleen Truden, Chuck Deschenes, and Don DeFord were present.

Commissioner McCown asked Dale to put together some information on what a jail comparable to the UPL proposal and the jail building proposed on the existing site along with the interest; then compare that to the transportation cost of taking inmates to other counties. The general concern of Commissioner McCown was the interest on the \$4 - \$5 million compared to transportation costs.

Dale presented a handout that he had compiled some comparable figures per this request of Commissioner McCown's. He reviewed his figures and stated he had added a 4% inflation factor. In addition it was mentioned that the Court requires 7 appearances on an inmate.

Jail Count

Total in jail: 115 41 main jail; 47 Work Release; 10 females; 7 other jails; 2 Home Detention; no Day Reporting; 4 DOC; 8 Workenders. (1 - Eagle; 4 Clear Creek; 1 Douglas; and 1 Gilpin.) Ron Van Meter and Deputy Jim Sears were present for the Cops Grant discussion.

Cops Universal Hiring Program (UHP) Grant

Tom explained that if we hire community oriented policeman, we can hire under the COPS grant the positions we have allocated. He added that he is not asking for new funds or new positions - these were in his budget and funded under the sales tax.

Chuck agreed that would work.

Tom suggested to hold off signing of the grant until he has checked out the particulars.

Motion to approve and authorized the Chair to sign the document if it meets the criteria under the Universal Hiring Program by Commissioner McCown and seconded by Commissioner Martin; carried.

CITIZENS NOT ON THE AGENDA

Cindy Crandall, Colorado Animal Rescue, Inc. and Laura Van Dyne former Professor of 23 years at Colorado Mountain College, 6283 County Road 100, Carbondale - now retired - and a private dog trainer were present.

Sheriff Dalessandri presented a memorandum he had received from the Colorado Animal Rescue, Inc. in support for the development of a valley-wide animal shelter in Garfield County. The memorandum lists three factors that stand in the way of an effective animal control program 1) County Ordinances to control domestic animals (vaccinations, licensing, adopted fine and fee schedules); 2) Adequate funding to support such a program; and 3) An adequate and dependable place for animals to be housed.

Cindy and Laura maintain that it is time for government to get into this picture.

Cindy provided an update: Colorado Animal Rescue has \$220,000 to work with; still no land available; has site selected; and asking County for \$100,000 for the purchase of the land. The land is part of a 60 acre parcel and there is potential to carve out a section for the shelter. They have \$145,000 in bank and \$75,000 in pledges. The staffing of the facility will be by contracts paid by the Cities.

Cindy asked for the Commissioners to make a pledge with contingencies.

The Commissioners stated they could look at this as part of the County budget however, she should get with Chuck and provide a general outline for what is proposed.

Chuck added that they needed to submit a letter with regard to the purchase of the property, the location, plan, etc.

Tom stated as part of the level of commitment is from the sales tax. In addition there is a need for more aggressive ordinances and licenses implemented. Now they operate off of the State Statutes.

Michael Lucid - Juvenile Holding Detention Center - Colorado West

Discussion:

Tom stated they wanted to get back to the discussion table and if they have problems they are willing to do what is necessary.

Commissioner McCown commented that the County is willing to do their part and Colorado West needs to have a commitment that they will fix their heating system.

Request - Cages in Basement

Tom requested an additional cage in the basement.
The Commissioners suggested that Tom chalk the floor where he is proposing the cage to be so other departments can check it out.

Operations

Dale Hancock reported on the State Meeting in Alamosa of Community Corrections on Thursday.

Spacemaster - CMI

Wayne Ackrman V.P. with Correctional Management Incorporated was present and commented that their intentions for land at the airport was to look at it.

Chuck indicated that the county has a parcel on the edge. The concern is how much will it cost to bring in infrastructure.

Discussion:

County does first \$50,000 to bring services to the point of the road.

INS

Dale indicated there is a possibility of some up-front dollars if the County would be willing to build a facility to house a 20 bed unit for illegal immigrants. They bus them back by 30's.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean presented his reports. He commented that building permits are slightly, about 12 for single family dwellings from last year at this date; commercial very close; remodels higher - 21,000 million this year and a total of 25 million last year in valuation.

Special Use Permit - Custom Crushing, Inc.

A motion was made by Commissioner McCown to authorize the Chair to sign a Special Use Permit for Custom Crushing, Inc. Commissioner Martin seconded the motion; carried.

Resolution - Conditional Use Permit - Daniel M. Smith - Group Home/Elderly

Commissioner Martin made a motion to authorize the Chair to sign a Resolution for a Conditional Use Permit for Daniel M. Smith to allow a Group Home for the Elderly in the Sunlight View Subdivision. Commissioner McCown seconded; carried.

Final Plat - Boats - Extension

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a 90 day extension until November 17, 1997; carried.

EMPLOYEE OF THE MONTH

Ruth Harrison was selected as the employee of the month.

DEPARTMENT HEADS

Margaret Long - Human Services

Welfare Reform and the Master Contract was discussed. Margaret commented that the State wants to negotiate. However, Margaret recommended the Commissioners do not sign the Interim Plan at this point. She added that the Commissioners may get a call or a letter but based upon advise of counsel the State is exceeding their authority.

Extension

Carol McNeel requested the Chair be authorized to sign the contract for the rental of the Chamber Tent. Commissioner McCown so moved. Commissioner Martin seconded; carried.

PUBLIC MEETING: LEVITT (WHITECLOUD RIDGE) SUBDIVISION FINAL PLAT - RESCHEDULED FOR 8/18/97

CAPITAL IMPROVEMENTS PROGRAM - REPORT PRESENTATION

Don DeFord, Chuck Deschenes, Mark Bean, King Lloyd, Dale Hancock, Dean Gordon, Dennis Stranger and Peter Nichols presented the report.

The written report was referenced.
Road and Bridge - Memo - Dean Gordon

Overview - Volume II.

Dean stated he had divided it up into three sections: Introduction, Review of Inventory, and Capitol Cost and Road Impact Feasibility.

Road impacts were the main issue and he went over road impacts but not road by road, rather dealt with groups of roads in categories: paved, gravel, good roads, etc.

Red Canyon Road was closed.

Dean explained that the meetings were consistent with similar concerns in specific areas such as oil and gas impacted roadways; no money was added in to address this except in the overall program. Those roads are included but not given any more emphasis than the other roadways. If impacts are there from oil and gas, the only time they would be addressed would be through Energy Impact Grants, therefore no money for impacts and it never entered into this analysis. If that roadway was included, then it could be part or all of the 20% needed from a match.

Road Impact Section

Dean explained that this was a relatively straight forward approach. This is the one that will come back for discussion by the general public - a huge range of impacts per road from \$100 - \$9,000. The formula did have a procedure. This was based on assumptions and some subjectivity. He admits this is not good for administration. Subjectivity was reemphasized. One of the areas (put in the memo) was critical safety areas on page 20 in the Road and Impact Safety Issues. It was identified that nothing could be done until these safety issues were addressed. He identified 4 areas: (Two) Four Mile Cators Corner and Black Diamond. Have to do something before you would allow anything to happen above those two points. County Road 113 - critical area; County Road 109 - addressing part of this with Aspen Glen for 1998.

Rational Nexus

Mark Bean commented at this point this document has not been adopted. The rational nexus is what you are adopting.

Don - to be used when you adopt the basic road impact formula.

Smith - we may be challenged on each one.

Dean added that "Level of Service" was one of the factors considered. HE stated this was 100% subjective.

Safety Issues - Public Facilities Ordinances

Don indicated the Commissioners must identify a time-line on which those improvements would be made. As part of the Capital Improvements Program, the Board must have time-lines.

Dean indicated that the County would be responsible for about 83% and from the practical standpoint - i.e. a given road - the County would be collecting an significant amount of money for road, Dean then made the assumption that the County would front the 100% and is therefore a huge impact on the County.

Mark stated this is an identification of critical area needs: the four areas - County Road 109, County Road 113 and Four Mile Road Black Diamond and Cators Corner were listed.

Dean stated the driving lanes split between 10 and 11 foot; and commented if do you have to widen the road to meet a standard; and 2) relatively amount of roadway in consideration for the number of units served. Rulison and Rifle as an example - County Road 320.

No consideration was given if the County needs to purchase the "right -of - way."

Lowest priority - Battlement Mesa short road and CMC road because it is wide enough to meet the standards. County Road 309 Road is a \$9,000 impact road - this is a width and density issue.

Peter stated this is all controversial.

Peter Nichols presented:

The Capital Improvements is not just roads, their are shop needs and equipment. Some significant savings with one center. He added that both Glenwood and Silt shops are sitting on valuable property. Steve Rippy did a project for them and submitted that the shop would pay for itself on a 10 acre site with a satellite operation in Rifle - a \$650,000 project. The consultants suggest doing this.

Equipment - Dennis Stranger presented:

Dennis estimated \$1 million a year by using the replacement theory. \$400,000 a year could be saved by a road supervisor to define equipment replacement; a feature that can be budgeted. This would be an exercise in detail and he also recommended that \$400,000 equipment replacement go into an internal service fund. Further, he suggested to centralize the replacement and maintenance and pay into the internal service fund. Dennis mentioned that the Board needs to think about the future of Road and Bridge as to whether they want to stay in construction business or only in maintenance.

King - commented on construction equipment and also that the \$400,000 would not suffice to handle the cost. He estimated \$70 million of cost on Road and Bridge and recommended to spend money now to do repairs.

Major Recommendations

Jail

It appears there are a lot of advantages trying to build the jail between New Castle and Rifle.

Cheaper but does not offset the transportation costs.

Sites - Glenwood is a one-shot deal whereas if you can find a site, outside of Glenwood, you could phase it in and save interest. Attorney's will not be happy to see the Court leave.

Peter stated to hold off until the Legislature appoints new judges.

Courthouse - is a "pie in the sky" per the Court Administrator projection of space.

They recommended financing to do what is needed.

Courts and Administration - \$100 million

The other option would be to try to get into the sales tax that is going to library and public works.

What does the public want as far as library system. Make it a ballot issue to have a special library district and fund it separately. A lot of improvements for offices, motor vehicles needed for administration, motor pool, spending 4% out of Capital fund now for equipment. Set aside 4% for future use.

Two significant components - *vehicles and computers* - create an internal services funds charged back it to the department.

The Commissioners commented that they needed to schedule more time and would need to absorb this part of the presentation, read the report and develop questions.

Wednesday morning - August 20th - 8:00A.M. was set for a continued discussion.

ROAD AND BRIDGE DISCUSSION

Cinder Bid

Rescheduled per King

Battlement Mesa Intersection

Commissioner McCown place a drawing of the Battlement Mesa A & B intersections.

Discussion:

Any deviation from the intersection might create a liability issue and would put the County in jeopardy.

King was instructed to submit an article to the Battlement Mesa local paper stating the County was attempting to make this a safer intersection, generated by accidents and near misses and therefore, it is only a one-way stop.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Petition on County Road 266

Mike Erion presented a petition with respect to County Road 266 requesting the speed limit be lowered to 20 mph.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to set the speed at 20 mpr and warn motorists regarding the curve on County Road 266; carried.

Chip and Seal

King stated he received notice on Friday of a revised scheduled which indicates they are now 3 days behind.

Mamm Creek - Energy Impact Grant

Chairman Smith indicated there was a potential of getting money and going ahead this year with the Mamm Creek Project. The County has received \$500,000 and agreed to sit out a cycle.

Two engineering companies were discussed and the Board instructed King to put the documents together and get two different proposals.

King reported there was an extreme shortage of materials as there are only two gravel companies. Also the paving companies are not interested for the remainder of the year. King was to propose dates of completion for the road; to try and get engineering documents; and to try to get distressed areas at least a skin patch; and get the project bid Jan or February.

Chuck suggested to get with Snyder and Vessels; present as an interim situation and do the long term next Spring.

Contests - Motor Grader

King stated that out of 21 entries and 7 Counties that 3 of our 5 guys from Road and Bridge were in the top ten. Garfield County took 3rd place; Bert Garlitz will represent Garfield County at State.

Gravel Projects

King submitted a list of projected and accomplished gravel projects.

Landfill

No news from BLM or Barrett Oil and Gas.

CONTINUED PUBLIC HEARING: ZONE DISTRICT AMENDMENT FROM ACCOMMODATIONS/RECREATION PLANNED UNIT DEVELOPMENT TO PLANNED UNIT DEVELOPMENT FOR THE RANCH CREEK UNIT DEVELOPMENT, LOCATED AT THE RANCH AT ROARING FORK. APPLICANTS: JANE JENKINS AND STAGECOACH ASSOCIATES, INC.

Don DeFord Mark Bean, Attorney for Stagecoach Chuck Stoddard, Jim Jenkins and Attorney David Brown for Jane Jenkins were present.

Mark reviewed the previous Public Hearing.

Don stated it does appear that progress has been made; a signed agreement is subject to the vote by the Homeowners; and it must be an affirmative agreement between Ranch at Roaring Fork and the voter

approved agreement must contain the provision represented in this report of agreement which should be marked as an Exhibit.

Mark submitted Exhibit O - A report of the agreement dated July 2, 1997.
Chairman Smith admitted Exhibit O into the record.

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

A motion by Commissioner Martin to accept the proposed PUD Plan and text amendment zone district for the Ranch Creek Unit Development for Jane Jenkins and Stagecoach Associations, Inc. with recommendation of the Planning & Zoning Commission as well as the changes so noted (see Recommendations) in discussion to approve the plans. Commissioner McCown seconded; carried.

Recommendations:

That all representations of the applicant either in the application or during the public hearing before the Board of County Commissioners shall be considered conditions of approval, unless modified by the Board.

Prior to the submittal of a Preliminary Plan application, the applicants will provide a signed agreement with the Ranch at Roaring Fork Homeowners Association to provide water and sewer service, access to the Ranch open space for owners in the PUD and agreement to include the roads in the PUD in the Ranch's road maintenance and repair system. If no agreement can be reached, a court order requiring the same provisions may be substituted. Prior to preliminary plat that they would need to demonstrate an affirmative vote of the Homeowners Associations and provide a signed agreement of the Ranch at Roaring Fork Homeowners to provide water and sewer service, access to open space and any other agreements.

That the following language be added to the proposed zone district text: A. Effect of Garfield County Zoning Resolution (adopted January 2, 1979). The provisions of the Garfield County Zoning Resolution and the successors thereof, as now in effect and as hereafter amended, are by this reference incorporated herein as if set forth in full, to the extent not divergent from the provisions of the Ranch Creek Planned Unit Development Zone Regulations.

B. Conflict. The provisions of the Zoning Resolution shall prevail and govern the development of Ranch Creek PUD provided, however where the provisions of the Ranch Creek PUD Zone Regulations do not clearly address a specific subject, the ordinances, resolutions or regulations of Garfield County shall prevail. Definitions established herein shall take precedence over definitions established by the Subdivision Regulations of Garfield County, adopted April 23, 1984, whenever these regulations are applicable to the Ranch Creek PUD. By way of example, the floodplain regulations set forth at Section 6:00 of the Garfield County Zoning Regulations are fully applicable to this proposed PUD.

That a Preliminary Plan and Final Plat be submitted within one (1) year from the date of the approval of the PUD and that the PUD include the following elements:

- a. The preliminary plan include (4) additional off-street parking spaces in addition to the two (2) covered off-street parking spaces on each lot.
- b. That a park design including specific landscaping plans and a parking area with at least 10 parking spaces be submitted as a part of the Preliminary Plan. Additionally, that a pedestrian easement be shown from the parking area to the internal road of the subdivision along the lot line common to Lot 8 and the adjacent commercial property.
- c. The proposed road design include provisions for no parking signs and the covenants include a method by which property owners can be fined for parking on street.
- d. The road design incorporate any proposed changes made by the Carbondale Fire District and there be letter included with the Preliminary Plan identifying their agreement with the proposed road design.

Approve with a 40' ROW for roads and the road ownership be consistent with the Ranch at Roaring Homeowners Association road ownership.

COPS Grant - Update

Ron Van Meter reported that the COPS grant by the number you are paying locally in May of 1995 so if we would have taken the two federally funded positions and only paid 8 and used Federal Funds to pay for two then we would be supplanting; as long as we continue for the 10 deputies and additional deputies hired under community policing or additional deputies is not supplanting. These are paid with the sales tax. Ron further clarified that he is writing a letter for the Sheriff's signature informing them exactly what we are doing here and asking for a formal written response and clarification from Washington. Chairman Smith mentioned for Ron to check the previous 25% budgeted when the County thought it was a 75/25 match, however, some dollars are left over and this may be the County's match. She stated that the District Attorney informed the Board about this and said he wouldn't need as much as he requested.

He commented that he needs a signature of the Chair in order to notify them of the County's intent.

Chairman Smith stated there is a motion already authorized for the Chair to sign after they were informed that this would not be supplanting.

County Attorney

Don asked for a motion to authorize the Chair to approve an amount not to exceed \$500 for the City transcript of proceedings as part of our litigation with the City. Commissioner McCown so moved and Chairman Smith stepped down from the Chair to second; carried.

Annexation of Midland

Don inquired of Commissioner Martin if the City had approved the annexation. Commissioner Martin stated no and he was not aware of the exact reason.

Don stated this was a section of road subject to rock fall hazard and it was important to know who's road this belongs to.

Commissioner Martin called the City and responded that yes it was approved and would be effective 10 days after it was published. This was clarified as the portion on County Road 117.

CONTINUED PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 6 MILES NORTH OF NEW CASTLE ALONG COUNTY ROAD 243. APPLICANT: MARY DONLAN

Eric McCafferty and Mary Donlan were present.

The Board will recall that the Donlan petition was continued to allow the applicant to investigate various matters and submit additional information. These matters were:

- Floodplain mapping of Main Elk Creek relative to the property;
- Lot slope determinations that comply with Section 5.04.02 of the Zoning Resolution;
- Initiation of a water augmentation plan;
- Determination of driveway locations and consultation with Road and Bridge; and
- Confirmation of inclusion within a fire protection district.

Mary submitted the floodplain mapping and the Commissioners reviewed.

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.; and shall conform to Section 5.04.02 (slope) of the Zoning Resolution.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.

5. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

6. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

7. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.

8. Prior to final approval the Division of Water Resources shall issue the appropriate well permit and a formal, water-sharing declaration shall be submitted for the shared well. If the well is not shared, the well on Lot 3 shall be drilled and pump-tested for four (4) hours duration, an opinion of the person conducting the pump test shall be submitted, stating the flow will be sufficient for the intended use(s). All information shall be submitted to the Planning Department for review.

9. That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The individual lot owners shall be responsible for the control of noxious weeds."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No new open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

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

"There shall be no more exemptions from definition of subdivision allowed on any of the parcels created by this approval."

A motion was made by Commissioner McCown to approve the SB-35 Subdivision exemption for Mary Donlan with the recommendations (listed above). Commissioner Martin seconded; carried.

Plat and Resolution - English

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve and to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County subdivision regulations for Mark and Melinda English; carried.

Plat and Resolution - Roe

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County subdivision regulations for Timothy Roe and Rebecca Williams and to have the well sharing agreement and payment to the Clerk and Recorder before releasing; carried.

Honeywell Contract

Chuck presented the contract from Honeywell but added that Don needs to review prior to authorizing the Chair to sign. He commented that they would correct the problem in Dispatch (Communications) within 3 weeks of signing of contract.

Airport Construction

Chuck reported that construction has begun and the FAA has started the installation of a new FAA/BOR. He added that this puts the County on the record with FAA.

PUBLIC HEARING: LIQUOR LICENSE/BEER AND WINE - MELA LUNA GRILLE, INC. (APPLE TREE). APPLICANTS: MICHAEL AND PAMELA RICCI

Mildred Alsdorf presented and swore in applicants Michael and Pamela Ricci.

Mildred presented that this was for a beer and wine license. She presented the signed petitions and stated there are some signers that are not in favor.

Mike Ricci explained the new plans for the Apple Barrel Cafe. He mentioned they will not be advertising beer and wine sales outside of the restaurant and it will only be served with food. They are remodeling and making it a more remote and private area for dining; a different look.

Alcohol will be served by qualified alcohol servers. They will only hire professionals to serve.

Michael will be the chef - 7 days a week. A new chef will be interviewed. They also plan a Sunday Brunch will champagne. Mela Luna means Apple Moon. The restaurant will be opening - September 1st.

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the beer and wine application for Mela Luna Grille, Inc. for Michael and Pamela Ricci located at 5175 County Road 335, New Castle, Colorado; carried.

PUBLIC HEARING: LIQUOR LICENSE - TRANSFER OF OWNERSHIP - RAINBOW HOSPITALITY, INC. TO SUNLIGHT MOUNTAIN INN

Mildred Alsdorf presented and swore in the applicant Pierre DuBois of Sunlight Mountain Inn, 1052 County Road 117, Glenwood

Mildred informed the Commissioners that the criminal history was done, the sign was posted and the petitions were in order.

Pierre explained what he was planning to do. He stated that he had purchased the Sunlight Bavarian Inn. He added he would be operating a 20 room inn as a Bed and Breakfast. No physical changes have been made but decorative changes will be made. Gretchen, his wife, and Pierre are the Inn Keepers. Lunch will be simple. By Thanksgiving the restaurant will be operating with a family style menu. Any major changes will be generated by the market.

Chairman Smith - asked if no one signed the "not in favor" petition?

Mildred stated no.

Mildred informed Pierre that full meals must be served for a hotel and restaurant liquor license and if he includes the grassy area outside the Inn, then it will need to be included.

Pierre stated that he would like to include the grassy and that he will give a diagram to Mildred to include that portion of the property. He stated Gretchen has direct experience in the business.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the liquor license transfer of ownership for Sunlight Mountain Inn for Pierre and Gretchen DeBois; carried.

FINAL PLAT LOS AMIGOS PLANNED UNIT DEVELOPMENT - FILING 5

Larry Green, Terry Eubank, Gary Boker, Tim Thulson, Don DeFord and Mark Bean were present.

Certification of improvements were submitted for Don to review.

Mark presented that this was a final plat for Los Amigos PUD - Filing No. 5.

Don stated he has reviewed the SIA and the transfer agreement on the water and a letter from Jody Edwards representing some of the owners.

Don stated he was satisfied that the requirements have been met. A number of homeowners were at the last meeting and Jody Edwards has reviewed the documents and the homeowners are satisfied. Don explained the homeowners transfer of the water and advised the Board should proceed.

Chairman Smith - the main argument was the water and therefore she asked how they satisfied those concerns.

Larry commended that under this agreement it spells out what will be transferred. The transfer agreement is proposed for Dec. 31, 1997 and will be operated as is until then. Red Canyon and the Homeowners will enter into a management agreement yet the homeowners will own it.

Don, Jody Edwards and Larry have discussed the management agreement and once it is in their hands it is their decision to determine who will manage it.

Mark stated the homeowners own it and Red Canyon will manage.

Don indicated that a check to the Treasurer for the Road Impact Fee of 17 lots x \$200; the Carbondale and Rural Fire District of \$235 a unit for 17 lots; and the school impact fees were satisfied by the dedication of land.

Mildred was instructed to hold the plat for payment of taxes.

Larry - commented that all taxes have been paid but he forgot to get the certificate.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the signature of the final plat for Los Amigos PUD - Filing No. 5; carried.

RFRA

Don DeFord and Mark Bean presented a written report.

Commissioner Martin stated that City Council has authorized their share of \$400,000 for the Comprehensive Plan, but they said to trim the budget and send it back.

Mark explained there were some consent items and if there was any issues the Board wanted to change or for them not to consent to, then advise him.

Don added that Jeff Parker's issues were included and he only has a right to "cross the railroad."

Mark stated this was included as one of those "consent" items.

Chairman Smith added she would like then to consider weeds on the railroad right-of-way.

Don reported that he had spoken to Mr. Considine's Attorney's today and they will be making a request of the Board to allow the placement of either a cattle guard or an unlocked gate on the road and they asked if they should. Don informed them that this is not a county road but it is a public road and could be viewed as an obstruction. He stated they would be well-advised to come before the Board however in the past these kinds of issues have been viewed not as any great impediment as long as there was no trespassing signs.

Resolution - PUD - Battlement Mesa - Town Center - Filing 5

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign a resolution concerned with the approval of a preliminary plan for the Battlement Mesa Company for the Town Center Filing 5 Subdivision in the Battlement Mesa PUD; carried.

Resolution - Battlement Mesa PUD Plan Map - Battlement Mesa Partners

A motion was made by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a planned unit development (PUD) modification to the Battlement Mesa PUD plan map Battlement Mesa Partners. Commissioner McCown seconded the motion; carried.

VACATION OF OLD COUNTY ROAD 293 OR 295

Don DeFord, Attorney Steve Beattie and Susan Alverier with UNOCAL were present.

Don stated this does not have to be a public hearing however, we need the hearings for the record on adjoining roads.

Steve Beattie explained that the objective of requesting this vacation was to square up the property line to be exactly the same as the boundaries. A legal description was also submitted as part of the petition packet and the annexation map from the City of Rifle. Rifle and John Savage were landowners of the 1.3 acre parcel that this affected. It is non-controversial and was requesting to fence this back to the property line. Susan stated UNOCAL could do this fencing.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to vacate the parcel on County Road 293 and County Road 295. Discussion:

Don stated that the County Surveyor Sam Phelps confirmed the legal description verbally to him.

Motion carried.

CONSIDER RESOLUTION - FIRE BAN

Discussion was held and due to the amount of moisture, the matter was rescheduled for September 2.

Recess until 8:30 A.M.

AUGUST 18, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 18, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

A letter to the Colorado State Soil Conservation Board endorsing the grant application being submitted by the Bookcliff Soil Conservation District for the Silt Diversion/Colorado River Diversion Demonstration Project was submitted for approval.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to ratify the action taken by the Chair on August 12, 1997 to write a letter to the Colorado Soil Conservation District; carried.

Minutes - April 25, 1997

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the minutes of the Board of County Commissioners for April 25, 1997.

Senior - Assisted Living - Battlement Mesa

A motion was made by Commissioner McCown and seconded by Commissioner Martin to draft a letter stated the Board of County Commissioners were in favor of the concept of the Assisted Living Housing for Battlement Mesa; carried.

COUNTY ADMINISTRATOR

Budget

Chuck indicated he will submit the information presented by the various departments to the Commissioners next week.

Communications Authority

Chuck indicated that the Communications Center's budget was highlighted for discussion and it is strongly indicated that they will rent the space in the Courthouse this next year from the County. Daryl Meisner is the President and Tom Beard is the Treasurer of the Communications Authority.

John Baker - Affordable Housing - West Glenwood Land

Chuck reported that John Baker had contacted him to say the company was interested in a purchase of the West Glenwood property owned by the County off of Donegan Road near the golf course. John asked if this would be through an auction or if he should give the Board a written offer. The appraisal price was discussed and the value of the land was estimated at \$100,000. Chuck informed him there were a lot of concerns regarding that piece of property with respect to wildlife and how it interacts with the golf course. John was concerned that it would be a verbal auction and Chuck clarified that no, it would be a written auction and he would discuss this on Monday with the Commissioners.

The Board did indicate they were interested in selling the land rather than participating in their proposal to develop Affordable Housing in Glenwood Springs.

Some discussion was mentioned regarding giving this property to the Animal Rescue. However, due to the slope of the land and the general location, it was not feasible for their needs.

Assessor Steve Rippey was to be requested to take a look at the property. Ted Applegate had estimated the value over a year ago. This was agreed to be the method to use. Then the Board will take a look at it after the figures are presented.

Chuck will bring this back next week.

Fairground Agreements

Ernesto Leon - for August 24 and 25, 1997 - a Spanish Rodeo; Colorado West Paint Horse Show - September 6, 1997; Colorado Quarterhorse Association - August 29 - September 1, 1997; and John Downing - 9/1 - 9/7/97

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Chair to sign the Fairground Agreements as presented; carried.

Fairgrounds - General - PA System

The Fairgrounds PA System was complained about especially the hearing of the announcements during the bull riding and rodeo events.

Discussion:

This was agreed to be a priority for winter and funds would be included in the budget for 1998 to upgrade the sound system.

Rodeo Contributions

Commissioner McCown announced that the Western Bull Riders out of the proceeds they made during the Wednesday, August 13, 1997 profits donated \$750.00 to 4H and \$750.00 to FAA.

Garfield County Fair

Reports of the 1997 Fair indicated that it was very good overall.

PAYMENT OF BILLS

Commissioner McCown made a motion and Chairman Smith stepped down as Chair to second the motion to approve the bills as submitted for the first run of July 1997; carried.

Honeywell Contract

Chuck reported the contract was in order and Don DeFord would have it reviewed for the Board's signature today. The Contract includes a payment direct to Honeywell for \$7900 per year for 5 years and a total sum of \$421,979 for the system upgrades. Chuck reported the cost for upgrades will be paid outright and not financed.

Don stated he had additional discussions with Honeywell Representatives. They have reached an agreement with exception of consequential damages, which limits damage in this area and the Board must make a decision regarding this particular portion of the contract. Don added that this is the only provision of disagreement.

Commissioner McCown made a motion to authorize the Chair to sign the Honeywell Agreement.

Commissioner Martin seconded the motion; carried.

Card - President of CCI

Commissioner Smith directed Chuck to send a card from the Board regarding the passing of the Director of CCI.

BARRETT OIL AND GAS LEASE

Lease Per Acre

A motion was made by Commissioner McCown and seconded by Commissioner Martin to set the lease per acre price at \$25.00 and to accept the lease; carried.

JAIL DISCUSSION

Deputy Sheriff Jim Sears, Al Maggard, Chuck Deschenes and Don DeFord were present.

Jail Discussion

Total in Jail - 112. 49 main jail; 40 Work Release; 12 females; 9 other jails; 1 Home Detention; 12 DOC; no State Hospital and 11 Workenders.

Community Corrections

Al Maggard reported for Dale who is on vacation.

He stated they had a good meeting in Alamosa and discussed the transitional inmates. He stated that 12 transition beds were allocated for the next fiscal year plus the 20 beds for Community Corrections making the total contract approaching 1/2 million. The proposal with respect to the transition would be an exchange. As an example he commented that an inmate due to be paroled within a certain time frame would be assigned one of the transition beds, then the Department of Corrections would take a DOC inmate off our hands.

Executive Session - On-Going Litigation - Jail Issues

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the on-going litigation and jail issues; carried.

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

Colorado West Juvenile Center

The Board directed Chuck to contract Ken Stein regarding Colorado West and obtain an update. Commissioner McCown indicated the Board needs a letter of commitment prior to moving forward.

Airport Manager Position

Chuck reported a workshop was scheduled for Wednesday, at 6:00 P.M. August 20 to discuss the position and the budget. He commented this would be a good opportunity for the Board to discuss these issues with that independent Board.

Fire Fighting Facility at the Airport

Chuck reported that Mike Morgan and Pete Blum met with the contractor Phil Vaughan and did a preliminary cost estimate with BLM and the Forest Service. The estimate was for \$5000 each for the facility at the Airport for the Fire Fighting Facility.

Roads in the Rifle Area - Prioritization for 1998

Commissioner McCown stated some of the roads in Rifle needed to be added to the prioritized list for 1998. Many of these roads are County roads and have experienced heavy travel due to the development in the Rifle area. County Road 250 was specifically mentioned.

Animal Control

Cindy Crandall has submitted a request for funding for the Animal Rescue Shelter and included for this year if possible.

COUNTY BUSINESS

Trauma Council

Chairman Martin stated he had a request from Sharon Eshelman of the Trauma Council with respect to the request the Commissioner had in regard to the Group in Pitkin County.

Chuck indicated he informed Nan Johnson that basically the Board was happy where they were in the Trauma council and did not feel they could belong to two groups. However, the Board would be more than happy to cooperate in emergency situations and if Pitkin County wanted to pursue this further, then they should contact Chuck.

Board of Commissioner's Meeting Change

Commissioner McCown asked for consideration in omitting the October 13th meeting and reschedule it for October 27.

Commissioner Martin asked for consideration of changing the November 10th and rescheduled for November 24th.

Both Commissioners indicated they would be out-of-town on these particular dates.

Discussion:

A consensus was that this would not be a problem.

DEPARTMENT HEADS

Emergency Management

Guy Meyer and Ron Hyyks presented the maps showing the oil and gas activity in the County. A total of 356 wells have been mapped through August 15th and another 100 wells without GPS information. Guy indicated that Range and Townships are hard to pinpoint.

Oil and Gas in the County

Staff time is spent looking at locations when the permits come in with regard to the fire district and the County information system. Some consideration is being given for a permitting fee at the local level. The County does not issue permits and they may not be able to include themselves in the loop. Road permits are the exception.

Guy was given the suggestion to contact the Oil and Gas Commission and request the 100 other wells with respect to exact location.

Workender's Trailer

Guy indicated the need for the trailer for the Workender's Program and discussion was held for moving the trailer to the Airport on County property.

Personnel

Barbara Ramirez presented a memorandum for input and approval to be placed in the employee's paychecks for participation in the orientation of newly hired employees.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize Barbara to put this information into the paychecks; carried.

Building and Planning

Mark Bean presented a letter from RE 1 School District on School Impact Fees adopting a Resolution to establish the basis of land dedication in lieu of fees. It was being suggested to incorporate this into the Subdivision Regulations.

The following issues was discussed:

Amending Zoning - Provisions for Airports

Mark asked to present this to Planning and Zoning redefining the language for Airports under a Special Use Permit.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer this issue to the Planning Commission; carried.

Calvin Lee and Stacey Ehlers - Planning Commission Members

Calvin Lee and Stacey Ehlers resignation had been received. Mark requested the Board advertise for new members. The parties had sent a letter to Mark Bean and then to the Commissioners.

Mark reported that Victoria was working and setting up meetings with land use plans for the Comprehensive Plan.

RFRHA - Update

Mark reported that the recent article in the Newspaper was not bad. Basically, again RFRHA members had a lengthy discussion of the budget and tried to cut back the numbers being paid into the contract by Glenwood and Carbondale. Lobbyist, cars, furniture and office space were discussed. It was decided to get an Executive Director first. 2) concentrate on the Comprehensive Plan and scope of work submitted. He added there were some concerns about the scope from Barbara Cole's group. Decisions were made to sit down and discuss these issues and then tell the group; committed to 2 years to get the comp plan together. \$400,000 from local governments and \$600,000 from C-DOT needed and they may not be able to give it but would come as a loan.

There was some clarifying with respect to some accesses. Jeff Parker was not there and there was no discussion regarding litigation. RFRHA did authorize and agree for attorney's for RFRHA.

Rail Banking

Rail banking was a discussion topic as to what this will entail. The next meeting is scheduled for August 29th. The Demo project that Amtrak is proposing; crossing of the rails criteria and the Boulder Scientific interesting in running the program in two years will be agenda items. Improvements for Jeff Park are due by the September 4th for Parker; he has to clean out his crossing.

HUMAN SERVICE COMMISSION

Margaret Long, Cheryl Hurst, Deb Stewart, Debbie Wilde and Jackie Morales were present. Jackie Fitzsimmons, Lift Up Director, handed out a hypothetical demonstration paper on a blue-collar working family and what it's like to be in the working poor class who live in Rifle with a family make-up of a husband, wife and two children. All the various factors were included and an attempt to show the Commissioners the hardships presented in this area when families have child care included in these expenses.

Jackie stated that Lift-Up has the extended table and limited funds but they can help. There is no ability to provide shelter in this situation; she indicated there is a growing problem in the Glenwood Springs area and regards it as a true public safety issue in Garfield County. Suggestions offered to address this problem included: motel vouchers. She commented that this isn't adequate and in addition these people have problems - usually substance abuse. Hotels are not wanting to accommodate and the future should deal with shelter in a safe environment. She cautioned that this County should not just close our eyes rather deal with it and do not act like you don't have it, otherwise a tragedy waiting to happen.

The Board suggested that Jackie present this before the City Council.

Cheryl Hurst asked Chuck for comments on the sales tax for this year. Chuck indicated the projections thus far indicated it to be flat and not as anticipated.

The Commissioners did suggest however, that Cheryl work with the budget and same figures as this year.

Chuck will set aside the same amount of funds.

Margaret Long commented they will be reallocating - \$2000 awarded to the now defunct agency.

Deb Stewart requested that all of the county programs be included in a grant process including Extension.

SOCIAL SERVICES

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

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

Executive Session - Personnel Issues

A motion was made by Commissioner Martin to go into an Executive Session to discuss Personnel Issues. Chairman Smith stepped down as Chair to second the motion; carried.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to direct Don DeFord on a part-time basis the attorney to confer on the Rose Ranch; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve authority for Don DeFord to undertake litigation on Brenda St. John; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to direct Victoria Giannola to consult with Don DeFord prior to 2:45 P.M. concerning an undertaking of an independent review of the Rose Ranch in order to put an attorney on retainer part-time; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Don DeFord was present.

Landfill

King reported that the Gatekeeper Leo Tuxrun had possibly been affected by fumes by completion of well at landfill and is terminally ill. Leo's daughter called and is convinced that he is dying of liver failure.

Barrett Resources has been contacted being made aware of a potential health and safety issue. BLM has been in contact with Hazmat out of Grand Junction but no results have been received to date. BLM is the lessee.

A medication evaluation will be needed per Don and once that is done a determination as to whether or not contaminants are the participating factor in the injury and/or that Leo's was merely irritating a pre-existing condition. Don stated a release is needed and advised that Leo should fill out workman's compensation forms.

King indicated that his other landfill person, Jan was also complaining.

Executive Session - Discussion Landfill - Health Issues

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss the ramifications of legal counsel for the health issue; carried.

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

County Road 117

King reported he was getting some soil compaction reports on Four Mile. They are doing a quality control. One more blast may be necessary on County Road 117 and should be completed prior to the start of school bus routes.

Rotomil

King stated he had the Rotomil in place for Riverbend and Sweetwater, however there is no opening for the rejuvenate. He anticipates August 22 for rejuvenate treatment, doing both projects in the same day. He obtained a 1 1/4 mile area of Rotomil for Sweetwater.

Chip/Seal

King reported the Chip/Seal Contractor was experiencing a delay but next Monday, September 25 has been projected as the starting date.

County Road 109

King stated the work crew is keeping County Road 109 bladed and it has been reported to the Sheriff to patrol the road. One accident was reported by Charlie Hoffer who perceived it was due to a lack of road maintenance.

White River Avenue

King reported a new schedule was received and United is anticipating September 4th and 5th are to complete this. The County Road crew will put down the base.

Meeting - Consultants - Road Safety Problems - Expanded List

Dean Gordon's presentation from last week, King submitted his first version list of road safety problems for Dean to go out and look into.

Blading

King stated his men are coming in Friday and Saturday to keep up with the weather on an overtime basis.

Road 250

The \$107,000 saved from White River Avenue was discussed as being put into County Road 250. A motion was made by Commissioner McCown and seconded by Commissioner Martin to Chip and Seal County Road 250 in this year's budget; carried.

Mamm Creek

King reported he was going to chip and seal the areas where the pavement had busted up just to stabilize them through the winter.

Commissioner McCown indicated to King that he wanted Mamm Creek to be a priority this winter as far as maintaining and stabilizing were concerned.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Eric McCafferty, Don DeFord, Steve Hackett and Todd Leahy of 928 Pitkin Avenue, Glenwood Springs presented a concern about a zoning and land-use problem that he termed as dangerously affecting a piece of property he owns in Garfield County in South Canyon. He presented a copy of the Gun Club's first lease in 1984. Todd classified this as a safety issue, stated he had made contact with the City of Glenwood Springs making claims that the Gun Club was not operating within the conforming status however, neither the City nor the Gun Club seem to want to address these safety issues.

Discussion:

This is City owned property under the County zoning. On Friday, Steve Hackett, enforcement officer with Building and Planning went out to the site and confirmed what was going on.

Todd stated he was at wits end regarding the property and these safety concerns. He purchased the property from Ray Monahan. He has asked the Gun Club to move the range. He stated this is a very dangerous situation.

Eric stated he also has some concerns with the zoning.

In reviewing the lease, Chairman Smith noted the Gun Club has changed the whole location.

Eric -stated that no response has been received from the City Attorney regarding the May 14th - Certified Letter.

Steve - explained the situation and submitted photos.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to have a letter drafted to the Mayor of City Council from the Chair of the Board of Commissioners similar to the contents in a letter submitted to the Commissioner by Todd Leahy; carried.

BOARD OF HEALTH

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

Mary Meisner and Margaret Long were present.

Healthy Beginnings

Mary Meisner introduced the new Healthy Beginning Program Director as Wanda Berryman. Wanda is an experienced nurse and proven with the County. She indicated that Josie will be moved to office manager.

Desydel Gallardo - bi-lingual applicant was hired as receptionist.
Mary stated that these moves have left a case manager opening.
Grants are due in September but Mickey completed them before she left.

Program Updates

WIC - has received good reports; Caseload: vouched around 1000; Breast feeding is 70% - better in Garfield County than the State average; and WIC has \$850,000 that goes into the community for food vouchers.

Immunization

Mary stated they offered Saturday clinics for youth entering 6th grade and 2nd grade for MMR's.

Consultant - Site Visits

Consultant has done site visits on August 15th in Carbondale, Parachute and Basalt and the site review for Rifle will be on September 17th. The department has had very good reviews in Carbondale, Parachute and Basalt. Jeannie Nichols is the State Health replacement.

Meetings

On August 20th there is a meeting in Eagle of the County's Nursing Director's.
September 10 and 11th - Grand Junction - Drive-Smart - Coalition
September 13th - C-DOT Car Seat Program in Glenwood

Blood Born Pathogens

Mary passed out a memorandum report listing the departments that have potential exposure to Blood Born Pathogens: Public Health Nursing Service; Sheriff Department; Healthy Beginnings; Social Services; maintenance; and Landfill. She added that an exposure control plan is available to be reviewed with a designated representative for each department determined to be at risk.

Margaret stated that Mary has put a good program together and would like to present the training.

Mary added that Clorox and hand washing are real effective factors.

Medical Survey

Mary presented a Survey performed by her department showing all providers in the area who will accept Medicaid. Glenwood Medical Associates does not accept new Medicaid, but have kept pre-existing enrollment.

Dental Care Survey

Mary reported that of 16 providers, only 7 responded.
Some would do head start screenings; none accept Medicaid which is a huge problem.
With respect to the lack of dental care, Mary reported they have applied for a mobile van but they haven't heard yet.
Commissioner Martin suggested contacting a retired dentist and seeing if some volunteer work would be provided.

Discussion included the National Guard coming to this area to provide dental screenings. Commissioner Martin suggested some from Fort Carson may be willing to come to this area also.
A motion was made by Commissioner Martin to come out of the Board of Health. Commissioner McCown seconded the motion; carried.

CONTINUED CONSIDERATION: FINAL PLAT DOCUMENTS FOR OAK MEADOWS FILING FOR BEAVER COURT

Larry Green, Don DeFord and Chuck Deschenes were present.
Larry stated that the Board reviewed a site application for a new waste water treatment plant for Oak Meadows in June of this year and what happens with Beaver Court depends upon the decision with the State Board of Health regarding Oak Meadows. Larry reported the final documents are in Denver for

action and will take another 30 to 45 days. He stated nothing could be done until a decision has been reached and asked for a continuance for 60 days.

A motion was made by Commissioner Martin to continue this until October 27 at 2:30 P.M. The motion was seconded by Commissioner McCown; Carried.

Executive Session - Personnel Issue in Planning

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

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

TITLE - Toyota 1981

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the title for a surplus vehicle - a 1981 Toyota; carried.

PUBLIC MEETING: FINAL PLAT FOR THE LEVITT (WHITE CLOUD RIDGE) SUBDIVISION

Eric McCafferty, Don DeFord and Larry Green were present.

Eric stated that on July 8th the Levitt Subdivision was changed to White Cloud Ridge Subdivision. Eric stated in-between the time the Preliminary Plan was approved on July 8th and today's date, it's been changed to White Cloud Ridge. This is also referred to that way on the plat.

Eric stated Larry Green presented him with the certificate of taxes being paid on the property however, there are a few outstanding items which this Board should be aware of: Number one is the payment of school site acquisition fees for a total of \$2,600; Number two is Carbondale Rural Fire Prot3ection District Fees who now request \$339 per lot for a total \$4,470; a letter of credit in a form acceptable to the County Attorney and just was made aware of that the mylar - plat has not been signed at this point by the County Surveyor.

Eric stated with this in mind, the applicant would like to proceed with final plat approval of those four items notwithstanding to be taken care of prior to retardation with the Clerk and Recorder's Office according to the Subdivision Regulations they have 90 days in which to get that taken care of unless there is an extension approved by the Board of County Commissioners.

A motion was made by Commissioner McCown to authorize the Chair to sign the plat for the White Cloud Ridge Subdivision at such time that the County Surveyor signs the plat, payment of school acquisition fees, Carbondale Fire Protection District and a letter of credit. Commissioner Martin seconded the motion.

Discussion:

Mildred Alsdorf questioned if the Covenants will be filed.

Larry Green stated these will be presented when they come into record the final plat and yes he will want Mildred to put the recorder number of those. Larry stated there was also a deed of an easement also, water rights, and an agreement to the water system and this will presented as a package as previously done with River Valley Ranch and Aspen Glen.

Motion carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Subdivision Improvements Agreement for White Cloud Ridge Subdivision aka Levitt Subdivision; carried.

CONTINUED PUBLIC MEETING: AMENDED PLAT - ANTLERS ORCHARD DEVELOPMENT COMPANY APPLICANTS: RAY GILBERT AND KAREN GREEN

Mark Bean, Don DeFord, Ray Gilbert and Karen Green were present.

Ray Gilbert submitted a request to amend the Antlers Orchard Development Company plat for lots included in a parcel of land owned previously by Robert J. Antonelli. This includes part of Tracts 33-35; 46-48 and 51 in the Silt Mesa area.

Mark stated that staff can support an amended plat for the larger lots, but they have serious reservations about lots 48 and 51.

He added that while it makes sense to create lots that have building areas that fits the contours of the land; the County is not obligated to approve the creation of a buildable lot from a lot that is presently marginally buildable without going through the subdivision review process.

Karen Greene is proposing to amend the lot lines for AOD lots 35,45,52, and 61 on her property which is adjacent to the Gilbert property on the west side.
Mark Bean Read 6.10 from the Subdivision Regulations.

Annie Gilbert was also present.

Mark suggested to ensure easements they need to have legal access both in and out of County Road 227.

Motion - Greene

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the request to move the lot lines for AOD lots 35, 45, 52 and 61 subject to the review of the Gilbert plat; carried.

Motion - Gilbert

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the request to amend the plat for Antlers Orchard Development for part of tracts 33 - 35. 46- 48 and 51 and recommending they have an agreement and see a draft prior to a mylar showing an access and submit a petition to vacate the road; carried.

Don DeFord added - This would involve vacating the current easements and establishing a new easement.

Resolution - Aspen Glen PUD - Modification

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a planned unit development (PUD) modification to the Aspen Glen PUD Plan; carried.

PUBLIC MEETING: DISCUSSION - RENAMING 6 LAZY F ROAD TO HASSELBUSH ROAD

Mark Bean, Steve Hackett, Don DeFord, Don and Bill Kaufman were present.

Last year Garfield County, at the request of some landowners in the area named a road in the Divide Creek/Dry Hollow area, the Six Lazy K road. The County Building and Planning Department sent out letters to the property owners using the road for access purposes, to note the proposed change. The name of the road came from a memo to the Board regarding some landowners concern about the lack of proper addressing of the property served by the road. The letter was intended to generate comments regarding the proposed name of the road and the reason for the proposed change. Unfortunately, the letter did not generate comments until after we thought everyone was in agreement.

Subsequently, the property owners in the area have requested that the road be renamed to Hasselbush Road and the numbering system remain the same. Since there is no formal process available to individuals for naming or renaming roads outside of platted subdivisions, County staff has suggested that the property owners interested in a change, present a petition. The enclosed petition has the signatures of a majority of the property owners on the road.

Staff is not invested in a name and certainly has no objections to the Board acknowledging the requested name change. If the Board approves the proposed change, a letter will be sent to the affected property owners to formally notify them of the change and a copy of the new name and associated addresses to the emergency service agencies, post office and delivery companies known to the County. It will fall back on the property owners to make sure that everyone they personally want to find their house is notified.

Bill Kaufman gave a history or how this started. See previous Board Meetings - 1996.

County was under the impression that this road should be named. It was set for an agenda item, published and the meeting was held. Kaufmans and Bailey appeared and agreed to the name. The building department was instructed to measure, number and the plat recorded. Effective May 1, 1997.

Three months later, the petition comes in.

Petitioners:

Nancy Bailey 4663 311 Road Submitted a letter which was filed today and joined the group. She maintained that she was unable to get telephone service and cellular service. She had not received notice in the mail of the previous hearings; and requested the name of the road be changed to Hasselbush Property. She objected to the Six Lazy K Road name stating mail delays are noticeable unless the "6" is spelled out "SIX." She called Grand Junction and the mail will be delivered but it would be delayed. She favors the Hasselbush Road.

Mark clarified that the County had no policy and no procedure. The public meeting was not noticed. There was however a letter which was phrased which possibly could have been clearer but at that time, they did not know of any objections. The county's policy was to do this voluntarily.

Mrs. Bailey is one of the petitioners and accesses off of both roads.

Paul Cutwright of 2514 - Six Lazy K - commented he found out about this when he filed for a building permit in mid-March. Whoever handles this should be aware of the courtesy involved to residents that are affected. He added that he did not care what the road was named.

Dan Elwell - 4672 Divide Creek Road commented the very first time he knew anything about this was on March 21, 1997 when he received a letter that says "we have assigned the address." He talked to several people and everyone disliked the name except Don and Bill Kaufman. He stated they received the tax notices.

Mark reiterated that on April 18, 1997 Ross Talbott had written the Planning Department stating the danger of not having correct address and in some instances no numerical address at all.

Don Kaufman 100 Six Lazy K Road and Bill Kaufman - commented that this road was named for safety reasons and especially shortly after a fire when it was suggested the road should be named and everyone assigned a physical numerical address.

Mark stated the County began a new process which may not be a perfect process.

Bill Kaufman added that the area has had two fires already, and they used the Six Lazy K addresses assigned. By using these addresses, the Fire Department was able to immediately access the fire and put it out without incident.

Discussion centered around if anyone had asked Mrs. Hasselbush if she objected to her name being used for a road. She had stated that no one has asked her to date however she would not object if her name were used it.

Bill Kaufman stated that he had originated the road. The Six Lazy K has been there for 20 years.

Petitioners have submitted 22 affidavits of the individuals and they want the road renamed. Six Lazy K is very neutral road. The system used by Building and Planning is not perfect but Mr. Hackett and Mr. Bean did a lot of work.

The Board of County Commissioners had a meeting and at that time the road was named Six Lazy K road and all addresses have been changed. The E911 is in tune with this address.

Bill further stated that this area needs a vehicle whereby citizens can be accessed by emergency services. A very important issue.

Bill Kaufman - indicated residents come up 311 Road 4.66 miles. There is a huge entrance to part of his ranch - Six Lazy K which is 7/10's of a mile. He has granted an easement across his land for all residents. This has been a reference point for 20 years.

Bill explained that the road has been recorded and it would be a bad policy for the Board to re-visit this issue more than 3 months after the re-naming; if you do you are setting a precedent.

Bill Kaufman owns 600 acres the others have 40 or less. Enlaw has 20 or less.

Steve Hackett submitted a list of names of property owners.

Christy Cutwright - P.O. Box 997 New Castle commented that the main point is they are building a home in this area and she believes the name of the road is important, she therefore was asking the Board today to get a name proposed by the majority of homeowners in that area.

Bill Kaufman stated he was opposed to this idea.

Chairman Smith - reiterated that the Board had a letter from the Fire Department in which they raised the point of not having addresses in this particular area. She agreed that a procedure does need to set up.

Bill Smith - stated he has talked to the postmaster and there is no problem with delivering the mail. He does not have a problem; notification has come up with these new petitioners but he commented that the planning department has tried very hard to correct a problem and did a good job; it does not matter what they name it as far as he's concerned; and he has not signed any petitions.

Commissioner Martin made a motion to retain the name of Six Lazy K Road . He added that another letter should be sent out stating the name was upheld after hearing the opposition and the road would remain as Six Lazy K Road. Commissioner McCown seconded the motion; carried.

PUBLIC HEARING: ABATEMENT - FIRST ASSEMBLY OF GOD CHURCH

Shannon Hurst was sworn in by Chairman Smith.

Shannon presented the abatement for the First Assembly of God Church for \$1,147.10 and added that this is a tax exempt status determined after 1996. She was not sure how the status had been previously.

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

A motion was made by Commissioner McCown to authorize the Chair to sign the abatement for the First Assembly of God Church for a total of \$1,147.10. Commissioner Martin seconded the motion; carried.

CONSIDERATION: LOCAL IMPROVEMENT DISTRICT - CANYON CREEK ESTATES

Russell George, Carl Smith and Steve Ehlers were present.

Chairman Smith sworn in the speakers.

Russell George stated either Carl and Steve may want to talk about the maps and how these numbers were developed and then the petition information talked about having someone testify that the assessment method was reasonable - a per lot assessment was fair for this particular development.

Don DeFord - under the Statute, this is a petition to create a public improvement district. He submitted copies of the Local Improvement District. The original was given to the Clerk of the Board who should maintain record of these proceedings. He stated the request is for improvements to roads in the Canyon Creek Subdivision which are described in the petition. The County has been in contract with Blake Jordan who will act as bond counsel in order the finance these improvements. Don also submitted a proposed resolution stating that if the Board elects to go forward declaring the intention of the Board to create this Local Improvement District then the Board will be asked to approve today.

At the request of the Board, Don outlined the procedure that would need to be accomplished today: 1) Do a preliminary order which would preliminary order the improvements; 2) as part of the Resolution, you have to establish a public hearing for a later point in time, and set the date and time at which time all property owners within the Subdivision would receive notice both by publication and by mailing and then could attend; and 3) the resolution sets forth that this hearing could not occur without at least 30 days public notification and lastly 4) as part of the resolution, the certification of the creation of the bonded indebtedness for a vote on November 4. In proceeding, Don tendered to the Clerk the necessary petitions for creation of this District by statute. The Board is required to act on those petition if they demonstrate more than 50% of the cost of improvements have been petitioned for by residents of the proposed district.

Russell George - Attorney for Canyon Creek Homeowners Association stated his office on behalf of the Association did review the petitions as circulated and returned and now as submitted to the County and that inspection reveals that of the total 66 lots they have petitions are signed by 45 of the lot owners. That's a 68% of return being in excess of the required more than 50%. The total value of property in this Subdivision is \$1,409,430. This number comes from the Assessor's records so that the value of the property owned by the people who signed the petitions is \$919,170 which represents 65% of the total value again being in excess of the more than 50% required. Therefore, they submitted that the original petitions made a part of this record satisfy the statutory requirements for petition signers.

Don stated in regards to adoption of the plans, an engineer has submitted a report in regard to this project. He submitted copies to the Board with a map attached. The statute requires that a County Engineer prepare a preliminary report, however, the County does not have an Engineer, so the Board adopted and appointed as a special County Engineer - Dean Gordon of Schmeuser, Gordon & Meyer.

Russell George stated that Steve Ehlers is a property owner in the subdivision and has been very helpful in putting together much of this work as is also noted in Dean Gordon's letter and he also prepared the numbers and the map.

Steve Ehlers - explained that they are trying to do 1 mile of road re-surfaced and some will require some basically shoulder rehabilitation and also looking at putting about 3" of asphalt down; some rehabilitation of existing road base i.e. soft spots, etc. and plan to have a soils engineer do some testing before final assessment. The figures indicate a cost estimate for: about one (1) mile with two driving lanes 20 foot wide; some areas around the traffic islands that need some work; the intersections; the mail box area to widen for vehicular traffic in order to pass one that is parked without breaking off whatever they put in the future. Also, there are three (3) curves to widen; a few ramps to be installed at each driveway in order to protect the asphalt as the cars hit the side of the road. The hard cost estimate includes the 3" base overall. The road base material in developing and re-doing the shoulders, but in one case they allocated a \$7000 assessment due to being unsure how much of the existing road base may have to be replaced if there are some soft spots. This \$7000 is not included in the 20% contingency cost so basically the cost estimate for the road base above that line and the asphalt was totaled, added a 20% contingency and then made an allotment for this unknown quantity at this point. Cost for materials and time to place the road base and asphalt, he stated they think this is a fairly good bid. The only other cost on top of this is whatever the soils engineer charged would be over and above these costs. There is an estimate of \$1,000 for the soils engineer. Along with the testing he would come up with a section of road that would fit up there. Originally the road was built to an 8" base and a 3" overlay. This is what they are planning although this could change with the soils engineer's assessment. This is where this \$7,000 may come in to play.

Commissioner McCown asked for clarification on the difference between the estimated cost of \$147,660 total and yet they were wanting to bond \$200,000.

Steve - this was a recommendation.

McCown - this doesn't look like cheap money and wondered why such a large cushion and would wind up re-paying \$370,000.

Carl Smith - current president of subdivision stated there would be two (2) \$20,000 costs in bonding costs that will have to be added on to that number. This gets them to \$170,000, and still six months away and didn't want to be in a position of asking for \$175,000 and coming in with a \$185,000 project.

Steve stated that CTL Thompson provided a quote of \$1,500 for his investigation and then for the inspection is \$1,400.

Carl Smith, homeowner and president the Homeowners Association, stated whatever is in excess of the actual cost, provisions need to be made to have this money go back into paying the bonds off.

Russell George asked Carl Smith to address the equity of assessing of the project per lot rather than some other form which would be by ad valorem value or by frontage foot, but it will be done on a per lot basis. Carl stated they looked at a number of options. There are a couple of physical aspects of the subdivision that make it difficult to do any other way. First of all the, the first 1/3 of road into the Subdivision is owned by the Homeowners Association so there are no property owners for this 1/3 mile. The next 1/3 mile we have homeowners on one side or the other and then remaining is a circle with the Homeowners owning the center property. So the Subdivision only has very little road where there are owners on both sides of the road. The second issue is historically this is how this Association has dealt with every issue, we divide the cost equally with every homeowner. It is very difficult because of the lot sizes and host of other issues to

divide it any other way. The third issues deals with school bus service. The Subdivision receives a school bus service that goes up to the top of the road and turns around and come back so any property owner that has children, the school bus has to use 100% of the road. The same thing goes for anyone making deliveries. In several ways, all homeowners receive equal use of the road. However, this is the most equitably method they could devise considering these factors.

Don - referenced the portion of the map highlighted in yellow as to whether or not this was the area on which the improvements are intended to be placed.

Russell George responded yes.

Don stated there was a road that is part of this Subdivision that extends North to other lots.

And questioned if they intend to improve that road.

Carl Smith stated no they do not and the reason is because that portion of the road has not been accepted as meeting the PUD standards by the County and it is still under dispute between the County and the developer. The latest that he has heard is that the developer wants to work with the Homeowners after they have gotten their part done and bring that portion up to standards. Carl has discussed this with Mark Bean; however, it is not included.

Don stated there are lots that are intended to be extended off of that road, will they be part of the assessment?

Carl stated yes they will. They have to drive the road to get up there.

Russell stated for the record in case anyone picks up these color coded maps, in the record, the yellow is intended to show the roadway itself, and the green is showing three areas that are not under pavement now but will be included in pavement in order to broaden those three curves. It is the way the traffic pattern is functioning so that the green will be an extension or expansion of the current surface way.

Don - The property to be assessed will be every individual lot, so in terms of property owned by the Homeowners' Association, he asked for a description of how that property would be assessed if at all.

Carl Smith - property owned by Homeowners' Association will not be assessed. Effectively all homeowners pay for the frontage roads.

Don - In accordance with the Statute as part of Section 6, pages 6 - 9 show a proposed form of notice and an approved election.

A date of October 6 at 4:15 P.M. for the Public Hearing for the Local Improvement District - Canyon Creek Estates was set.

Carl stated all resident property owners have been given a newsletter telling them the petition was going around. Most of them have signed it, those without homes built, but who own vacant land, have been mailed the newsletter discussing this basically with the numbers we've given to the Commissioners. One property owner refused to sign the petition but does see him leading a charge against this.

Chairman Smith clarified that is a homeowner pays the \$3031 up front they do not have any interest whatsoever but they can do it in 10 equal payment.

Carl stated as he understand it, it will be part the property tax that is sent out in the billing.

Chairman Smith - asked if Blake Jordan gave an actual repayment cost.

Don referenced Section 4, pages 4 and 5 and asked if the bonds could be sold, the improvement itself actually started and assess final costs by April of 1998. Blake Jordon had asked Don to get some feedback and discussion on this issue procedurally commenting it could be moved back a year and we could start it in 1999 and start the 10 years from there. This would increase the capitalized interest costs.

Russell stated that since we are only dealing with 66 lots and 66 homeowners, it seems there would be a number of ways to accomplish the task if it can't go out in the actual mailings, then certainly it wouldn't mean a great deal of expense for the homeowners to foot the bill for a separate mailing or any other simple solution to solve the matter.

Don mentioned that Mildred had asked him a question about the cost of the ballot question on the election.

Russell George stated he felt sure the \$200,000 meant to include the cost of this question's share of the coordinated election.

Mildred stated she will need an IGA.

Don commented this would be with the County Commissioners and also a Tabor Notice. Who will prepare this?

Russell George stated it is a County question, so you might as well follow your own procedures and allow his office to do any leg work they can. They are paying the tab for Blake Jordon.

Don reiterated that what this means is that the County will pay the costs and then when the bond issue is completed, then the County will be reimbursed.

Russell mentioned it is County billed back for all out-of-pocket expenses but did not feel this included staff time.

Chairman Smith stated that Chuck needed to be aware of this as funds may not be available until 1998 but bills will be due in 1997.

Commissioner McCown clarified with Don what all was needed stating we need:

- Preliminary Order
- A date for the Public Hearing which is set for October 6 at 4:15 P.M.
- A certification of bonded indebtedness
- Over 50% of the homeowners in favor of doing this

Don added this is all a part of the Resolution and if the Board does approve the Resolution they will have accomplished all the tasks that he originally set forth.

Russell agreed that this was his understanding and the Resolution had been drafted in advance in anticipating they would provide the evidence and testimony and documentation necessary. The Board can therefore use the draft Resolution as a sample for your motion.

Don also stated the Commissioners must vote by roll call as it is necessary to have a record on each Commissioners' vote.

Commissioner McCown moved to approve and Commissioner Martin seconded a resolution declaring the intention of the Board of County Commissioners of Garfield County, Colorado to create a Local Improvement District within the County to be designated as Garfield County Local Improvement District No. 1997 - 1 (Canyon Creek Estates), adopting details and specifications therefor, ordering publication and mailing of notice of hearing to the owners of the property to be assessed for improvements in said district and providing for the submission of a ballot question in connection therewith.

Roll Call: Smith - Aye; Martin - Aye; McCown - Aye.

Mildred asked for clarification on Lots 15 and 33 and needed names and addresses of owners.

Carl stated these were still owned by the developer and if anything else was needed that he would get it for her.

Russell asked if Steve or Carl know of a change in ownership to advise him so he could check the Assessor's records from this date forward.

Carl Smith and Russell George thanked the Board for working with them on this issue.

IGA - Garfield County Communication and Emergency Communications Authority

Don presented the IGA that needs to be signed. He requested the Chair be authorized to sign the Intergovernmental Agreement between the Emergency Communications Authority and the County wherein the County for compensation would provide communication services to the Authority. Exhibit A needs to be completed for attachment; therefore, the motion is only for the authorization of the Chair to sign it.

Discussion: Commissioner McCown stated there were some numbers that did not jive.

Don suggested waiting until September 2nd and bring it back with the proper attachments for signature at that point. However, he did request the Board proceed with the authorization to sign.

Commissioner McCown so moved; Commissioner Martin seconded; carried.

Meeting recessed until Wednesday - Aug. 20, 1997.

Executive Session - Litigation Issues

A motion was made to go into an executive session by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair to second the motion; carried.

A motion was made to come out of an executive session by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair to second the motion; carried.

AUGUST 20, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 18, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Deputy to the Clerk and Recorder Marian Clayton.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

CONTINUED - CAPITAL IMPROVEMENTS PROGRAM - REPORT PRESENTATION

Chuck Deschenes, Mark Bean, King Lloyd, Dennis Stranger, Peter Nichols and Dean Gordon were present. Tom Jankovsky from Ski Sunlight was present also.

Facilities

Dennis stated they left off with the facilities discussion. He stated the judges were more realistic as far as space issues were concerned.

Commissioner McCown stated everyone will need additional space and it will either mean court or office space to be built.

The discussion continued regarding the Jail - Criminal Justice Center.

Commissioner McCown stated that Dale put some rough numbers together on a smaller remote center with pod increase and they were looking \$7 and \$12 million in construction costs. A 5 million savings could be realized if it were possible to built the jail in phases. The immediate needs are 100 beds if work release leaves. However, the Sheriff was not in favor of a remote location nor a smaller facility.

The possibility of a remote jail, transport a judge versus inmates for arraignments, or to do electronic arraignments were among issues discussed.

Motor Pool

Commissioner McCown stated his main concern with the recommendations of Motor Pool was the initial funding of setting it up.

Peter suggested phasing it and keep it as the motor pool then add Sheriff, then add Road and Bridge with the very heavy costly equipment last. He added that the Sheriff's pool of vehicles is the best - the present vehicles in motor pool are in the worst shape. The team suggested adding one per year.

Chuck stated if a department is not using the vehicles efficiently then they are paying for something they are not using. Physically they may end up owning money and he likes the concept. It is hard to get Road and Bridge funds and to find a justification to try and replace those funds.

Dennis recommended for Road and Bridge the sum of \$400,000 per year. You could replace the entire fleet next year but \$400,000 seems to be doable and keep the fleet updated. The old iron seldom sees hard use. Peter stated the current system of operation is reactionary; the consolidation of the three shops at one location will save on equipment and personnel also. He especially alluded to mechanics being used more efficiently when there are two or more as it is difficult to replace a transmission with only one person.

The recommendation was to consolidate the equipment and shops.

Volume I, Appendix 1 - hourly use of equipment (green) appendix C - C-4 - starts getting in to repair information and all of this was gathered from Road and Bridge.

Commissioner Smith added they get this information once a year during budget.

Peter commented the main thrust of the Road and Bridge Department is one of trying to maintain the roads. A Fleet Management System would be furnishing equipment to Road and Bridge.

One suggestion was to keep the Glenwood site and operate a motor pool from that designation.

Peter commented management companies would be happy to run the Fleet Management System for the County. He suggested it might be worth looking into and obtaining some cost figures.

Road Impacts

Commissioner McCown stated he is still struggling with how the road impact fees were determined. As an example on County Road 309 developers would assess a \$9,000 per lot fee which would be passed on to new homeowners and yet on County Road 109 they will only be paying \$274 per lot.

Dean explained that road impact fees are determined by the number of units on a road; the roads selected are ones projected for near future development; County Road 309 has less units available than does County Road 109; therefore, the cost can be spread out over a larger number making the impact fee less.

Eventually the discussion led to whether or not to even implement a road impact fee as it will put the Commissioners in a spot to improve the roads even if the funds are not there to do so.

Dean and the team stressed that political pressure would eventually create such a demand that road improvements would be made regardless of a road impact fee or not. Therefore, the \$6 million projected to recover in road impact fees would be that much less for the County to absorb.

Dennis stressed the Road Impact fee is based on the formula which is the cost of the road.

Dean - no question there is a certain amount of social engineering that is the required and commented there could be two types of people affected: the rancher who owns property wants to give a portion to his kids, sell it or use it for agricultural; and the other is the developer and where would he like to do his project. Both would be faced with the same road impact fees however.

Commissioner McCown stated road impact fees would then be viewed as directing growth to various places.

Dennis stated that generally, one alternatives to what Dean's done here is to look at the road segments and not by length. Logic would be in segments and there's no difference if you are at one place or 5 miles up the road. You pay this on a front footage concept. It cost \$50 per foot on the road - a refinement of the same concept. The management would be more complex and they did not like this concept. Commissioner McCown commented that this is further social engineering; you would encourage people to develop in the mouth of the road, but if they don't to do that and want to develop in remote areas, then it would cost them.

Commissioner McCown stated the County's share would be 87% and the developer only 13%.

Mark stated the courts have already told them what they can or cannot get for road impact fees. He added, we must be able to defend our formula in the court based on proportional shares.

Commissioner McCown still had questions regarding how can the County direct a logging company that they must upgrade and improve the road.

Mark commented that in terms of subdivision, different case law has generated what is needed.

He stressed to the Board that they cannot use "road improvements" as a form of denial for a subdivision.

This has been alluded to in Springridge, Sunlight View (original) and Rifle Village South but basically this is not supposed to be done. It all comes down to what is an "adequate road." He added that the timber business has now realized to get their vehicles to their sites they need to have better access; however, with respect to the Oil and Gas Industries we cannot touch them.

Commissioner McCown mentioned that many complaints about Four Mile is the speed of the vehicle.

Mark suggested more law enforcement is needed to control this issue.

King stated from the residences viewpoint it is speeding but from maintenance viewpoint it is the lack of adequate structure and severe winter conditions; this creates severe hardships for the workers. There are no shoulders, too much traffic, and at times the workers have had to request a sheriff's deputy to guide sanding trucks in order to intervene in a pileup on Four Mile Road.

Dean explained there are ways the Road Impact Fees could go down. He said the cost of the road times the number of development units is what it is based upon so therefore if the number went up in units then there is more funds and it basically changes the County's percentage. The more density creates more money.

The Commissioners stated they would like to see how other Commissioners in other Counties, as an example, in Mesa County handled their road impact fees.

Mark stated he would take a look at this and get back to the Commissioners.

Peter commented that the Capital Improvements Plan is a tool. It's a great tool but when it comes time to fix roads, it is up to the Board to determine.

Mark stated the Board can revise the plan; the State does it based upon the need. This establishes a plan but if priorities come up you change it. During the budgetary process, things may need to be changed differently.

Enforcement of overweight permitting fees and enforcement issues that need to be stressed.

King submitted that one concrete truck is the equivalent to 8000 cars.

Mark stated they were trying to deal with the road impact fees in the subdivision regulations.

Peter stated the team was trying to provide the Board with a tool and each year this needs to be tweaked. This is new information but it gives the Board a lot better method of making those decisions.

Commissioner McCown commented that the information continued in the Plan is overwhelming and they did a good job. The overall tool is great and there is a lot of information which has never been available to Commissioners before. The consensus of the Board was that this will be very useful during budget discussions.

Critical Safety Issues

Dean stated he received a list of critical safety issues from King, however, he did not receive it until August 12; therefore, critical safety issues are not addressed in these volumes and may need a third section. When the Board does deal with it, this piece needs to be decided and included within the Plan.

Mark stated that it was important to have critical safety issues in place but you only need to have a time frame and a plan in mind on how to fix these roads. He stressed that this must not be used as a basis to halt development.

Clerk and Recorder's Office

Dennis added that Mildred Alsdorf wants to move her voting machine up to 1998.

Executive Session - Personnel Issue - Building and Planning

A motion was made by Commissioner McCown to go into an Executive Session to discuss a personnel issue. Commissioner Martin seconded; carried.

Commissioner McCown made a motion and seconded by Commissioner Martin to come out of Executive Session; carried.

One-Stop Centers

Chairman Smith reported she and Margaret Long had attended a meeting on Tuesday where this was discussed. There will be meetings once a month until November and the plan will be back before the Commissioners in November. The Department of Labor will be the agent and she projected this will work okay.

Welfare Reform - Interim Plan

Don stated he did go through the draft and will get with Margaret Long. Some Counties adopted an interim plan and this is what Don will also recommend. There are two things going on - a Formal Plan and a Master Contract. The due date is September 19, 1997. Carolyn Dahlgren is reviewing this and will meet also with Margaret Long. The Master Contract has undergone some major revisions and he will be discussing these with the Commissioner as an agenda item in September.

Adjourn until Tuesday, Sept. 2, 1997 at 8:00 A.M.

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

SEPTEMBER 2, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, September 2, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

Purchasing

Mike McBreen presented the bids for the two vehicles he put up for re-bid per the Commissioners direction:

Dodge Intrepid - \$1850 and the Jeep - \$511.00 recommended they Board accept these bids.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to accept the bids as presented by Mike McBreen; carried.

Office of Emergency Programs

Chairman Smith presented a contract from Guy Meyer for a project totaling \$16,988.32 for the Colorado Office of Emergency Management for disaster planning and emergency services.

Commissioner McCown moved to authorize the Chair to sign. Commissioner Martin seconded; carried.

Leaf/Grant

The LEAF Grant for the Garfield County Sheriff's Office from the Colorado Department of Transportation Office of Transportation Safety was verified by a motion to authorize the Chair to sign by Commissioner McCown and seconded by Commissioner Martin; carried.

Newly Revised Nursing Contract

Chairman Smith mentioned she had received a revised nursing contract that needs to be signed. Chuck was directed to check into this and advise the Board.

Request - Paving at New Castle Library

Chuck reported he had a short letter from the New Castle Library requesting some assistance with paving behind the building for four parking spaces. Snow removal removes the gravel and it is becoming a problem. The Board directed Chuck to proceed with King on the paving procedure.

Honeywell

Chuck indicated that Honeywell begins at 10:00 A.M. today and things are progressing. They are beginning with the lights first.

Airport Fire Fighting

Chuck stated he did apply for an airport grant relating to this fire station. Preliminary, Chuck stated he was asking for \$75,000 in State Funds but it will also require about another \$100,000 in funds to go for this fire fighting facility at the Airport. BLM's share would be about \$300,000 and Rifle Fire Protection District would be about \$100,000. The Airport fund balance is getting rather low and this will probably come from County Capital Expenditures. He presented the Commissioners with a copy of the grant request to review. Chairman Smith asked if this was to be phased as it was her understanding that this year would be the planning stage.

Chuck stated a small portion of the \$100,000 might be needed this year but most of it would be in budget year 1998.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the grant application submittal to the Colorado Department of Transportation Aeronautical Division; carried.

Chuck clarified for the record that even though the Airport runs the airport operations, the County owns all the underlying ground under the Airport. It has been dedicated to Airport use by acceptance of the FAA Grants but the County still owns it.

Weed Management

Gary Janicek is on board as the Weed Management Director as of this morning.

A recommendation was to have Gary ride with Kenny and Marvin of Road and Bridge getting familiar with the roads.

Medical Management Contract

Chairman Smith indicated the Sheriff had commented the Medical Management Contract would increase from \$98,000 to \$157,000 in 1998. She questioned whether or not this should go out for bid.

Abstract of Excess Revenue

Chuck indicated he would advertise in the paper to have a Capital Exemption and Oil and Gas Exemption on excess revenue.

Joint City County Meeting

Mel Rey Road and the Cardiff Bridge were the topics to be discussed at the next meeting scheduled for September 9, 1997.

King Lloyd and Mark Bean were to be requested to be in attendance.

Workshop with Rifle

September 10, 1997 at 6:00 P.M. in Rifle was the date and time.

The subject matter was determined to be: detention and governmental; infrastructure - availability and capacity.

PAYMENT OF BILLS

Chuck Deschenes presented the bills for the first run of August, 1997 for review and approval.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills; carried.

Annexation Plat - Lot 27 - McLearn Orchards - Road 346

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to second to authorize the Chair to sign the annexation plat for Lot 27 on McLearn Orchards on County Road 346; carried.

County Attorney

Don DeFord stated he needed an Executive Session to discuss litigation issues on the jail and a personnel issue.

Don stated he received a letter from Aspen Glen regarding coordinating efforts on County Road 109 with staff and one Board member.

Don will coordinate this meeting.

RFRHA

Mark Bean reported that the City of Glenwood Springs wants approval of the 27th access onto Highway 82 which includes ripping up the rail tracks and raise the grade of the railroad. He also reported that the City felt they couldn't approve the Executive Director position.

Mark further reported that George Hanlon was present at the RFRHA meeting and Homies representing RFRHA in the Sanders Ranch litigation have filed an order to dismiss; the use of the spur on the Industrial Area and Basalt Golf Course; conservation easements; and that Aspen Valley Trust has \$50,000 in the minimal balance.

Commissioner Martin announced that the next meeting will be September 12.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Don DeFord, Dale Hancock, Chuck Deschenes and Al Maggard were present.

Jail Count

Total in Jail: 109; 46 main jail; 39 Work Release; 11 females; 10 other jails; 2 Home Detention; no Day Reporting; 1 State Hospital; 2 DOC.

Tom reported that DOC dropped the numbers down after a few phone calls were made. He is using Clear Creek County at the present to house out-of-area inmates. He added that it is tough to find empty beds and attributed that to the DOC backlog. All females are in the local jail. One is still in the Nursing Home, the paraplegic.

Executive Session - Sheriff's Issues

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the Sheriff's issues; carried.

Commissioner Martin moved to come out of Executive Session. Commissioner McCown seconded; carried.

Community Corrections

The possible combination of Eagle and Garfield County was mentioned and Dale reported on the Spacemaster use with CMI stating that CMI will retain an engineer to try and be specific on lot 11 outside the fence area on the Airport property. This property is technically owned by the County.

Chuck indicated it was recently purchased by the County and estimated roughly at 13 acres; however, zoning has not be determined.

Dale stated the engineers would be here next week at 9:00 A.M.

Chuck indicated this would be a short-term lease with CMI for the Spacemaster Units of 5 years.

Dale has indicated they need to come to the table with a lease and terms for the 5 year option. However, again zoning is a big issue. Dale commented that he had discussed combining Community Corrections with the Eagle County Administrator and asked about possible storage or participating in a regional Community Corrections Facility; he wasn't very favorable. That will be the top agenda item at the 5th Judicial District next Tuesday for the Community Corrections meeting.

Lift Up House - Fire Department Exercise

The City denied an easement access and permit for John Hazen to move the Lift-Up House. Therefore, this was an unwanted building. Dale stated he had contacted the fire department for a commitment on using for training.

Chuck stated some salvage may be a possibility of putting out to bid, such as doorknobs and fixtures.

Commissioner Martin stated he thought a lot of this was gone. He suggested that he and Chuck should do an inventory prior to putting it out for salvage.

Al mentioned that Thursday, September 11th at the Hotel Colorado is the regular Community Corrections meeting.

Dale commented that Al Maggard will be the next President of the Colorado Association.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

George Hanlon of 1208 Catherine Court, Carbondale stated he wanted to update the Board. He took the Board's advice and met with Planning & Zoning on Wednesday night, August 27. He and the Planning

Commission did go over the Comprehensive Plan and some of the amendments to the plan were being read; they had an opportunity to at least participate and it moved the process along having some people responding from the public sector. Subsequently, George added they were able to present the situation they have at Sanders Ranch which is that under the PUD regulations versus the Subdivision Regulations. There is a difference: one requires vested legal access, the other says under Subdivision that you simply have to show what you intend to access and you can be in the process. He commented they basically asked the P & Z at the application level which obviously for Sanders Ranch would at least allow them to begin their process and then see where this falls out in terms of public acceptance and in terms of the overall project concept. The P & Z Board recommended to the staff to draft those changes and hopefully they will be presented for first reading on September 10. This opens the door for Sanders Ranch to begin the process.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Gail Wilson, Social Services employee in Rifle, was named as the Employee of the Month.

DEPARTMENT HEADS - PERSONNEL COMMITTEE: RECOMMENDATION OF SALARY STRUCTURE

Sheriff Dalessandri, Mark Bean, Georgia Chamberlain, Dale Hancock, and Jim Stevens, and Mildred Alsdorf were present. Mildred presented that at the August 25 Personnel Committee meeting they completed the updating and working on salaries. She added that last year the Committee looked at the possibility of salary adjustment increases at the mid-year point for those who were below the minimum and also toward raising the salary structure closer to market. Mildred passed out the new salary schedule chart and the print-out showed the different costs for the departments affected.

Mildred added that the Personnel Committee approved a recommendation to come before the Board of County Commissioners with the request to adopt the proposed salary structure and adopt the minimum for salary adjustments/increases for employees effective September 1. It was also their recommendation that the Committee would then go forward to look at next year with respect to the evaluations and a "pay for performance" plan.

Commissioner McCown clarified that this is an adjustment and not a raise; to clear those in sub-level salary positions to the minimum according to the job description; and that this should be communicated to the employees in this manner. It is clearly for those below their standard for salary for their positions.

Chairman Smith clarified for the record that Grade A was being raised to \$7.80 minimum.

Mildred again reiterated that the Committee has hopes of going ahead and having a pay for performance and County-wide standard evaluations. She stressed the departments are committed and want to keep these good employees.

Sheriff Dalessandri added that he cannot even hire in deputies when they see the starting salary. He said for a department this size they go other places. This will bring us to a competitive place that we are currently missing.

Jim Stevens commented he had completed a calculation of the cost of training due to loss employees for lack of adequate salaries and it has cost his department over \$25,000. This adjustment will cover that and keep employees longer and provide better service to the community.

Tom stated in the exit interview they complete when employees leave, that they had left for more money.

Georgia - stated that the members of the Personnel Committee contributed a lot of thought and time and tried to move forward as a group. She added the Committee feels very fortunate with Susan Owens expertise in the field to complete a project like this. They all feel good about it.

Commissioner McCown - commented how pleased he was to see that the elected officials have been in unification in the payroll and personnel itself and is now hopeful that this will continue and each department and elected official will do true and honest evaluations for pay increases for their employees. He added the Board can mandate it for staff but for elected officials they cannot.

Commissioner Martin added he also is hopeful that all will evaluate the same way once it is determined.

Mildred stated there was a consensus among all the elected officials and department heads to work together to accomplish this unification within the County offices. Mildred stated a subcommittee is looking into evaluations.

Mark reiterated what had previously been said and commented he was in full agreement to the recommendations.

Barbara Ramirez agreed as well.

Chuck commented that a salary adjustment is necessary; however, the Personnel Committee needs to know there are some compression issues however, a pay for performance can be used to rectify some of this; but this is Phase I and it may be that we can do it budget wise. If that is the case and can only use a Pay for Performance raise, then the compression issues will need to be dealt with or a combination of other things. Commissioner McCown moved to accept the proposed salary structure as presented by the Personnel Committee and increasing the salaries currently below minimum to the new minimum proposed for each Grade effective as of September 1, 1997; Commissioner Martin seconded; carried. The Board agreed the Personnel Committee had done a good job and put in lots of hours to accomplish this.

Community Corrections-Telecommunications

Dale reported he and Jim were going up on Sunlight to assess space needs and there would be an engineer from Fox in Colorado Springs with respect to the sale of some equipment. Dale stated they would specifically note some of the items they were interested in bidding. He has Legacy and Custom Communication putting bids together for power line repairs and upgrades to Roan Creek and to Harvey Gap. Dale added he had discussed this previously with the Board regarding power lines down. He also stated that BLM has transferred the communication site management responsibility over to the Forest Service and we may have some interesting discussion on what their requirements of these sites are, appearance wise, on Sunlight.

Chuck stated this is also related to the lease with BLM which is specific.

Dale commented again however, that BLM has decided that responsibility to the Forest Service.

Extension

Pat McCarty reported for Extension stating that Carol McNeel is at the State Fair in Pueblo retrieving a number of projects that went from our local Fair on down to State. About 30 4-H kids that went from the local Fair to the State Fair and represented quite a number of things from cake decoration to range management, shooting sports - some in archery and rifle that qualified to go to State; horse and swine projects, science, rocketry, cooking and clothing. He added that there were many horticultural problems and he was very glad to see the County has a vegetation manager on board. Chairman Smith complimented Pat and his family on all the help they contributed toward the success of the Fair added she had heard many fine comments.

Commissioner McCown added that Pat should relay the Commissioners thanks to his wife for all her help.

Fairgrounds

Lee Moss presented the Fairground Contracts for COSA Drilling for September 12 for the Fairgrounds only; and Fairground Contracts and Stall Agreements for the Quarterhorse Association for September 19 - 21.

Commissioner McCown moved to approve the Chair to sign these contracts. Commissioner Martin seconded; carried.

Drainage Program - Fairgrounds

Commissioner Martin stated and Lee Moss agreed that the entire Fairgrounds should be looked at for drainage problems.

Chairman Smith stated the Conservation Trust Funds should be looked at as a possibility to use for funding this project.

Lee stated parking was a real problem at the Fairgrounds.

Discussion regarding motor homes, long term solutions, and possible restricted parking.

Chuck indicated this should be an item for the Fairboard to address.

Building and Planning

Mark Bean presented the following:

Resolution - Scriveners Error - Roe/Williams - Amending Resolution No. 97-78

Mark explained they had neglected to eliminate the previous owners.

Commissioner McCown moved to authorize the Chair to sign the Resolution concerned with amending Resolution No. 97-78 for Roe/Williams regarding a scrivener's error. Commissioner Martin seconded; carried.

Resolution - Ranch Creek PUD Development Plan and Text

Commissioner McCown moved to authorize the Chair to sign the Resolution concerned with the approval of the Ranch Creek Planned Unit Development Plan and Test for Jane Jenkins and Stagecoach. Commissioner Martin seconded; carried.

Refer a Request of Tom Morton to Planning and Zoning

Mark requested the Board refer a request for Tom Morton to Planning and Zoning for the September 10 meeting for his property located on County Road 117. Dr. Morton is requesting downzoning of his property from residential general suburban domestic to agricultural/residential/rural density. Commissioner Martin suggested Mark do a site review and to check out a possible encroachment at Catons Corner.

Commissioner McCown so moved. Commissioner Martin seconded; carried.

Battlement Mesa - Text Amendment in Commercial Area - Allow for Stand Alone Car Wash Facility

Mark requested this be referred to Planning and Zoning for the September 10 meeting as well. Commissioner Martin so moved; Commissioner McCown seconded; carried

AMENDED PLAT - ANTLERS ORCHARD DEVELOPMENT, LOTS 50 AND 63. APPLICANTS: ED WELLS, SALLY WALKER

Mark Bean presented a lot line adjustment for Antlers Orchard Development for Lots 50 and 63 moving the North line of Lot 63 to include property - 5 acres in Lot 50 and creates two lots of approximately 7.5 acres and 5 acres. These are both legitimate lots and the staff had no problem with them amending the plat.

Commissioner McCown made a motion to approve the amended plat on Antlers Orchards Lots 50 and 63; Commissioner Martin seconded; carried. Motion not needed.

Mark stated it was not necessary to have a motion. All he needed was authorization for them to move forward to submit a plat for the Board's approval. The Board agreed.

AMENDED PLAT - ANTLERS ORCHARD DEVELOPMENT, LOT 62. APPLICANTS: DOUG AND KIM STEWART

Mark presented that the Stewarts own Lot 62 and another 25 acres in another section. They want to merge 10 acres of the remaining 25 acres into lot 62 to create a 20 acre lot. Staff has no problem. The Board agreed for them to move forward.

SITE APPLICATION: ST. FINNBAR FARM LOCATED TWO MILES EAST OF CARBONDALE OFF OF COUNTY ROAD 100

Mark Bean, Tom Zancanella and were present.

Mark Bean presented this was a request of review of the St. Finnbar Regional Wastewater Facility Site Application for the construction of a sewage treatment works. This review is required by the State Health Department.

The proposed method of treatment is the E.A. Aerator Design Closed Loop Reactor, with a design capacity of 100,000 gpd. The proposed site is large enough to allow for expansion of the facility beyond the initial design capacity. The Waldorf School and Ranch at Roaring Fork may be using this system.

The staff notes concerns in the proposed area for this wastewater facility site since it is in a floodplain area. The approval of this does not in any way guarantee approval of a development density.

Discussion:

Water quality is a concern with respect to consolidation. Management is a problem however monitoring of a lot more smaller units versus larger facilities and fewer was an issue.

The Planning Commission did recommend approval with one condition that they make sure that prior to applicable operation of the system beyond the property boundaries of the St. Finnbar operation that a management entity be created such as a special district that allows for proper management of the system or they be included in the existing metro-district, as the case may be.

Mark further explained that by recommending approval in this case that it was a site application and the Board was not approving density on this property or any other. On a site application there is no review by the Department of Health and Environment; it is all local and make recommendations.

Ron Liston explained St. Finnebar would not probably cut the County Road 100.

Tom Zancanella stated highway bores were considered. The Site application is for 100,000 gallons and they will build what is necessary but not to exceed what is necessary.

Tom Zancanella added that the goal is to build a system for those who sign up and illustrate dedication with a deposit of funds. The one that serves Telluride is the closest facility to this type.

Ron stated in general this entire process has been driven by the larger picture. Discussions are ongoing with Mid-Valley Metro District.

Estimated project cost is \$574,000 and this would include the 100,000 gallons.

Board of County Commissioners - Motion

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the site application for St. Finnbar Farm with the establishment of management as recommended by the Planning Staff; carried.

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

Board of Health - Motion

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the site application for St. Finnbar Farm with the establishment of management as recommended by the Planning Staff.; carried.

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

GRAND VALLEY CITIZENS ALLIANCE - SHIRLEY WILLIS

Mark Bean, Shirley Willis of 24 Silverplum, Battlement Mesa and Gene Park of 76 West Tamarack Circle, Battlement Mesa. The area residents of Battlement Mesa gathered to discuss concerns with the oil and gas commission drilling in the immediate area.

Shirley stated this group of fourteen was formed to deal with the noise, property destruction in drilling, etc. Gene stated he understood the mineral rights take over the rights of the land rights. However, what they are interested in doing is finding out if more things can be done to make the oil and gas companies to be better neighbors.

The citizens asked if it is possible for the County or the Board to create a permit system similar to building permits where the oil people would have to buy a permit based on the cost of drilling of a well to assist with road impact upkeep?

Chairman Smith referred this to Mark.

Mark responded that, no, the County under the Board of Commissioners does not have any control over the oil and gas companies. An attempt is being made to get the County to this place. LaPlata County is currently active in adopting some of these concerns.

Gene asked if the County had anyone to monitor this area.

Commissioner McCown responded at the County level there is no authority to monitor the oil and gas.

Gene - asked if the applications for overweight vehicles were made public?

Chairman Smith - responded, yes, they can be raised and yes, the Board is considering raising the overweight fees and yes, they are made public.

Commissioner McCown mentioned that the enforcement of overweight goes to the State who have the scales. They will not sit in Rulison/Battlement Mesa waiting to catch overweight vehicles. They will come out on request and do a spot check.

Mildred commented that drilling operations go through the Assessor's office and the Clerk's Office can go after them if they have out-of-state registered vehicles unless they are apportioned plates.

Gene - asked how the County Commissioners would describe this to environmental issues.
Chairman Smith stated she had to look at each one on the basis of what each raised. Dust, noise, reclamation are issues to be concerned about but if environmental issues are used as a stumbling block, she would have a problem.
Commissioner Martin - added that if there is an interference of agricultural, then yes.
Commissioner McCown added that environmental impacts has to be looked at as the Board receives more opposition on development.
Nancy Vendegna of 25 Silverplume Drive, Parachute commented that users of natural gas and those who benefit by the use of it may be diverted if extraction is done without consideration. They would like that same consideration and the manner in which the gas is extracted affects the environment.
Commissioner McCown - assured Ms. Vendegna that the Commissioners are not in the loop of the oil and gas well permitting process.
Commissioner Martin - stated he has a map of all the oil and gas wells; he submitted the map of all the wells and shared how it impacts Garfield County.
Gene - stated that since we're the supplier for much of the natural gas however, Garfield County is not getting the benefits of the natural resource extraction. Therefore, he wants better monitoring and rules established regarding being the oil and gas being "good neighbors."
The BLM got the attention of Oil and Gas Industry.
Gene - asked about the 1041 powers to initiate control.
Mark - commented that it's been discussed and Don DeFord has stated this has limited power. It has been overridden and the County has very limited authority. 1041 Powers are used in State Land Use Acts and in areas of Statewide Interest.
Nancy asked if this has been tested in the Court.
Mark - yes it has. The Court Cases are in LaPlata and Douglas County; in both cases it has been determined that local government has limited authority.
Gene asked if the Department of Health has stepped in with regard to the dust issue.
Mark - commented they were very uninvolved and would be surprised to see them get involved. Normally the Department of Health is not in favor of getting involved in local issues.
Commissioner Martin stated it is a national issue and the impact of the lifeline is very great.
Nancy asked if the Board would be in support for rules and for changing rules; once formulated would the Board review and support them if they see they are valid and valuable.
Chairman Smith added that it is very hard to document and discern the impact to roads made by oil and gas due to the developers use of concrete trucks. The Board cannot restrict the weights on roads or all entities would be affected. She added however, that the Board can designate roads and routes to be used.
Nancy commented that the oil and gas companies are testing a few wells, three thus far; however, she is not relying on these test wells to prove there are no hazards.
Commissioner Martin agreed that now we have more testing and we are demanding more information. The citizens alliance is helping this and the Board needs to help as well.
Nancy commented that the testing of those three wells if the testing comes back clean would indicated there is no problem.

Chairman Smith asked them to write down question they may have and the Board would try to obtain the answers.

COURT ADMINISTRATION/JUDGE OSSOLA

Jury Room No. 1

Topics to be Discussed:

Courthouse Security and Teleconference Arraignments/Advisements

Judge Craven, Judge Ossola, Judy Vanderlest, Bob Cutter, Mark Bean, Chuck Deschenes, Dale Hancock, Mildred Alsdorf and the Board of County Commissioners were present for the discussion.

Commissioner McCown stated this conversation today has been driven by the need for a Detention Center and it doesn't look like it will be built next door, therefore, the Board is looking for a place to build.

However, he stated the Board did not want to encumber the taxpayers of Garfield County will an insurmountable transportation charge.

Judge Ossola indicated he thought it could be done without that through creative use of the Court.

Commissioner McCown added that's what he was hoping was a cooperative effort in advisements and arraignments.

Judge Ossola indicated that is why the County Court in Rifle is there.

Commissioner Martin indicated the Rifle area was being taken into consideration as well as the other areas. Judge Ossola mentioned part-time judges have been discussed in the judicial department, Supreme Court and some legislation passed this year giving the Chief Justice some authority to increase some of these courts that are currently at 90% to 100%. That may happen in Glenwood Springs and technically it could happen in Rifle, but the next growth would be a County Court Magistrate to hear small claims and traffic infractions. One of the big concerns, which is out of the control of anyone here today is the Public Defender's Office. A great deal of when the Judges hear cases is driven by staff availability other than the Court staff. The District Attorney and his need to be in the various courts, and the Public Defenders. The Public Defender's office is the least well staffed; there are only two for the entire 9th Judicial District. This again is a Statewide funding issue. Also part of the picture are alcohol evaluators and collection officers. Looking creatively, Judge Ossola stated he thinks a Detention Facility down-valley is doable and keep the District Court in Glenwood Springs.

Teleconference Arraignment/Advisements were discussed as a possibility as well.

Chairman Smith suggested the Board and the Court meet every 6 months to discuss issues.

ROAD AND BRIDGE DISCUSSION - CINDER BID AWARD

Mike McBreen and King Lloyd were present for the discussion.

Cinder Bid Award

Mike stated this bid was for 6,000 cu yd of 1/2 inch crushed cinders or 3/8 inch crushed rock. They had received 2 bids - Mayne Block for 1/2 crushed cinders at pit location which is a quarry above the plant, approximately 2 miles Northeast of the plant for \$4.59 c.y. for \$29,700 total.

The other bid was at the block plant for the 1/2 inch crushed cinders for \$6.45 c.y. for \$38,700 total.

The other bid received was from Western Mobile for 3/8 inch crushed rock at Sievers Pit on 109 Road for \$4.55 c.y. for \$27,300. Western Mobile did not have their non-conclusion notarized if that means anything.

King explained the Western Mobile bid was for 1/2 inch crushed rock rather than the 3/8 inch. King stated he called around for some others that had not responded to the bids and was told they did not have material that would meet the requirements of the specifications. Therefore, on the re-bid King included a section where if they had material that didn't comply, the bidders could submit an analysis and it would be considered along with the other sanding materials. This is the reason Western Mobile submitted a material that was 1/2 inch crushed rock.

King stated he visited some with the foreman and in the past they have tried the crushed rock and have had problems with this material. He pulled samples of the material and compared it and discovered it was the same as the 3/8 inch. It is the same that the Town of Silt has been sanding with for about three years. Based upon the higher speed traffic on Garfield County roads, King was recommending the crushed cinders and Mayne Block's bid.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to award the cinder bid to Mayne Block at the quarry for \$29,700; carried.

The Board authorized Mike to make calls for transportation of this material from Dotsero to Glenwood Springs.

Tarsands

King stated there is 4,000 ton available. He stated he looked at the roads and problems this weekend at West Mamm Creek, Sysco has built a facility on the left hand side and all the traffic on the upgrade on the road, the thought occurred to King that this would be a good place to use some of this tarsands.

Complaint - West Mamm Creek Road

Commissioner McCown reported two bad spots on the West Mamm Creek Road and when it rains the residents can't get out. He stated that the residents requested shale be put on these places.

Update on Rotomil

King reported they are finishing the rejuvenate on the Rotomil. Sweetwater will be finished today and Riverbend absorbed so much material they will add more to it and should also be finished today.

Landfill

King reported the tests have been completed and it would appear the sampling BLM took was non-conclusive. There is a potential of chloride gas which is a new element. They don't know anymore than they did before. BLM is not being real aggressive. Neither is Barrett.

Chuck stated he will call the State Health Department and expedite the matter.

Update - Major Projects

King added an update on the various major projects: Black Diamond Road, bridge replacement on Garfield Creek; and the improvement projects in Rifle and Stevens Hill. White River is getting paved today.

Commissioner McCown stated he thought we should carry the money over for Stevens Hill this year and look at the possibility of putting a big tube there and widening the bridge.

The Board agreed to put this on the list for the first thing next year.

Peach Valley

Commissioner Martin stated he was contacted by the ditch company and stated they have the silt and top soil packed and asked if there was anyplace they can put it. It came to about 50 truck loads. The County also would need a way to haul it as well. This is not debris, it is top soil.

Bridge at Cardiff - Pedestrian Bike Bridge to Road Traffic

Commissioner Martin asked for King's opinion and recommendation regarding opening the bridge at Cardiff to traffic.

King stated the structure is adequate and will support automobile traffic. The restriction is that the Town of Glenwood hired a structural engineer to do an analysis of that bridge before they made it available to foot and bicycle traffic and the engineer remarked to King that the only limiting factor on the bridge was the deck itself.

Commissioner Martin added he was looking at the very dangerous intersection 156 and 117 road and maybe look in the future at the possibility of using this.

Chairman Smith commented that the County maintains title to that bridge.

Don stated it has not been annexed.

King stated a plan would need to be worked out regarding the one-lane and weight restrictions.

Red Canyon Road

King stated the project was on hold but there are barricades on the Red Canyon Road and it is signed but not closed at the present.

Don added that the barricades were moved.

Commissioner McCown suggested making these barricades non-moveable and closing the road completely.

Commissioner Martin suggested that the County make it a "travel at your own risk." A primitive road, not maintained situation.

King stated they had purchased the materials to make the repairs and ready to go but direction from the Board was to hold off.

Commissioner McCown again stated he favored securing the road closed.

The Board directed King to close the road and make it where they cannot drive around it.

County Road 109 - Aspen Glen

Don DeFord stated that he and King had received a formal advisement of County Road 109 from Aspen Glen.

A date was set for Tuesday, September 9 to meet with Larry Green, King, Commissioner Martin and Don to discuss this issue.

HONEYWELL - KICK OFF MEETING FOR BUILDING IMPROVEMENTS - INTRO OF PROJECT MANAGER

Rich Alary, Chuck Deschenes and Andy Morton were present. Andy introduced Ralph Ferullo, Project Manager was present for Honeywell and submitted a letter with a schedule of events.

It was determined that there would be meetings once a week with Ralph to monitor what was going on and weekly meetings to keep everyone informed on progress. The Honeywell representatives met with the lighting subcontractor and they will start on Thursday with the lighting and scheduled to complete in this building by mid-next week. They should be finished with all of the building within two weeks. The

mechanical contractor will be starting Thursday in dispatch center. And the overall comfort in this building will take the majority of time and that will start in late November 20. These improvements will keep this building comfortable in the summer and winter.

PUBLIC HEARING: SPECIAL USE PERMIT FOR A CONTRACTOR AND STORAGE YARD IN THE R/L ZONE DISTRICT LOCATED SOUTH OF WEST RIFLE AT I-70 EXIT. APPLICANT: DAVE JOHNSON

Eric McCafferty, Don DeFord, Jerry Bauer and Dave Johnson were present.

Don determined that adequate notification was in order and advised the Board were entitled to proceed.

Chairman Smith swore in the speakers.

Eric presented the following Exhibits for the records: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Report; Exhibit E - a copy of the 1978 Garfield County Zoning Resolution.

Chairman Smith - submitted Exhibits A - E into the record. Additional material was submitted as part of Exhibit E.

Eric McCafferty presented this is a Special Use Permit for a storage and contractor's yard in the R/L zone district for Lacy Park, LLC on a 21.8 acre tract of land located south of the West Rifle, Interstate 70 interchange. The applicant proposes the construction of a contractor's storage yard on approximately 3.26 acres of the 21.7 acre tract. A 5760 square foot shop building is proposed on the eastern portion of the parcel which would be oriented perpendicular to the I-70 access road. The western portion of the parcel is proposed to be utilized for equipment and materials storage. 5000 gallons of diesel fuel and 500 gallons of gasoline would also be stored on-site.

Jerry counter-proposed that it would not be effective to screen this area and suggested they do landscaping.

The Commissioners agreed and suggested that they approach the City of Rifle with the new plan.

Discussion regarding reverse osmosis was held and included in condition No. 8 as shown below.

Recommendation:

Staff recommends APPROVAL of the application, pursuant to the following conditions:

1. That all proposals of the applicant made in the application and at the public hearing with the Board of County Commissioners shall be considered conditions of approval, unless specified otherwise by the Commissioners.
2. All fuel storage shall be in compliance with state and federal regulations governing this type of storage. The applicant/operator of the site shall file an emergency management plan with the local fire protection district and the Garfield County Office of Emergency Management.
3. The minimum defensible space distance for structures and storage tanks containing fuel shall be at least 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.
4. It shall be the responsibility of the applicant/operator of the site to control noxious weeds on the site.
5. At time of building permit submittal to the Garfield County Building Department, the applicant shall submit a xeriscape landscaping plan for the subject tract.
6. The entrance gate to the site shall be offset a sufficient distance, within the site, to allow trucks to pull completely off the frontage road when opening/closing the gate.
7. All potable, sanitary and irrigation water shall be treated by a reverse osmosis filtration system, meeting all EPA standards.

8. Prior to issuance of a Special Use Permit, the applicant shall demonstrate that the well permit for the proposed water supply has been issued and that installation of a reverse osmosis water filter system has occurred.

9. That all uses of the parcel shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building or structures shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.

10. The on-site storage of all materials, vehicles and equipment shall be done in an orderly manner; no junk, refuse, inoperable vehicles/equipment, or debris shall be allowed to accumulate; and all noxious weeds shall be eradicated. The only materials allowed to be stored on-site are those that are actively used in the day-to-day operation of the facility.

11. The approval of a Special Use Permit does not constitute subdivision approval.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the SUP for Lacy Park, LLC as described in the staff project information and comments with all major issues and concerns, suggested findings and 11 recommendations making a correction to No. 8 "reverse osmosis" making it to the standards and drop part 1 of condition no. 5 stating instead "At time of building permit submittal to the Garfield County Building Department, the applicant shall submit a xeriscape landscaping plan for the subject tract;" carried.

PUBLIC HEARING: ZONE DISTRICT AMENDMENT FROM A/R/RD TO LI LOCATED APPROXIMATELY ONE MILE EAST OF CARBONDALE ALONG COUNTY ROAD 100. APPLICANTS: DALE EUBANK LLC/MID-CONTINENT RESOURCES

Eric McCafferty, Don DeFord, Bob Delaney and Dale Eubank were present.

Don stated he had a letter of August 28, 1997 from Dave Michaelson concerning the question of notice and asked if the applicants had any other information other than what was in this letter. Don submitted the letter to the Chair and added that attached to the letter is a proof of publication that states coverage was adequate, there is also proof of mailing as represented by Mr. Michaelson in his letter constituted the list of adjacent property owners set forth in the records of Garfield County. Normally, Don would accept this type of representation that give certified, but he will leave it up to the Board to decide if it is adequate otherwise the information is complete.

The Board determined that adequate notification was made.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Certified Mailing Receipts; Exhibits C - Application; Exhibit D - Project Information and Staff Comments along with all attachments; Exhibit E - a Copy of the Garfield County Zoning Resolution of 1978 as amended; and Exhibit F - a letter from Nyles and Dennis Gerbaz dated August 28, 1997 just received today.

Chairman Smith admitted Exhibits A - F into the record.

Chairman Smith swore in the speakers.

Eric presented that this is a Zone District Amendment from A/R/RD to LI (Light Industrial) on two tracts of land total acreage of 85.6 located south of County Road 100 one mile east of Carbondale.

In April, 1997, the Board of County Commissioners approved an application for the creation of a Light Industrial Zone District as a zone text amendment which essentially set forth various uses and performance standards within the contemplated district.

Dale Eubank stated the zone text amendments govern pollution, hazardous material, and noise are covered by the Zone Text Amendments that says those are subject to specific requirements.

Commissioner McCown clarified that Eric read from Section 3.12.013 and asked if they apply very specific to "storage" with no other activity taking place? He added that the numbers the other two individuals who had written letters referenced were 3.12.034, 3.12.032, 3.12.033. Do they or do they not apply to this particular usage?

Eric clarified if he was referring to storage use itself?

Commissioner McCown affirmed.

Eric added that with re-zoning the entire property based on his investigation of the site, it appears that this would fall into the storage use which is a use by right and these other uses like 3.12.032,; 033; and 034 are special uses which would require an application made, additional information, goes in front of the Board and even perhaps the Planning Commission and referred for additional comment and public discussion if it is an appropriate land use.

Commissioner McCown clarified that changing this zoning does not guarantee the use of these that were quoted in the letter.

Eric confirmed that to be correct, it would allow any uses by right to remain there such as what's going on there today.

Commissioner Martin also stated he had received some phone calls with objections to this due to the loss of agricultural lands because of pollution; loss of privacy because of the perceived use across the street; the fear of housing project because we allow a certain amount of housing on these; and also because of the noise. However, we have not put a business in place to create this yet. All we are doing is a zone change. Eric - in terms of Employee Housing, that is not contemplated in this application nor is it contemplated within the light industrial zone text so this would not be allowed at any time, unless a new zone text amendment to allow employee housing was approved.

Chairman Smith stated the confusion has come and maybe a way to get around it is to ask for a baseline inventory of the uses in the area. She asked for Eric to clarify what 3.12.013 actually says.

Eric read into the record from the Zoning Resolution of 1978 as amended, Section 3.12.013 - Storage.

Commissioner Martin added there was one more issue and that was the Railroad going through, the issue of rail-banking discontinuing the use of that line is a very big possibility and asked if Bob had any correspondence on the use of your spur in the future.

Bob Delaney on behalf of Mid-Continent Resources stated he wrote the Rail Authority some months ago and asked, suggesting there was a spur there and in fact have had industrial uses there in the past and it is on the rail track, that it would be appropriate to consider this in future planning. He never received a reply from them. He has learned that the Rail Authority is in a preliminary stage of planning and he has not followed up on it recently but fully expects to as they go down the road because is a very appropriate consideration especially for the flat lands on the North and South of the railroad track and also it would be a shame to take out the spur that's there if it is going to be needed in the future.

Rex Coffman was sworn in and he stated he lived real close to Dale's property and owns property across County Road 100; he submitted a letter and stated as long as Dale is there he understands why he submitted for this zone change; however, down the road who knows who and what's going to be done. His largest concern is the special uses. The second paragraph in his letter stated that he lived by the Limestone Dust Plant for all the time it was there and it started out to be small and then it got bigger and got noisier, got dusty, and it worked all night and I am not going to live on that Ranch - it'll go up for development and get rid of some more ranch land if anything like that ever takes place on that kind of property. This is not what is contemplated but I want to make the point that it is unbearable to live next to something like that. He has two houses with 75 yards of the corner of Dale's property and joins it on the East so anything that goes on there is his concern. He added he was not objecting in part to the zoning as there is a lot of contemplated uses. However, he listed his concerns in his letter. He added the Commissioners have injected the Right to Farm and there are some uses that will not allow a person to do that the way they want to do it. The working hours were of concern and this is a big factor as well as traffic.

Chairman Smith admitted this letter into the record as Exhibit G.

Dale stated the employee housing in the original proposal has been removed due to the Board's same objections and no provision is included. Each of the concerns regarding noise, dust, and pollution are valid concerns but in the County's normal zoning, none of these are addressed very conclusively and part of what the County has had them do is participate in writing this light industrial zone text was to provide for each one of these a requirement as to the decibel level permitted in a light industrial zone and nothing like a limestone plant would be permitted. Dust and pollution are the same.

Chairman Smith stated the hours can be a conditional restriction and it is normal work hours, period.

Charles Cady of 81 Cottonwood Lane and basically he wants to see the same issues addresses as Rex Coffman stated but some of the others include the road. The road is really bad now and he gets passed daily in the "no passing zones," there's no shoulders, there are two or three turn-offs over the tracks so more trucks and businesses will need to be regulated in order to turn in or out creating more of a hazard;

also water and sewer is to be identified as each new business comes in but to his knowledge there is no plan to hook up with Carbondale so everything will probably be wells and septic and therefore he asked how this would be monitored.

Chairman Smith stated it was in Carbondale's service area but whether or not Carbondale will accept it is not up to this Board.

Mike Kennedy - 0867 County Road 100 stated he doesn't really have a major problem with this as far as an industrial zone district as we need that use in the area but this information he received previously from Rock Creek Studios which may be outdated now but it does list some things that have been stated here today would not be allowed; however, the assembly of small appliances and bottling and brewing plants are listed as a special use and this would be a concern, but in general if concerns are addressed and someone is policing it, then we certainly can co-exist with some light industrial use out there.

Tom Newland - representing RFRHA and appreciated the County sending them a notice of the meeting so he could come down and make a few comments. Commissioner Martin was right when he mentioned RFRHA was undergoing a Comprehensive Master Plan and hopes to work with the adjacent land owners such as Mr. Eubanks and Mr. Delaney in the process. Right now they are looking at rail banking the property which could take it out of service at least temporarily and discussions will begin on this in a couple of weeks. The other thing the Board should be aware of is service on this line is currently embargoed in the area of this property and by that this means that if service is to be provided up to this property, it would be up to the shipper who desires that service to improve the tracks where it is embargoed so the shipping could occur. Currently the line of embargoment is at mile post 373.1 - Highway 133 so now the tracks would need to be improved to the satisfaction of the RFRHA before any shipments could take place.

Chairman Smith clarified if RFRHA can deny the improvement.

Tom stated he did not think RFRHA could. He's been told that from Hwy. 133 up to Woody Creek there's approximately 6 million worth of work that needs to be done.

Commissioner McCown asked if all accesses on this property were all legal and valid accesses.

Tom stated yes all the crossings in that area have licenses, which are 30 day revocable licenses.

These are renewal yearly and revocable upon 30 days notice.

Commissioner Martin moved to close the Public Hearing. Commissioner McCown seconded; carried.

A motion was made by Commissioner McCown to amend the Zone District Text from A/A/RD to LI (Light Industrial) in this particular proposal noting the recommendations of staff and the Planning Commission.

Commissioner Martin seconded but also suggested to open up the warning and also the note that we do have a Right to Farm and this area is affected and we also have a problem with traffic flow which has to be addressed and when we approve either through special use or permit in this area for businesses, we definitely instruct staff to look at that. Crossing the railroad is another issue that we have to really consider on any use other than what is there and really stress that we do a baseline inventory of the use of the buildings and everything else on that recommendation.

Eric clarified that shall not be rescinded.

Consensus.

Vote taken - carried.

Recommendations:

1. That all representations by the applicant made before the Planning Commission shall be conditions of approval, unless otherwise stated.

2. That only the tracts identified in this application and wholly or partially contained within the area proposed by the Comprehensive Plan as Light Industrial are subject to this zone district amendment. Other lands outside the area identified as Light Industrial that may be owned by the applicants are not subject to amendment, by this application.

3. That a baseline inventory of the uses of the subject tracts, setbacks of all buildings and other structures, storage of all vehicles, materials and fuel shall be submitted to the Planning Department, in

graphic and written form, as appropriate. This baseline inventory shall be utilized by the Planning Department to determine the current uses of the property and conformity with the provisions of the Light Industrial zone text.

Road Race

Commissioner Martin stated there was a request for the Chair to sign an application for a road race using the County Roads - County Roads which are the internal roads of Battlement Mesa; Battlement Mesa Parkway. King and Jim Sears have both looked at this and there are no deputies required. He noted there did not look as if these folks had contracted anyone at Battlement Mesa. He noted also there were three races - a 2K, 5K and all the same day.

Mildred stated the Sheriff has signed off and King has submitted this form.

Direction - send it back for clarification of County Roads.

PUBLIC HEARING: FLOODPLAIN SPECIAL USE PERMIT - LOTS 10 - 15, BLOCK 8, RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANT: LAURENCE BRADLEY

Eric McCafferty, Jerry Bauer and Don DeFord was present. Don determined adequate notification was in order and advised the Commissioner they were entitled to proceed.

Chairman Smith swore in Jerry Bauer representing Laurence Bradley.

Eric presented that this application was referred to the Planning Commission; he also stated this was continued until September 10 due to a lack of information that was required had not been submitted.

Meantime, Jerry had proceeded with the notification in the newspaper for today contemplating that the Planning Commission would make the recommendation for today's meeting.

Chairman Smith swore in Lee Allemon - representing Allemon/Nicholas/Campbell owners of all the property South of the property applying for a special use permit.

Lee stated he was never notified of either this public hearing or the Planning and Zoning Commission meeting and as an adjacent property owner he understood he was to be and wasn't.

Jerry Bauer stated that as of the 25th of June they were not listed as property owners in the Assessor's Office.

Lee stated he has owned the property since December of 1996

Don inquired as to who he purchased the property from.

Lee answered from Francheska Real Estate in Houston, Texas.

Lee stated he talked to Larry Bradley personally to express concern when he went into doing a lot of his work, he is encroaching on his property by about 15 feet. And when he cleared the property he pushed a lot of debris over into his property and has altered the drainage. Additionally Lee stated there should be a letter on file with the County to that respect. He also expressed concern to Zancanella and Association stating that drainage has been altered. He stated he was not so concerned about the project rather how it has all transpired regarding notification and altering of the drainage.

Eric stated this is why the Planning Commission continued it so the information could be gathered and the parties could receive notification.

Don stated the Assessor's records would need to be changed and recommended this should be checked into. He stated inadequate notice should be reflected. The Board should make a determination and find that it was inadequately noticed and require re-notification and set this for a later date.

Jerry accessed the records through Commonwealth Title Company in Rifle with the assistance of Dean Hubbell and found nothing other than the Francheska Real Estate Group.

Chairman Smith inquired as to when the deed was recorded.

Lee was notified that this issue would be heard at Planning and Zoning on September 10 and notice was adequate until September 15, 1997.

Commissioner Martin made a motion to continue for the Special Use Permit, Rifle Village South Subdivision to September 15 at 3:00 P.M. Commissioner McCown seconded; carried.

Jerry Bauer stated they had engaged the firm of Gamba and Association to do a drainage study there and to examine the property and to address the concerns Lee has indicated in his letter.

IGA - Local Improvement District - Mildred

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to enter into an IGA with the County Clerk for payment of the special election for the improvement district; carried.

EXECUTIVE SESSION - LITIGATION DOCUMENTS/W. BROWN

Commissioner McCown moved to go into an Executive Session to discuss an issue with Walt Brown.

Commissioner Martin seconded; carried.

Commissioner Martin moved to come out of Executive Session. Commissioner McCown seconded; carried.

CONSIDERATION OF ACCEPTANCE OF ROSE RANCH APPLICATION

Don DeFord stated he had and Victoria Giannola had an opportunity to meet with the applicant and their representatives at some length. Prior to that meeting, Victoria prepared a detailed memorandum reviewing the application and among the items she noted were those things lacking in terms of completeness. We discussed those items, reached some agreements on what additional material would be submitted and Victoria has a position to state both in writing and verbally to the Board at this time. A letter from Mr. Ronald Heggemeier of Roaring Fork Investment, L.L.C. was submitted to the Board.

Victoria Giannola, a senior planner with Garfield County Building and Planning Department, stating she had reviewed the Rose Ranch Application last week and met with the applicant and consultants to discuss a number of items that were found to be deficient and which would have led to a recommendation of incomplete before the Board today. The applicant and consultants were able to address those six items which are listed on the letter she handed out. They submitted those supplements to the application on Friday of last week and she reviewed them and completed her review this morning and determined that those six items have been adequately addressed so that she can proceed with the application in order to make a recommendation as to either approval, disapproval, or continuance. So there is sufficient information for her to proceed at this point.

Commissioner McCown clarified that by the applicant meeting conditions 1 - 6 this application is complete.

Victoria confirmed that was correct.

Commissioner Martin clarified that these items were addressed after she had taken on the project.

Victoria confirmed that was correct.

Victoria stated the nature of the application has changed somewhat in order for us to consider complete and the major change has been the removal of the primary access to the site which was the preference for the applicant. The reason for this was the applicant at this point and time does not have rights of access or ownership to that particular property. So in lieu of that they are showing what would have been their secondary choice in terms of access which they do own the property itself. This changes the application somewhat. They are also instead of showing a specified number of golf holes, some of which would have been located off-site are now showing a general golf area all contained on-site but are not specifying the number of golf holes. The units are 354 single family and duplex in addition to the golf course and the other recreational amenities.

Commissioner McCown - until these changes were made, did you consider the application incomplete?

Victoria - correct.

Don stated the next step in the process as Victoria has indicated in her letter is we need some agreement with the applicant on time frame and really what we need is a recognition of the 120 day review period. The applicant's attorney is present and did not know if the Commissioners had a chance to consider this at all. At any event, the project should move forward under our regulations with or without a specific written agreement. It should be referred to the Planning Commission at this point if the Board is willing to accept Victoria's recommendation on completeness.

Commissioner McCown moved to accept the application and refer it to the Planning Commission.

Commissioner Martin seconded; carried.

Don stated there was some discussion and a need for an engineer. Victoria will need this right away.

Victoria stated that Don Elliott has agreed to meet with her. He is a planner and an attorney from Clarion which is based in Denver.

Don stated Clarion was a planning group in Denver well known throughout the state and done a number of presentations. Mr. Elliott is an attorney but he primarily a planner. He is not an engineer. Don stated two things were needed: one would be a planner to assist Victoria when she thought she needed assistance which is perhaps a more limited role than the engineer.

Commissioner McCown clarified that the applicant is in turn billed for time by the Engineer as we will have to go out of town to ...

Don stated based upon the history of this project that was his recommendation.

Victoria stated although she has not spoken with the gentlemen, her recommendation would be John Vanger out of Eagle County.

The Board directed Victoria to speak to him and if he was unavailable it was also okay for her to proceed with Don Elliott for planning and to be sure he did not have a conflict of interest.

Lastly, Don stated, while Victoria was present, he had done a memo on the Rose Ranch which he hasn't reviewed with Victoria but did with Mark to make sure the factual statements set forth in this memo were accurate. It really is a resuscitation of the events and difficulties already discussed today and stated that Victoria has prepared some very detailed memorandums on the meeting we have had to date with the applicant.

Commissioner McCown questioned the need for this.

Don commented it was mainly to have a statement in file.

Chairman Smith stated if this was the case then the Board should accept it for the file.

Don stated he would have the cc's stricken.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR A NATURAL GAS COMPRESSOR FACILITY
LOCATED THREE MILES SOUTHEAST OF RIFLE ALONG COUNTY ROAD 333.
APPLICANT: VESSELS HYDROCARBON**

Eric McCafferty, Don DeFord and Bill Pardee - 242 South 22nd Avenue, Brighton, Colorado
Joe Baumberger - P.O. Box 887 - WRC #3, Longmont, CO and Grayson M. Evans - 555 Zang Street, Suite 302, Lakewood, Colorado were present.

Don determined that the published notification was on August 20th and the mailed notices were August 18th which would be exactly 15 days but advised the Board the published notification was only 13 days and does not meet the regulations.

Bill Pardee stated when they sent it to the newspaper he was told they would publish it exactly 15 days. He has a copy of the fax but it's at the office.

Don reiterated that by our terms it wouldn't be adequate.

Commissioner McCown moved to proceed; Commissioner Martin seconded.

Discussion:

Commissioner Martin stated this would violate their own rules and viewed it as a problem and possibly something that could be challenged.

Chairman Smith did not see it as a big problem as the notification was given to the newspaper however it was not printed on the date relayed to the applicant.

Vote: Chairman Smith - aye; Commissioner McCown - aye; and Commissioner Martin - nay.

Smith - people were notified.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Report; and Exhibit E - a copy of the 1978 Garfield County Zoning Resolution as amended.

Chairman Smith admitted Exhibits A -E into the record.

Smith swore in the speakers.

Eric presented that this is a Special Use Permit for a natural gas processing facility on a 6 acre tract of land located approximately on Hunter Mesa, three miles southeast of the City of Rifle, along County Road 333. The applicant proposes to construct a natural gas refrigeration plant on the site, to be used in conjunction with the existing compressor facility. The addition of the refrigeration plant would enable the applicant to expand production operating 24 hours/day, seven days/week. The refrigeration plant would condense natural gas into a liquefied form, which would be stored in three 30,000 gallon storage vessels and transported from the site on a weekly basis.

Bill Pardee - 242 South 22nd Avenue, Brighton, Colorado

Joe Baumberger - P.O. Box 887 - WRC #3, Longmont, CO

Grayson M. Evans - 555 Zang Street, Suite 302, Lakewood, Colorado

Recommendation:

Staff recommends APPROVAL of the application, subject to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. Prior to the operation of the facilities, all air pollution emission permit(s) shall be issued and operation of the facilities shall be consistent with the conditions of approval of such permit(s). Upon receipt of the permit(s), copies shall be submitted to the Planning Department for review and inclusion within the file.
3. Reclamation and revegetation of the site shall be required when the operator ceases use of the facility, in a manner that returns the site to its original, preconstruction state. If re-seeding is required, it shall occur with certified, weed-free seeds.
4. The applicant shall file an emergency plan with the appropriate fire protection district and the Garfield County Department of Emergency Management, prior to the issuance of the Special Use Permit.
5. Any out-of-state vehicles used in the construction, operation or maintenance of the facility shall be registered or apportioned in the State of Colorado.
6. The Special Use Permit shall be issued upon demonstration of satisfactory compliance of all listed conditions of approval.
7. The applicant/operator of the facility shall control noxious weeds on the site.
8. The allowance for a bathroom and/or toilet facilities shall be allowed within the proposed shop/office building so long as the applicant demonstrates a legal water right at the time of building permit application to the County Building Department. Such application shall clearly indicate the bathroom facilities.
9. The shop/office shall not be used for housing employees or agents of the applicant or operator of the facility, either temporarily or permanently.
10. The minimum defensible space distance for structures and storage tanks shall be at least 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.
11. The operation of the facilities shall not have a detrimental effect on or to wildlife or domesticated animals.

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

A motion was made to approve the Special Use Permit for a natural gas compressor facility for Vessels Hydrocarbon with the recommendations and concerns expressed and noted below. Commissioner McCown seconded; carried.

Recommendations:

- That all representations of the applicant, either within the application or stated at the meeting before the Board of county Commissioners, shall be considered conditions of approval.
- Prior to the operation of the facilities, all air pollution emission permits(s) shall be issued and operation of the facilities shall be consistent with the conditions of approval of such permit(s). Upon receipt

- of the permit(s), copies shall be submitted to the Planning Department for review and inclusion with the file.
- Reclamation and revegetation of the site shall be required when the operator ceases use of the facility, in a manner that returns the site to its original, preconstruction state. If re-seeding is required, it shall occur with certified, weed-free seeds.
- The applicant shall file an emergency plan with the appropriate fire protection district and the Garfield County Department of Emergency Management, prior to the issuance of the Special Use Permit.
- Any out-of-state vehicles used in the construction, operation or maintenance of the facility shall be registered or apportioned in the State of Colorado.
- The Special Use Permit shall be issued upon demonstration of satisfactory compliance of all listed conditions of approval.
- The applicant/operator of the facility shall control noxious weeds on the site.
- The allowance for a bathroom and/or toilet facilities shall be allowed within the proposed shop/office building so long as the applicant demonstrates a legal water right at the time of building permit application to the County Building Department. Such application shall clearly indicate the bathroom facilities.
- The shop/office shall not be used for housing employees or agents of the applicant or operator of the facility, either temporarily or permanently.
- The minimum defensible space distance for structures and storage tanks shall be at least 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.
- The operation for the facilities shall not have a detrimental effect on or to wildlife or domesticated animals.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY FOUR MILES NORTHWEST OF NEW CASTLE ALONG COUNTY ROAD 245. APPLICANT: CHARLES RYDEN

Mark Bean and Don DeFord, Charles and Angela Ryden were present.

Don determined that adequate notification was provided and advised the Board they were entitled to proceed.

Mark presented this is an exemption from the definition of subdivision on an 937 acre tract of land located approximately four miles northwest of New Castle, off of CR 245. The proposal calls for creating a total of four parcels of approximately (off of the 817 property)6.0,9.0, 10.0 and 792 acres in this one parcel and the 120 would be a separate parcel and would qualify for an exemption. It is not deeded with the larger parent track.

Recommendation:

Staff recommends APPROVAL, with the following conditions of approval:

- That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
- A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way, and common access easement off of CR 245 must be at least 25 feet in width. Additionally, the exemption plat needs to show an access and maintenance easement around the well at least 20' x 20' and a 10' wide access and maintenance easement to each property not having the well on the property.
- That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.
- That the applicant shall submit \$600.00 in School Site Acquisition Fees for the creation of three (3) new exemption parcels.
- That the following plat note shall appear on the Final Exemption Plat:
- { "Soil conditions on the site may require engineered septic systems and that no individual sewage disposal system can not be built on slopes 30% grade or higher."

{ "Control of noxious weeds is the responsibility of the property owner."

{ "Soils on the properties identified have possible geologic constraints that may require an engineered foundation design. It is recommended that prior to submittal of a building permit, a qualified engineering geologist evaluate the proposed building site and provide a design for a foundation."

{ "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners" (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

{ "One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

{ "No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, etc. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

{ "Each subdivision shall have covenants requiring that all exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

6. Already met.

7. Prior to the approval of an exemption plat, the applicant drill a well demonstrating the following:

That a four (4) hour pump test be performed on the well to be used;

A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;

The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;

A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;

An assumption of an average of no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

A well sharing agreement to define each property owner's obligation and rights associated with the common well, which includes language defining each property owner only having a right to a single dwelling on each property as the well is presently permitted.

Mark stated for the record, they do not necessarily show the remainder of the 792 acres on the plat itself except by reference. In the past we have allowed similar areas to show on a smaller diagram and indicate on the plat because technically this is well over the 35 acres it is still a parcel created by exemption and need to know this for future planning. Mark stated they would like this reflected on the plat so there is a record of it.

Commissioner McCown moved to approve the SB-35 Exemption 4 miles north of New Castle on County Road 245 for Charles Ryden with the recommendations by staff. Commissioner Martin seconded; carried.

Garfield Partnership - Battlement Mesa Run

A motion was made by Commissioner Martin to authorize the Chair to sign the agreement for Ron Call for the Battlement Mesa Run for September 28. Commissioner McCown seconded; carried.

DISCUSSION - MATTERS OF STATE INTEREST

Eric McCafferty, Mark Bean, Victoria Gianolla, Rob Hykys, Don DeFord and Dave Sturges were present. Eric McCafferty presented that on July 28, 1997 the Board directed the Planning Department to review the Colorado Land Use Act (CLUA) legislation, also known as 1041 regulations authorizing counties to designate matters and areas of state interest. He reported that authorization of the essentially mandated counties and municipalities to designate *areas and activities* of state interest and develop regulations controlling development in these areas.

The CLUA, authorized under Title 24, Article 65, C.R.S. sets forth four "areas" from which statewide importance can be designated. These areas include (1) mineral resource areas, (2) natural hazard areas, (3) historical, natural or archaeological resources, and (4) key facilities area.

Eric did a random sampling and most call it matters of state interest.

Based upon this information, regulations usually are large projects. The type of detail to be found within this regulation is very detailed.

Maps were posted in connection with these four areas and extensive discussion was held with respect to each of the following natural hazard areas: floodplains, wildfire hazard areas, and geological hazards areas.

Discussion was also held with respect to 1041 regulations.

Staff was directed by the Board to do a mock up on the 1041 regulations to see what this looks like.

Commissioner Martin asked the time frame for Eric to have this completed.

Eric responded the worse case scenario would be October 6 at the latest.

Executive Session - Litigation Issues - Springridge and Zilm

Mark and Eric were present.

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

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

A motion was made to pay the bill for Hall and Evans out of the County Attorney budget for a personnel issue by Commissioner Martin. Commissioner McCown seconded the motion; carried.

Adjourn

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

SEPTEMBER 8, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 8, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Mildred mentioned the City of Rifle requested the minutes. Chuck stated he would send the minutes to them but inferred in his comments to them that sometimes there is a long delay between the date of the meeting and the time when the minutes are approved.

Water Resource at the Airport

Council and Airport Board sat down and with the help of Attorney Lee Leavenworth stated the City has agreed to provide water to the Rifle Land Association in the past. Chuck added that if Rifle did agree to supply the Rifle Land Association with water then there is a trade-off with some of the water rights for possible annexation. He added that the meeting went well with the City of Rifle and the Airport Authority.

Budget

Chuck stated he was going to set aside Thursday and Friday in order to give the Commissioners a report by Monday.

Insurance

A discussion was held regarding the deductible charged to each employee and Chairman Smith indicated the deductible may be raised. The dependent coverage cost for employees is still \$20.

Computers

Rifle wants a couple old 386 computers to do office reports and since it is an intergovernmental transfer, Chuck requested authorization to give his to the City of Rifle if the Commissioners felt this was appropriate.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to transfer Chuck's old 385 Computers to the Rifle Police Department; carried.

Grand Valley Citizens' Alliance

Chuck was directed to provide the questionnaire answers to the Grand Valley Citizens' Alliance for Commissioner McCown. Commissioner McCown stated he needs it by the 18th.

Assessor's Valuation - Housing

Steve will look at the price for the valuation on the West Glenwood property with respect to the Affordable Housing Project interest in purchasing the property.

PA System - Fairgrounds

Chuck indicated that Lee Moss and Mike McBreen will work together. Chuck stated that Rumsey Gates - wants a new PA system citing that the quality of speakers is perhaps the problem. He suggested that an acoustics expert should look at it.

Chuck indicated they need to look at a solution and not a patchwork effort.

Youth Correction Facility

Commissioner Martin stated a meeting has been held and Colorado West is to write a letter stating they are committed to holding juveniles if they can agree on repairs to the building.

County Engineer

Chuck requested input from the Commissioners regarding the County Engineer. He suggested Susan Owens could obtain a range of salaries appropriate for the position. Barbara Ramirez secured job descriptions from a variety of sources and passed them out for the Board's review. Commissioner Martin stated it was necessary and the County needed it.

Chuck will disseminate the sample job descriptions to King and Mark and ask for input.

Joint City/County Meeting with City of Glenwood Springs

Mildred handed out the agenda items which included: Mel Rey Road; 4-P Process; Three Mile Sphere.

Mildred stated the Board should advise the staff who needed to be there.

The Commissioners mentioned that Mark, King and Chuck should attend.

Lease on Rifle Property

Chuck explained the purchase agreement stated an environmental assessment has been done on the State Highway property and mentioned there were hesitant to move on it due to the expense of cleaning it up. This may fall back on the County.

Hubbell Property - Fairground

Now that the boundaries have been defined it might be a good idea for the Board to bid on the property.

Chuck stated it was listed at approximately \$100,000 and this includes the house.

Commissioner McCown stated a lot of work had been done on the sewer system, etc.

He suggested filling in the entire property and especially filling in the back slope.

Chuck will determine the listed price. Napa may be interested in the front part and the County the back lot.

AT&T Notice

Chuck indicated the 6-year wireless program notification had been received and he will review the applications. Healthy Beginnings received a wireless cellular last year.

Veterans Officer

Chuck introduced the new Veterans' Officer to the Commissioners - Joe Carpenter.

UMTRA and State Board of Health

Commissioner McCown stated there would not be any funds left. UMTRA was eating up the excess.

Weed Management

The Commissioners commented the weeds are out of control in Garfield County and Dave Gallagher begins the training process today with Gary Janicek.

Reclamation with Mining

Trapper Mine - better pasture than before the mine. Commissioner McCown stated this was the same problem with the Oil and Gas Commission.

October - Domestic Violence Month - Proclamation

Chris Aronson, on the Advocate Safehouse Board, submitted a Proclamation for the Commissioners to sign.

Commissioner McCown moved that the Chair be authorized to sign the Proclamation declaring October as Domestic Violence Awareness month. Commissioner Martin seconded; carried.

Four - Mile Annexation

Commissioner Martin stated he had attended the City Council Meeting of Glenwood Springs on the Four Mile Ranch pre-annexation and sewer agreement. And tentatively they have accepted both however, it is not a finalized issue yet but they are bringing back written agreements and the City staff is to work out the details. So it looks like Four Mile Ranch is going to hook up to the sewer system of Glenwood Springs.

Sewer system, but not water yet Commissioner Martin added. They still have to sign their pre-annexation agreement to make that possible. So this brings up a question on the Four Mile area. If they annex into the City, the road needs to go too.

Commissioner McCown agreed.

Commissioner Martin stated they will be coming to the Board with this request.

RFRHA

Commissioner Martin stated that the City also agreed to pay the \$49,000 plus for RFRHA and Mr. Vanderhoof is very adamant if he doesn't get his crossing at 27th that he intends to ask to pull out. There is a discussion on Friday, with the RFRHA Board.

Mark Lumis and Pitkin County, Dorthea Farris do not want the tracks to be pulled up.

Commissioner Martin stated the PUC regulations, rail banking will be the issues discussed on Friday at the RFRHA Board meeting.

JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, Dave Sturges, Al Maggard, Eva Melby and Chuck Deschenes were present.

Jail Count

Total in Jail: 111. 42 main jail; 38 Work Release; 11 females; 9 in other jails; 3 Home Detention; 0 Day Reporting; 1 State Hospital; 4 DOC; and 7 Workenders.

Al stated the regular Community Correction Board meeting would be held Thursday.

Battlement Mesa Police Auxiliary

Sheriff Dalessandri asked if the Commissioners had the copy of the letter and introduced: Joe Boulton, member; Clyde Johnson, member; and Dee DeFio, Crime Prevention Officer of Battlement Mesa Auxiliary.

Commissioner Martin mentioned that all three and were on TV at National Night Out recently held in Glenwood Springs and handed out many things and provided a great article. It was a good positive representation of the citizens coming forward and really giving of themselves.

Tom mentioned that the Auxiliary is based on a program in Arizona. It took time to get started but they learned as they went. He referenced that the letter lists the number of courses they have taken; there is a sub-station in Battlement Mesa and they have opened with classes paid for by Battlement. These folks man that office in Battlement periodically; they also do the radar screens around town, they also do welfare checks if needed, they have received a grant for the radar screen a few months ago and they have been running that in Rifle and Battlement Mesa. Dee added they will do this wherever requested. It is a great deterrent.

Commissioner Martin it is also a good monitoring for neighborhoods and reporting things that are going on Tom stated this is a courtesy patrol and suggested if the Commissioners have some specific concerns that this group could be of assistance.

Chairman Smith - stated that County Road 100 is a need as well as Four Mile Road and Dry Hollow.

Tom added this group has been working various events- National Night Out, July 4 at Battlement Mesa providing security on the beer tent. Basically they do a great job. There are 16 members involved.

Dee mentioned they work with the local cable show and alternate with the school board; they circulate the newsletter; assist with the DARE school program; and crimestoppers has recently been suggested.

The Commissioners asked them to put an article with respect to being aware of slick roads and asked if they could put in the newsletter driving tips from an educational aspect.

Joe Boulton thanked Chuck Deschenes and Chairman Smith for the birth of this idea of a Citizens Alliance many years ago and stated it is now a reality.

Judges - Security and Issues

September 2, 1997 the Commissioners met with the District Court Judges and the Judges indicated they were not crazy about moving the court facility downvalley but were supportive of the interactive video; this

was an area they were willing to work on with the Commissioners. They were also willing to work on felony advisement arraignments with interactive video. And with some modifications felony arraignments could go through County Court, then bind them over to District Court.

Their biggest concern was ideally you may need all the square footage in all these courtrooms they know that they won't get it in the future so some of the figures the Commissioners received from the Capital Improvement study were too high. Chairman Smith stated it was a very worthwhile meeting and opened a real line of communications and have a periodic update.

Commissioner McCown - added that with the obvious constraints we're faced with in building a facility here in the immediate future, the Board opened up discussion with respect to a remote location in the Rifle area. Judge Ossola stated it was doable simply because of the County Court we have in Rifle now. He further indicated that if a remote facility was built in that area, that the court facility as we know it now would be moved to the jail location, wherever it may be and at that point the arraignments and advisements, according to Judge Ossola, could be run through that so the only transportation cost we as a County would face would be for District Court trials here at this Courthouse. All the civil hearings, all water use, etc would remain at the District level. However, it would free up the transportation cost of for prisoners to advisements, arraignments, etc.

Executive Session - Contracts- Jail - County and CMI

Commissioner Martin moved to go into an Executive Session. Commissioner McCown seconded; carried.

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

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Red Canyon Road

Joan and Art Hood 119 Road, Glenwood Springs asked the Board of the status of Red Canyon Road. Chairman Smith stated they know what it will really cost to bring this road up to safe measures but it was not in the budget to do anything right now. This road has been a topic of discussion for a long time and she has fought hard to keep that road open. We've had engineering studies done in the past and there is a lot of blasting needing to be done especially on the curve.

Commissioner Martin also has requested that King give the Board an update next week. Also we want to make sure that it is either closed or it's open and also want it to either be repaired or travel at own risk or designated as a historical route or something. We need a final decision and we will not make that until we get King's final report. So next week these figures will be available and they can be part of the decision making process if they would like.

Don suggested the Commissioners set a time.

Commissioner Martin stated it would be on the Road and Bridge allotted time of 1:00 P.M. next week, September 15.

Joan Hood asked in relation to this what about 114 Road as it is need of repair due to the washboard at Berkley's pond and general road conditions. It is currently at 5 mpr.

Commissioner McCown - commented that this road was up for reconstruction and did not have it in the budget to do it. It would have cost \$734,000 to do 5800's of a mile for rebuilt and asphalt. However, he stated they could get a blade on the road.

Joan added that if Red Canyon Road was not going to be fixed this winter, then the other thing is the corner at 119 and 115 is not passable most of the winter. She added that they County will probably need to maintain 119 over to 114 because otherwise it will need a lot of construction to straighten out that switchback. Otherwise, there will be about 50 cars stuck there. She added that there are a lot of accidents at that intersection.

Janet Harris of 0261 County Road 119 was inquiring about Red Canyon Road. She wondered how the County could close a road that had been open for a hundred years and what County law they had used to close it.

Commissioner Martin answered that it was a not a County law it was a State Statute that also governs the passability, safety and does deem that the Road Superintendent can deem a road that is hazardous

detrimental to the public health and safety so if funds are not available to fix that road then the County can close it until or when they have the money to open it again.

Janet asked when they planned to work on it?

Commissioner Martin informed her that King's report was due next Monday, September 15 at 1:00 P.M. on the present dollar cost to make it passable and they will determine at that point if they will keep it closed, make it a trail to travel at own risk, rebuild it or just repair and leave it in the condition it is at the present time.

Janet questioned what about medical emergency or fire on that end of Spring Valley, how do they plan to get access to those people. She reminded the Board that it takes an additional 15 minutes going County Road 114 or 119.

Commissioner Martin stated that is what they will be discussing but there is County Road 114 and 119.

Chairman Smith stated a lot of the emergency vehicles were not crazy about using Red Canyon Road.

Commissioner McCown added that it was better to travel 114 or 119 than losing one off the side of the road.

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

RAPIDS - FINAL PLAT APPROVAL

Tim Thulson from Delaney and Balcomb and Gene Hilton were present.

Tim stated that Gene is doing the Rapids Subdivision and he is performing road improvements, shoulders on roadway, adding turn lanes, taking out humps and widening the road. In order to do the road improvements, Gene is asking to detour traffic through the roads into the subdivision that have been constructed. Tim stated he discussed this with Don and after today when they file the plat, a significant portion of that detour will be dedicated public road with a small section and for purposes of getting benefit under the governmental immunity they would like to grant a temporary easement to the County for that detour for the duration of the road improvements.

Tim stated he did go over this agreement with Don. The temporary easement will be to King's specifications.

Commissioner Martin inquired as to who was in charge of manning the temporary construction and detour. King stated the contractor was.

Tim stated that the contractor - CCG has hired a traffic control, barracks, etc. He added that speed limit needs to be discussed as well on the detour. They will need a County Resolution for that. The engineer suggested 20 mph posted at each end would be sufficient.

Don stated that today if the Board would authorize the Chair to sign a Resolution posting the temporary speed limit on this easement at 20 mph then he would prepare the Resolution and the posting can be enforced. Don asked how long the detour would be necessary.

Gene Hilton stated approximately a 4 week time-frame or until he could get it paved.

Commissioner McCown stated that he did not want to maintain that detour this winter. Therefore, we needed to have an agreement that it will be paved in four weeks. Should be later part of September or the first part of October. Gene stated they have a firm bid from a contracting firm.

Tim asked to add one more thing under Sub Heading C - regarding the indemnification/hold harmless clause, this was to have been taken out and it wasn't. Tim stated he was removing this out right now.

Commissioner McCown moved to accept the agreement for a temporary easement during the construction and repair of County Road 335 and that the said speed limit on detour would be posted at 20 mph on the condition on the recording of the final plat and the Chair be authorized to sign. Commissioner Martin seconded; carried.

Don added one more thing, did Gene understand that this deed would be recorded?

Gene stated yes.

Amendment to Final Plat

Don stated it was his understanding that the security was ready to go and they are ready to record but there has to be some technical changes to the plat.

Tim stated that they received final plat approval and Mildred was holding it while Gene got his letter of credit in place. Tom Graham with the Bank of Western Slope has the letter of credit in place. The one change they are seeking is that Gene has transferred the property to a C-Corp for tax purposes and

marketing lots. That is the only change and it requires two amendments, one at final plat and signed by Gene as President of the C-Corp. Tim qualified that C-Corp was the Rapids Development Corporation. Commissioner McCown clarified that it was basically just a name change. Don stated that was correct.

A motion was made by Commissioner McCown and seconded by Commissioner Martin rescinding the previous approval of the Subdivision Improvement Agreement with Rapids on the Colorado LLC and a final plat in the same name and authorizing the Chair to sign a modified plat for the Corporation as represented by Mr. Thulson and a new Subdivision Improvement Agreement with the same name of C-Corp; carried.

Extension

Gary Janieck - Weed Management

Carol McNeel reported they will be moving Gary Janieck into their small office and do need to decide about phones. If the Commissioners approve, Carol would like to run a separate line into this office space for Gary. This would be separate from Extension.

Tree/Pest Workshop

Pat McCarthy reported that the Town of Carbondale and the State Forest Service and Carbondale Tree Board had a tree/pest workshop and it was very successful. About 20 people attended and later despite rain they went into the field and looked at problems. Colorado State Forest did the work and Pat stated they just acted as support for them and provided lots of material. He added there are a lot of individuals interested in the Master Gardener Program in Garfield County coming up in January.

Small Acreage Meetings

Carol reported they met with Dennis Davidson about the small acreage meetings and this will be offered in October. Some requests have been received from Eagle on horse information and have CSU come over and open this to everyone.

Fair

It is over and did stay within their financial proposal. The kids that went to State Fair did well.

4-H Council

Carol said they start their process in September and elect officers in October.

DEPARTMENT HEADS - VEGETATION MANAGEMENT DISCUSSION

Weed Management

Dave Gallagher and Gary Janieck were present.

Dave stated he has been working with Gary on a hands-on with the spraying equipment; explaining the Garfield County weed mapping and how to list. He stated he was turning the maps over to Gary. Also that they would be doing some weed identification this week and some spraying. Gary needs to be certified.

Fall Spraying

Dave mentioned that he had put out a memo to some individuals for spraying for Thistle and Russian Knapweed however, a period of 12 hours of under 27 degrees would be required.

Dave commented that the Board was very fortunate to have Gary and Gary was very fortunate to have a Board like this one to work with. He outlined his agenda for this week.

Dave stated he will be available via fax machine to help Gary in putting the grants together on these funds so they can satisfy what Dennis will be discussing.

Dennis Davidson with Natural Resource Conservation in Glenwood Springs stated he has been working with a group of landowners South of Silt along Chipperfield Lane. They have shown a real interest in doing something about the knapweed in this vicinity and this is a terribly infested area. They had heard about the \$250,000 grant for noxious weeds and asked Dennis to look into this and get something going through the Weed District in order to obtain some of these funds.

It was his impression if it were a weed district that possibly reactivating the Southside Weed District Board and see if they will get active with these funds.

Gary stated they are wanting to set a limit of approximately \$50,000 but they also ask for 2 to 1 matching funds.

Colorado Weed Management Noxious Weed Management Fund was created by the Colorado Legislature and contracts to communities, weed control districts, or other entities for purposes of assisting local cooperative efforts with noxious weed control.

Dave stated that he would work with Gary on obtaining some of these funds.

Certification for Gary

Dave stated there would be a window open until November 1 for applying herbicides on perennial noxious weeds on Thistle and Russian Knapweed. Gary could be certified in 3 - 4 weeks. Dave will help him.

Dave extended compliments to Chuck, the previous Board and this Board for all the help in giving the weed management the support.

Social Services

Margaret Long of Human Services and Wanda Berryman of Healthy Beginnings advised the Board of the plans with respect to the nurses and case managers, classifications, and having met with the Personnel Committee in order to upgrade the nurses to an hourly rate to compete with other nursing positions in the valley. They asked if it was approved to proceed.

The Board was in agreement for Margaret to proceed.

PUBLIC HEARING: SPECIAL USE PERMIT - LOGGING - LOCATED ON KIMBALL MOUNTAIN APPROXIMATELY 20 MILES NORTHWEST OF DEBEQUE OFF OF COUNTY ROAD 202. APPLICANT: COLORADO TIMBER AND LAND COMPANY

Eric McCafferty, Don DeFord, Ron Cunnington, Forester and Dale Albertson of CTL were present. Don determined that adequate notification was provided and the Commissioners were entitled to proceed. Chairman Smith swore in the speakers.

Eric presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Comments; and Exhibit E - Copy of the Garfield County Zoning Resolution on 1978 as amended.

Exhibit A - E were admitted into the record.

Eric stated this is a Special Use Permit for the extraction of natural resources - timber on 1899 acres +/- (640 acres subject to logging under this application) located on Kimball Mountain, generally north of County Road 202.

The subject tract is located in a physiographic province known as the Colorado Plateau, typically a deeply dissected region of steep ridges capped by comparatively level mesas. The area is remote, located approximately 20 miles northwest of DeBeque, on Kimball Mountain. The bulk of the timber proposed for extraction is located on the north and east-facing slopes of western Kimball Mountain.

The applicant proposes a helicopter logging operation on private lands constituting 1899 acres, 640 would initially be logged as a pilot project. The proposal is considered to be experimental and is an effort to determine if helicopter logging can be economically operated. Up to 60% to 70% of the trees in an area designated for logging would be felled, then flown to an area on the valley floor and removed via trucks along existing private and public roads. Except for days when weather interferes with economic and safe operations, the applicants expect to log year-round, expecting to operate the helicopter approximately 140 days of the year.

Road Discussion

Commissioner McCown questioned the road impacts on County Road 202.

Ken Roberts - General Partner - 1321 Dogwood - Rifle answered that is the purpose of the \$100,000 bond. He also questioned if this was a gravel application.

Commissioner McCown stated he read somewhere that it was a 2 - 3" of rock.

Ken Roberts stated that would be the only gravel on the road then.

King commented the County has used native shale in this area.

Bridges

King stated they bridges have been upgraded and there are no weight restrictions, but there are weight restrictions on this road. These restriction occur typically in the Spring.

Ron R. Cunnington - Forester submitted a letter from the Department of Wildlife.

Chairman Smith admitted this into record as Exhibit F.

Chairman Smith swore in Alice Parsons.

Alice L. Parsons - Edwards - stated she purchased the property a few years to keep the ranch as a ranch and not a subdivision. The ranch faces South toward Kimball Mountain. Mr. Albertson has a right to do with his property, but she is hoping that whatever happens it will not affect views or the Roan Creek. The Bureau of Fish and Game have put in some money and a dam to start protection of the cut throat trout and upgrade Roan Creek. Any type of erosion coming down into Roan Creek would certainly impact it and possibly kill off things they are trying to regenerate. She asked if this plan goes through will the activity continue until all timber is gone.

Dale Albertson of 5456 County Road 202 in DeBeque responded yes that there is a portion of their property not concerned with this application but it is the property Alice addresses as her concerns. He added that this is a pilot project and see how it goes and the helicopter logging plan can do as far as environmental sound land management for timber cutting. But if it does prove out to be something they consider good, they will look into doing this also on the North side of Kimball Mountain which is the view Alice sees from her window.

Alice commented that from Dale's application he states from a distance no one could tell there was logging. Ronald R. Cunnington - Professional Forestry/Consultant and has considerable experience in addressing these kinds of concerns. Generally anything within a 1/2 mile away on a helicopter logging one can see where individual trees have been taken but when you are more than 1/2 mile away logging is not visible. Some trees will be gone and some openings, but it will not look any different from the far view. He says it is a selective logging operation and will leave the stumps in the ground. The purpose of trying the helicopter logging is due to the soils that are very erosive. Both tractors and the cable system use roads and cause most of the erosion problems and undercuts the slope and can trigger slides. The slash or limbs will be left laying on the slopes for the reason that when the material decays this provides nutrients; acts like mulch which increases the rate of soil build-up; and if there are dribbles of water that's directed around it acts to stop erosion and gives the water a chance to slow down and soak into the ground.

Storage

Commissioner Martin inquired as to the storage.

Ronald stated there will be only one landing as he envisions it; however discretion needs to be given to the helicopter pilot. He fully explained the method and stated the full landing area and decking area should not be more than 2 1/2 acres and it's on a flat area at the end of the road.

King mentioned he had met with these representatives and made clarifications that the County does not do snow removal to the end of the County road and the County is not in a position to increase snow removal. Any extra signing that might be necessary to advise the public as to the operation will be the responsibility of the permittee to provide.

At its August 13, 1997 session, the Planning Commission recommended APPROVAL of the Special Use Permit, for the pilot project logging operation, on Section 7, T7S, R100W, pursuant to the following conditions:

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

Commissioner McCown moved to accept the Special Use Permit for the application for the extraction of natural resources - timber on the 640 acre tract for this particular application located on County Road 202 (Kimball Creek Road) with recommendations 1 - 12; #11 being that the majority of the slash to remain at the site where the log has fallen; and #12 any extra signing required for the entire operation would at the expense of the applicant and that applicant agrees winter maintenance will be at their expense also.

Commissioner Martin seconded; carried.

Dale Albertson suggested a field trip with the Board and Alice Parsons to review the operation.

Recommendations:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, and contained within the forestry plan, shall be considered conditions of approval.

The haul route for timber all overweight service vehicles will be approved by the County Road & Bridge Supervisor. Additionally, an overweight vehicle permit will be acquired for each vehicle needing such permit, prior to commencing operations.

That the forest management practices and revegetation will be monitored for compliance with the proposed Timber Harvesting Plan by a staff forester, hired and paid by the applicant.

That the access easements granted by the Bureau of Land Management and Maralex Resources shall be kept in force for the duration of logging activities and all approval conditions of such easements shall be met.

A road bond of \$100,000 will be placed with the Road and Bridge Department, to be used for the repair of CR 202 and 204, from damage attributable to the applicant's activities. The bond shall be valid for the period of time that the applicant is actively logging on the property.

This Special Use Permit is subject to review for compliance or noncompliance with performance requirements associated with the issuance of the Special Use Permit, prior to permitting additional acreage subject to timber harvesting. The applicant will be required to submit a report one year from the date of a resolution of approval, indicating the measures taken to comply with the performance requirements of the permit. The Board of county Commissioners will review the report, in a public meeting, within 30 days of receipt of the report and may determine that a public hearing is necessary to consider expansion of the permit or development of additional approval conditions.

All vehicles used in conjunction with the logging operation, and operated on Garfield County roads, must be licensed or apportioned in the State of Colorado, through the Garfield County Clerk & Recorder's Office.

The hauling of logs will be discontinued during normal times for local ranches to safely transport livestock along County Roads 202 and 204.

There will be no harvesting of aspen trees from the site, with the exception of the incidental cutting of trees, as approved by the staff forester.

All revegetation of the site shall be done with certified weed free seed mix.

The majority of the slash shall remain at the site where the logs are felled.

Garfield County will not be expected to increase the frequency of snow removal along the haul routes/county roads and any additional signing shall be the responsibility of the applicant and/or operator of the logging operation.

CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT FOR A CAMPER PARK LOCATED 1 MILE EAST OF RIFLE AT 27346 HIGHWAY 6 & 24. APPLICANT: CUSTOM CRUSHING

Mark Bean, Don DeFord and Jerry Bauer were present.

Mark submitted the following additional Exhibits: Exhibit F - a letter from MCS Inc. consultants which is an analysis of existing individual disposal system by William J. Phillips, Professional Engineer summary identifying the septic system that is in place is adequate for this recreational vehicle park; and Exhibit G - Jerry Bauer's submittals that include the July 28, 1997 letter; and some supplemental notes.

Chairman Smith - Exhibits F and G will be admitted into the record.

Mark Bean stated that this was continued at the June 16, 1997 meeting for the Special Use Permit for a Camper Park. Jerry Bauer has submitted supplementary documentation for consideration of the Board.

Recommendations:

That the Board approve the Special Use Permit with the following conditions of approval:

That all representations of the applicant, both in the application and verbally at the hearing, shall be considered conditions of approval, unless approved otherwise by the Board.

That the occupants on the Camper park will be limited to those individuals working for the property owner and their direct family, during times that the applicant is working the area.

That a waterline from one of the ponds on the property to a location near the camper sites, with a pump and hose attached, be built within six (6) months of the next occupancy of the camper park.

The Special Use permit will only be valid if there is a legal source of water to supply the cistern with domestic water or a well is drilled on site to supply domestic water to the cistern.

Commissioner McCown suggested rewording Condition No. 3. (noted above)

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

A motion was made by Commissioner Martin and Commissioner McCown to go ahead and approve the Special Use Permit with conditions outlined by staff with re-wording of item No. 3; carried.

Bradley-Allmon

Mark Bean, Jerry Bauer and Don DeFord were present.

Don presented that he had some discussions with the Allmons and Jerry last week concerning the question for notification and the substitute issues involved between the two property owners. This comes before the Planning Commission on Wednesday, September 10 and Don commented he will have to find that notice was inadequate as he did with the Board. The records of the Assessor indicated that their records were changed in April of last year at the latest to reflect proper ownership of the property and Jerry had actual notice that the Allmons were the adjoining property owners as he had received notice from the Allmons when they did their special use permit.

Jerry has had several discussions and Mr. Bradley has agreed to work with the Allmon group to correct the situation that exists there with respect to disposal and clearing debris into the draws leading down into the Allmon place. And also to remove any and all materials placed there. The Allmon group however are not undecided whether or not they want Mr. Bradley to remove those materials and there is a site visit scheduled to view this and make the decision. The last verbal discussion Mr. Allmon stated he would not object further to the lack of public notice and but wants the Planning Commission to be aware of his concerns in this matter and to be addressed. Jerry added he will get the drainage study to Mr. Allmon this afternoon along with the soils report and meet with them on site before the Planning Commission hearing.

Minutes

Commissioner Martin made a motion to approve the Board of County Commissioner Minutes from April 21, June 2., June 9, Joint City Council/Board of Commissioners July 6, and Personnel Committee August 6, 1997. Commissioner McCown seconded the motion; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Chuck Deschenes were present.

County Road 115, 119, 110 and 114 were discussed.

County Road 115 - Red Canyon Road

Chairman Smith informed King that the Spring Valley Caucus was formed up there and have submitted a request for Red Canyon - Road 115 be improved to a paved road.

King submitted a preliminary plan that addresses the immediate failure. An estimate of what it would cost to repair the area that failed plus some shaping up on the road were submitted.

A study was commissioned by the Commissioners for King to use this figure and add onto it a 3% increase per year for 7 years - 42%.

The estimate was \$26,000 for the one area and the County was still faced with the maintenance.

County 110 Road - this year the residents did not want to participate in the mag chloride.

Oil and Gas

King stated that Barrett wants to run a gas line 1000 feet on County Road 320 and turn and go most of the way up Spring Creek. Surface laid lines were discussed.

The Board provided direction for King to have them come back and give a very good reason why the County should allow them.

Ditch Cleanup - Flood/New Castle area

Commissioner Martin had requested that King met with Tom Laidlaw regarding the ditch clean-up.

King did this and what Tom wanted was for them to haul off the material to another field that he needs leveled.

Commissioner Martin stated this would be doing work that Tom would need to have contracted.

The plan was to remove some of the debris from the ditch but not all of it - this was the plan.

Weight Reports

King submitted the weight reports for review.

Carbondale - Sopris Avenue

King mentioned he had some calls from Carbondale regarding Sopris Avenue where portions lie in the County and some in the Town. The street has some potholes and it's on a school bus route. The Town has been taking care of the problem and now they have decided they are not going to. It is about a 200' area. The Town has told the School District that this road is in the County. It is within the County but there is no history of ever maintaining it. This might be a candidate for the sales tax money where the County and the Town are supposed to cooperate. United is doing some overlay next week and wants the County to participate with them on the 200'.

The Commissioners agreed this would be a good cost sharing project.

Four Mile Update

Completion Date is October 10th. There has been some conflict with ConSy and Rippy and all the rain has been a deterrent as well.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Suzanne Roberts - Frontier Historical Society presented a request to have some grading on the road where the coke ovens are located.

King stated he met with Suzanne last week and did not have a problem with this.

The Commissioners commented there was no problem with King complying with her request.

Ingersoll Lane

Lyle Parks - 0264 Ingersoll Lane, Paul and Gail Schoppner - 280 Ingersoll Lane presented they were before the Commissioners to voice a complaint. They were before the Commissioner in September of 1990 to request that the Board return the Ingersoll Lane back to chip and seal and the Board at that time did not have enough money in the budget to do any chip and seal and agreed to put dust retardant on the road. They feel they have been very patient about that but since the last time they were before the Board, Chairman Smith commented they would be put on the top of the list to do chip and seal. Therefore, they are here today to request that the Commissioners return Ingersoll Lane to chip and seal.

Paul stated that 14 houses were affected. Paul commented that one of the main reasons they asked for chip and seal is due to their oldest son is allergic to dust and the dust is getting to be real bad, population has doubled. The road was chip and seal when they purchased their property.

Paul spoke to King and was informed they are no longer doing dust retardants. When can this be chip and sealed?

Chairman Smith stated it was not on the list for 1997. During the road tour the Board considered this road and additional comments that County Road 250 has priority over dead end roads.

Paul mentioned Sunrise and Rainbow Drive were getting done this year.

Chairman Smith stated this was a maintenance issue and 1997 was the first year to have tax dollars however, she did commit to look at it next year.

Gail Schoppner mentioned the rocks were a deterrent with the kids and bicycles. Road signage and cutting the bushes were suggested.

Commissioner Martin asked if this group were asking for it to be paved or chip and seal.

Lyle Parks commented he would like it paved.

Commissioner McCown recommend that tarsands would be the recommended method and asked the group to work with them and they would take a look at it for next year.

Gilbert/Green

Karen Green of County Road 216 - Rifle stated that Ray Gilbert vacated his AOD Road easement. Karen explained the new access and asked to have it expedited as quickly as possible

Mark stated it was his fault for not noticing this earlier and what was being proposed was a possibility.

Everyone has access.

Mark stated a public meeting should be held to openly deal with the easements.

Commissioner McCown stated go ahead and if the notification is our responsibility, we would do it.

Chuck indicated this was the vacation of a public road.

Don stated to do the 10 days notification and a legal description of the land to be vacated would be needed.

The matter was set for October 6 at 8:00 A.M. - Vacation of Antler's Orchards Easement - Green/Gilbert property - off of Road Public Road 216.

Foot Bridge

Amber Palachrez 539 County Road 106 asked what she could do to have the Sutank Bridge opened for pedestrians and bicycles.

Chairman Smith indicated it was closed for safety reasons. She added they have been trying to get some interest in this.

King explained it was closed for safety reasons and blocked it off for motorized traffic about 5 years ago due to the structure not being able to support the weight and lately it was being used for 4-wheelers and motorcycles. Rot is occurring in the structures and it would cost a great deal of money to replace them.

King added that most of the trusses and frames to support it and this raises the cost.

Chairman Smith stated the Board had mentioned it to the Carbondale Town Council and asked if they were interested in preserving it. However, no response was received on the comments.

Chuck mentioned he had suggested another possible source of funding which was the Trail Funds and GoCo money that they might want to explore.

King added that this is the only wood truss bridge remaining in the State of Colorado. They have an organization that was put together to identify the wood structures but there is no money to work with them after that point. King estimated it would require a total wood replacement.

Chairman Smith suggested that a grass roots effort was sometimes the best way to approach an issue like this.

Amber also mentioned that County Road 106 is accessible by Highway 82 but coming down valley from Carbondale there is no turn off lane - pull-over lane and it is really dangerous coming onto Hwy. 82.

Chairman Smith stated it was a State Highway and out of their jurisdiction.

Red Canyon Road

Eric Whitkin - 385 Heather Lane off of County Road 119. What is the status of Red Canyon Road? He added he is a member of the newly formed Homeowners Caucus.

Chairman Smith mentioned that Red Canyon Road was on the Agenda for next Monday at 1:00 P.M.

DISCUSSION OF COUNTY PURCHASING POLICY - BOCC, DON DEFORD, KING LLOYD, MIKE MCBREEN, CHUCK DESCHENES

Georgia Chamberlain was also present.

Chuck stated he scheduled this on the agenda to address concerns about the County Purchasing Policies mainly addressing how the County can improve the current system, save more money and be better service to the departments.

Discussion was held.

Don stated part of the problem was standardized contracts within the Road and Bridge department however, in the past the Board wanted to go to AIA. The forms are confusing.

Commissioner McCown suggested having standardized bids and keeping it simple.

King suggested a materials contract and an equipment contract.

Don stated they need to retract the need to use AIA Forms.

Mike also inquired as to the necessity to supply a bid of three copies.

Don suggested he look at the form.

Direction:

King, Mike and Don look at the current method and go through it and re-do as a beginning process.

King expressed what he would like to see.

These three will work on it and come back to the Board.
direction given.
King also suggested a flow chart of responsibilities be adopted.

ASSISTED LIVING UNITS PRESENTATION - BATTLEMENT MESA FINAL PLAT - TOWN CENTER, BATTLEMENT MESA

Don DeFord, Chuck Deschenes, Tom Beard of the Battlement Mesa Management Company; Terry Whaley, Executive Director of Senior Housing; Ann Brown and Vicki Campbell were present. Tom Beard provided an overview and the crucial need for having assisted living units. He added that Senior Housing was being proposed as affordable and providing services to those in the community. Terry Whaley commented they had put a package together which is basically an application for Affordable Moderate to Low Income Housing and Services. This is primarily targeted at keeping people in their own communities. All of the Senior Housing Facilities have a Medicaid component. They were asking the Board of County Commissioners for a letter of acceptance. Vicki Campbell has put a package together and prepared the grant application to the Division of Housing. And Ann Brown has worked with a proto-type of the buildings that are in this project is basically an application for home funds. Vicki Campbell explained the package she put together and submitted a draft to Bill Whaley of Grand Junction is being approached as an application for home funds. If it works this way what they would be asking for would be a letter of acceptance of going along with the project with the local community and the home funds are not as plentiful as CGBT so it might end up as CGBT application which would require them to find a local government to be the applicant and pass on the funds to them as the recipient. A contractor looked at the plans and come up with some construction numbers that look close to the original projected numbers. The total project for construction, land, financing and soft cost is around \$3,580,000. They are going to be approaching Rural Development which used to be Farmers Home Administration. They have asked them to continue and they are asking \$2,835,000 from them for a 40 year loan. Including the value of land that's being donated at \$85,000 and showing it as a contribution from Battlement Mesa Company and asking \$500,000 from the Division of Housing as a grant and that will leave a balance of \$160,000 to raise from local donations and primarily based Colorado Foundations to make up the gap. There will be 40 units in the project, 14 Medicaid units with a rate projection around \$1393.00; 14 units at \$1500 and 4 units at \$1800 month and 8 units that are larger one bedroom units at \$2100 month. The weighted average \$1600/month. The price includes 3 meals a day, assistance with activities of daily living, activities, transportation, snacks, laundry, housekeeping, 24 hour protective oversight and medication supervision. Commissioner Martin stated he would like it a "Protected Village" versus a "Project."

A map showing the location of the units were submitted and discussion was held.
Tom Beard indicated they are hopeful of breaking ground by the end of the year and it will take approximately 8 months to build.

Chairman Smith reiterated that they were asking for an acceptance letter from the Commissioners.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the final plat Battlement Mesa Town Center #5 PUD; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an acceptance and an agreement to sponsor the application Colorado Governmental Block Grant (CGBG) and Garfield County would be a participant in a pass through as a sponsor in this particular grant; carried.

Tom stated he appreciated the help of the County Commissioners.
Margaret Long stated she wanted to thank this group for all they were doing to help all the financial conditions and delighted to have a facility that can deal with Medicaid. This group knows better than most that senior housing options that most of our seniors in that area will need that Medicaid support.

Building and Planning

Mark Bean presented the building and planning report.

Mark commented that he would be on vacation from the 20th of September until the 3rd of October.

Rural Living Handbook

Mark reported they are looking at models with the Planning Commission. One is out of Routt County and the other is Mesa's.

Permits

The permits are slightly below last year at 160 versus 180; however there is more activity in other types of constructions such as remodels. Revenues are up.

Preshana Farms PUD

Mark requested the Board refer the modification for Preshana Farms PUD to the Planning Commissioner for October 8. There is an intent to hook in the St. Finnebar Sewer System.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer this to the Planning Commission; carried.

BOB HOWARD - UPDATE ON AIRPORT PROPERTY (PUD)

Don DeFord, Dale Hancock, Chuck Deschenes and Robert Howard was present.

Bob Howard reported that Nelson Gorman was his partner in the property. Over the next 6 months they intend to spend time to put together a full marketing review and a program to get businesses located up there. In talking with Mark Bean, Bob determined that the County recognizes this property as a light industrial development area. They hope to attract some users that will be good economic development both for the County and the City of Rifle. There are actually four parties involved - the Airport Authority, the County under which the approvals exist, annexations agreement with the City of Rifle and they as the property owners.

Commissioner McCown inquired as to the place where negotiations are with the City of Rifle on sewer. Bob mentioned he was the developer of Grey Ranch now called River Ranch. He added as recently as 1 1/2 years ago there was an application for an economic development grant to bring the sewer up to the airport property and he understood from David Hawker and Lee Leavenworth that if it could be demonstrated that bringing that sewer up would have actually resulted in jobs being created, then this would justify that move.

Commissioner McCown inquired as to the capacity indicated to him for the sewer and waste water. Bob commented he understand that City Council has approved the expansion of the South plant and there are on the order of 400 EQR's additionally available from that. The ultimate solution for waste water is there would be a master or a comprehensive center down at the West Rifle Entrance that would replace both the North and South plant.

Commissioner McCown indicated in discussions with an elected official there may be some concerns that this may create a crunch on pushing their facility to 80% even at the newly enlarged South facility which in turn would cause them to pump across the river to the existing North facility which might even put that with the additional load up to the 80%. It was further indicated to him that the officials were a little bit leery of what kind and how much development was going to take place up there. Probably their first preference would be their own Industrial Park. The County is looking throughout for land availability and in an area adjacent to utilities that we may be interested in to centralize some of our operations and a centralization of the County equipment shops currently scattered in Glenwood, Silt and Rifle and consolidation of some other offices and the possibility of a correctional facility with maybe Courtroom facilities.

We would be looking for a minimum of 30 to 40 acres. The County is avoiding getting into a situation in 1997 that looks right and the year 2027 we're like this and faced with looking again.

There has been an offer in the Northwestern part of Rifle that fits the needs as far as utilities are concerned. Chairman Smith stated the utilities are to the property line, not own the property.

Commissioner McCown stated he thought the property Bob owns now had at one time the capability of having its own facility on it.

Bob Howard commented that the current PUD plan still contemplates that.

Commissioner McCown stated depending upon the cost and availability this may be an aspect for a regional facility that would serve the needs of everyone upon that mesa and be better or cheaper than a pipeline and a limited amount of service available.

Bob commented the conversation with Pershanna and St. Finnebar is the same issue for the State Health Department discouraging pilfering.

Chairman Smith commented this is changing.

Bob mentioned he had some conversations with Chuck and one with Don and does not fully understand the politics of a jail and a court but he has read all the news articles. He added they could make the County an incredibly wonderful sweet deal effectively providing the County with more than 40 acres at a negligible cost for a jail and a court system. But he would have a hard time convincing his partners and Rifle too as only a jail.

Commissioner McCown clarified that the County cannot move the Court system as we know it today.

What the possibility of doing is relocating the County Courtroom that is now by the County Shops in Rifle. This would be the Court building adjacent to the jail. The entire District Court would not be a part of this package. This requires legislative action and highly unlikely that this will be done this year.

Don commented the statues indicate there will be an associate Court located in Rifle.

Commissioner McCown stated this is our plans.

A tour was set up for Tuesday on Howards' property - 10:30 A.M. September 16 and to meet at the Airport.

'93 Dodge Station Wagon

Commissioner Martin made a motion to approve the Chair to sign a title for a 1993 Dodge Station Wagon. Commissioner McCown seconded; carried.

Election 1997 - Written Plan to the Secretary of State - Mail Ballot

Written Plan to the Secretary of State - Mail Ballot

Mildred presented that she had drafted the written plan to the Secretary of State and would be sending it for approval for a mail ballot election in November. She stated that thus far CMC had withdrawn.

Chairman Smith asked if there were any opposition.

Mildred stated RE-1 has no opposition to the Director's but they will have a DeBrucing question; RE-2 has a no Director's but they will have a ballot question. Otherwise....

Chairman Smith asked about the City's.

Mildred informed the Board that she would be doing the City's as well. And the ballot question on the jail for the City of Glenwood would be on there regardless of what happens because the whole thing is they will not have the hearing until after the time when she will have to order the ballots.

Commissioner Martin asked if there was any word on the magistrates' decision?

Mildred stated the hearing has not been set yet.

Commissioner Martin responded they had said it should be done before the ballot question is voted upon.

The City Attorney stated this at the meeting.

Don DeFord stated this will be in November.

Mildred stated they were looking to have a decision in October but she will have ordered the ballots already.

Chairman Smith stated okay.

Executive Session - Litigation - Ranch at Roaring Fork

Commissioner Martin made a motion to go into Executive Session. Commissioner McCown seconded; carried.

Commissioner McCown made a motion to come out of Executive Session. Commissioner Martin seconded; carried.

Engineer - New Position

Don presented that Barbara Ramirez has put together a job description for an engineer. Susan Owens is going to work on a salary range so we can advertise. However, Don was not sure that time allowed to go through the hiring process before we need an engineer.

Discussion

Commissioner McCown commented that he sees the County Engineer acting in a services position and not supervising staff.

The question arose as to who would be supervising him.

Chairman Smith stated since this position will be working with Road and Bridge as well as Building and Planning, she would like to see input from King as to what he is thinking as well.

Clerical assistance for this position was discussed. This probably should be from Chuck's office and it might be necessary to add another clerical position to help.

Office Space is the next issue.

Timing - It was decided to advertise this week; Mark suggested the Pathfinding on the Internet; and to advertise locally. The first of the year is the goal.

Don stated that for Preliminary Plan which is the more technical review we have someone on board. Victoria is the one requesting engineering assistance. In terms of the Rose Ranch, the applicant will be paying for that.

Mark stated it was within the Commissioner's authority and resolution that the Board adopted for preliminary plan the applicant can be billed for fees and other fees in association with the plan.

Don stated this topic has already been introduced to the applicant and they have no objections within reasonable limits. Mr. Thulson and Mr. Delaney are the attorneys and High County Engineering. They are not the only engineers however on this project.

Don stated the project also calls for a hydro-engineer and therefore recommended looking for a company that has this in their background as well. The water and sewer issues are not as significant on this project. They go through Teller Springs Subdivision.

The Planner

Don stated that both he and Victoria have been searching for Planners outside of this valley. Victoria contacted Chris Durkson from Clarion Associates in Denver who does a lot of consulting with municipalities and counties. They do not consult in the private sector. They are a very good firm and very expensive. The firm is comprised of individuals who are both attorneys and planners. They have access to engineers by contract. Chris is the contact that Victoria can contact when she needs help. His rates are \$160.00/hr. Don added he didn't anticipate Victoria needing extensive review help. It's when she runs into issues particularly on Colorado planning issues. The consultant can advise her this is what you see in the State, this is what the applicant is telling us about the design, their standards, this is what I've seen and where we are on this. We have some issues now on street alignments and the requirements of our Comp Plan. Victoria looks at this and asks Don what does the County do in this area. Don stated he shouldn't be advising her on that as this is not his area of expertise.

Chairman Smith stated another source is the Engineer's Association of Planners; Nan Johnson at Boulder who has done some work in this area and works for Boulder County; and possibly other Counties that may have an engineer who could put in some hours for us. Also the engineer Mike Block from Golden was pulled in during the seepage issue in Castle Valley.

Don summarized that the Board would like them to try further to find an engineer. He will advise Victoria to look further and bring this back to the Board next meeting.

Don stated the time frame for Victoria, if she gets the last of the information, then she will submit the information to all the reviewing agencies next week.

Corporate Extension MOU

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Board to sign the Corporate Extension MOU; carried.

Letter - Appointing Joe Carpenter, Sr. - Veterans Officer

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a letter for Joe Carpenter, Sr.; carried.

Use of Fairgrounds Tractors - City of Rifle

Chuck provided information to the Commissioners that the City of Rifle had requested to use one of the Fairground's Tractors during the next week to spread some compost at their Deerfield Complex. The operator will be Tom Whitmore and Chuck vouched for his operator's ability.

The Board did not have any objection but felt it should be documented.

Adjourn

SEPTEMBER 15, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 15, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report.

Elected Officials

Mildred stated she and Georgia had talked and felt there was a need for a meeting for "elected officials" only. This would be scheduled on December 1 at noontime.

BOCC Budget Adoption Date

Scheduled for December 22.

Engineer's Position

King's comments were submitted with respect to the job description and what he felt was needed to be included.

Road and Bridge Structuring and Capacity Added

Commissioner Martin stated he had spoken with Dennis Neiblak with respect to the need for a job description for a Field Supervisor for Road and Bridge. This was discussed and Chuck stated he will direct the Personnel Director to start collecting information to move this along.

Jail Discussion - Square Footage

Dale Hancock presented some preliminary square footage and cost figures for an 80 bed jail. He commented that he will keep the Commissioner updated as new information is obtained.

Grass Mesa Communication Site Right-A-Way/Lease with BLM

Dale Hancock stated because the County was going out of the TV business, we gave away the Grass Mesa Site Right-A-Way. Discussion included: MTM has a right-a-way up there; a cellular site; and let Rifle come in and set up a repeater. There is no need for the County to negotiate.

Sunlight Site - Repeater

Dale Hancock presented an update stating he had a meeting last week with Forest Service and BLM. They discussed the Sunlight Site and based on all their understanding informally that they would allow the County to put that building up on Sunlight as previously discussed and to put KISS Country's repeater. Then take our Police, Fire and Ambulance Repeater out of the silverbird that sits behind the television building and put it into the television building so it would be adjacent to the generator. They balked and said they have a better vision of what we ought to have on Sunlight Building. KISS Country was sent back to the drawing board and will be paying an architectural firm to generate a drawing for what they would prefer to have up there.

Dale stated he was still attempting to address the concern of Commissioner McCown to have the security and internal functions clarified. One option is to put a fence inside the television building and have it gated; move the radio repeater inside the building; and still leave the TV equipment using the winter months to resolve this issue with the Bureau of Land Management.

Communication Authority - Building Cost

Commissioner McCown stated that Daryl Meisner requested a cost for rent on the space currently being used for dispatch. The City of Rifle is going to charge \$5,000 a year for 400 square feet. This includes utilities and everything.

Chuck commented he had also spoken to Daryl and informed him on a cost allocation plan which would include utilities, janitorial, etc. \$5,000 a year sounded okay to the Commissioners.

PAYMENT OF BILLS

Chuck submitted the claims submitted against Garfield County for the second run of August 1997.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the payment of bills submitted for the second run of August 1997 as presented; carried.

Lift-Up House - Status Report

Chuck stated he had a phone conversation with Pat Taylor who was upset with respect to an article on the burning down of the Lift-Up House. However, she didn't have any suggestions. Discussion was held.

Commissioner Martin stated another person has come forward wanting the Lift-Up House and he put them in contact with Mark Bean on the necessities.

If this is to be used as a fire exercise, then the items that should be salvaged should be offered for bid.

A decision was made that another article should be provided to the Glenwood Post stating that proposals should be submitted to Mark Bean and the Board would hold off until proposals have come in.

Pitkin County - Steve Anthony

Chairman Smith stated she had a note from Steve Anthony stating that for two years Pitkin has County applied and received a grant for Great Outdoors Colorado Grant Study Flora/Fauna along the Colorado River. The project was a success and would like to apply for another grant to continue the project along the water shed and study some of the other drainages. This project will be called the Roaring Fork File Inventory Phase II. They included a letter of support from Garfield County during the last application which helped immensely and hope they can count on another letter for the second phase of the project. The Chair was authorized to sign a letter of support for the grant by Commissioner Martin and seconded by Commissioner McCown; carried.

Kenneth Gambrel - Department of Transportation

Chairman Smith stated the Board had a letter from Kenneth Gambrel from the Department of Transportation requesting support for Public Lands/Highway Funds State Highway 139 South of Rangley. The Chair was authorized to sign a letter of support by Commissioner McCown and seconded by Commissioner Martin; carried.

Role in Social Services - CCI

Commissioner Martin stated he was going to a meeting with CCI to discuss the involvement with Social Services and would represent this Board.

Airport Land - Potential

Chuck indicated the meeting was set for Tuesday at 10:30 A.M. with Mr. Howard.

Personnel Committee Meeting

Sept. 24th 9:00 A.M.

Joint City/County - City of Rifle

Wednesday, City Hall in Rifle - 4 - 5:30 PM.

JAIL DISCUSSION

Dale Hancock, Don DeFord, Chuck Deschenes and Al Maggard were present.

Jail Count

Total in jail - 109; 44 major jail; 40 Work Release; 8 females; 13 other jails; 3 Home Detention; no Day Reporting; 1 State Hospital; and 4 DOC.

CMI

Dale Hancock reported on the updates of CMI. Initially, he reported that Spacemaster will hold the buildings at their facility. CMI will be before the Board at 3:35 P.M. and Dale commented he was hopeful of having more definite information at that time.

Community Corrections Board Activities

Dale stated that Commissioner McCown has not been a part of this but Chairman Smith and Commissioner Martin have met with the Corrections Board. The Board members have been subpoenaed by the Public Defenders for their participation in a screening committee procedure. Dale referred them to the County Attorney to act in the Board's behalf. There is an on-going problem with this Board and the Public Defender's Office as long as they take issue with the Corrections Board Authority. The Public Defender's Office has representation as an appointed member but they do not participate in these meetings.

Don stated this needed to be looked into however these are subpoenas not damage claims. Discussion with Public Defenders office and Colleen Truden was suggested to clear up this issue.

Downtown Improvement Committee

Commissioner Martin has been appointed to serve.

Planner and Engineer - Rose Ranch

Don presented for discussion a planner and engineer being made available for planner, Victoria Gianolla on the Rose Ranch.

Planner

A contract with Clarion was suggested using an hourly rate.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter of engagement to use Clarion on an hourly basis; carried.

Engineer

Wright Water was suggested, however Don cautioned about a potential conflict.

Civil Engineering is the focus. The Engineer at Eagle has also picked up an application to go over and will be getting back to Victoria if he is interested in taking on the project. This is the interim position until we can get a full time engineer on board.

Don commented that we may also need someone on water issues.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Buzz Worley representing the Considines requested approval by the Board of County Commissioners to put a gate at the TeKeKi property. He indicated the cows were coming home and this was a necessary measure. He wants to lock the gate so no one will let the cows out.

Don DeFord advised the Commissioners that this is public road - not a private road.

Buzz Worley stated that Jeff Parker has a locked gate at the bottom but the cows can go around his gate. Don reviewed the Colorado Statute 43-3-211 and added that Cattle Guards do not require the Board's approval. If the Board has no objection then Buz could proceed and Don further recommended that Buz obtain a copy of the minutes of this meeting which clarifies there were no objections but also no official action was taken.

RFRHA Board

Friday - September 26

COUNTY BUSINESS

Minutes

A motion by Commissioner Martin and seconded by Commissioner McCown to approve the following minutes of the Board of County Commissioners meeting:

Regular Meeting June 16, 1997; Continued Meeting June 23, 1997; Special Meeting June 20, 1997; Special Meeting June 24, 1997 and Special Meeting July 3, 1997; carried

DEPARTMENT HEADS

Weed Management

Gary Janieck handed out his report and stated he spent all week with Dave Gallagher. He is studying for the test as well.

Gary and Dave met with Tom Beard at Battlement Mesa and surveyed the problem of leafy spurge on County Road 306.

Extension

Carol McNeel reported they met with Dave Gallagher on a cooperative program. Discussion was held getting the Weed Board back in place and was determined to be of importance.

Master Gardening

Carol reported on getting back in place with volunteerism.

She reported the skill related projects in 4H were going well. Carol stated there was a need and they were working on it.

Recruitment for Leaders was suggested by Chairman Smith. She focused on the Battlement Mesa Area residents for expertise and time for volunteering.

Building and Planning

Mark Bean reported.

Conditional Use Permit for Lookout Mountain Ranches

Mark reported this involved a Landing Strip 75 hundred feet wide and 1 mile long. He suggested to the Commissioners that this go forward under the previous regulations and be referred to the Planning Commission.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer this to the Planning Commission; carried.

Resolution - Zone District Amendment - Dale Eubank LLC/Mid Continent Resources, Inc.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Zone District Amendment for Dale Eubank, LLC/Mid Continent Resources, Inc.; carried.

Resolution - Special Use Permit - Lacy Park, LLC/David and Anna Johnson

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Lacy Park, LLC/David and Anna Johnson; carried.

Resolution - Special Use Permit - Vessels Hydrocarbons

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Vessels Hydrocarbons; carried.

Resolution - Special Use Permit - Colorado Timber and Land Company

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit for Colorado Timber and Land Company; carried.

Resolution - Conditional Use Permit - Community Based Services, Inc. dba Western Academy

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Conditional Use Permit for Community Based Services, Inc., dba Western Academy for a school; carried.

Resolution - Special Use Permit - Custom Crushing, Inc.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the approval of a Special Use Permit application for Custom Crushing, Inc.; carried.

Acknowledgment of Final Satisfaction of Subdivision Improvements Agreement - Aspen Glen

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an acknowledgment of final satisfaction of Subdivision Improvements Agreement for Aspen Glen releasing the Letter of Credit in the amount of \$241,487.00 certified by Schmueser Gordon Meyer, Inc.; carried.

Grand Valley Citizens Alliance

Commissioner McCown stated to Mark Bean that he needed the response in writing by Friday on Oil and Gas activity and asked that the information be submitted to him in a memo draft.

HUMAN SERVICE COMMISSION

Patti Christianson of Women In Transition, Marilyn Hammer of Family Visitors; Julie Olson of Advocate Safehouse; Margaret Long with Social Services; Cheryl Hurst with Legal Services; and Chairperson, Janice George of Social Services were present.

Discussion regarding Child Care was held.

Cheryl reported an overview on child care and stated that Patti Christianson was there to support her figures which included: 160% of poverty level = \$2139 per month for a family of four.

Patti asked the Board to reconsider the 185% poverty level versus the 150% and supported how much of a difference this would make in helping the Gateway clients.

Margaret submitted a best guess figure of how much would be turned back to the State if the poverty level is left under the 160%. She indicated the Maintenance of Effort contract with the State means Social Services will have to put in \$43,000 no matter how much is paid out.

Discussion with the Commissioners was held as to supporting the 185% poverty level.

Commissioner Martin commented there was a problem with child care and they recognize it.

Commissioner McCown clarified that if we don't spend it - we lose it.

Chairman Smith commented that since the 5 counties are working together; perhaps the Board should support the 185%.

Commissioner Martin mentioned he considered it dangerous to take a stance; he is concerned that this may increase the inflationary rate. He felt the County should take care of problems with set dollars. If we keep raising the limits we still have the same amount of money.

Patti Christensen commented that from a societal standpoint we must provide the services; there is a humanitarian responsibility to these clients. She was very supportive for the Board to look at the overall comprehensive plan.

Margaret Long added that the County can dispense a good portion of it and establish a caseline project. She provided the following figures: \$43,000 from the County plus \$338,000 of State and Federal for a total of \$431,000. She mentioned that Block Grants would be coming to the Commissioners and Child Care is coming down to spending what you need and then return what you don't use back to the State. She stated they were trying to establish a baseline and not spend foolishly.

Some discussion was held regarding non-licensed and licensed day care centers.

Cheryl Hurst - the need for Child Care is one of the biggest needs in Garfield County.
Marilyn Hammer pled for the increase of poverty level. She pled for the safety of the kids.
Margaret Long stated the raising of the poverty level would assist the child welfare issues.
Commissioner Martin wants to do more research.

SOCIAL SERVICES

A motion was made to go into Social Services by Commissioner McCown and seconded by Commissioner Martin; carried.

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

ROAD AND BRIDGE DISCUSSION - RED CANYON ROAD

Red Canyon Road

King Lloyd was present for the discussion. He presented a study that included three alternatives and assigned cost to each one to address the upgrading of County 115, Red Canyon Road. Alternate No. 1 in 1983 was estimated at \$1,373,000 assuming an inflation rate up to 1997 that would increase the cost to \$2,063,883. Alternate No. 2 in 1983 was \$736,000 and 1997 dollars would be \$1,148,000; Alternate 3 was \$565,000 in 1983 and today's cost would be \$881,400. To paraphrase the study, of the three alternatives considered by the engineering company, the recommendation came in that Alternate No. 3 was the most feasible. It was primarily doing very little disturbance to the rock phase and mainly doing cribbing and retaining walls as the road is now and not adjusting the revolution of the steepness; also installing guard rails. Again this cost is approximately \$881,400.

The various alternatives were explored in-depth.

Citizens were present to request the Board to keep the Red Canyon Road open to the public.

Mike Sullivan was the spokesman for the Spring Valley Caucus stating the residents in the area need this road and it is beneficial for emergency purposes as well. A brush fire in the Southern portion of the valley would basically cut him off to any access and he maintained this would be very dangerous. It has been determined to save over 15 minutes when emergency personnel are needed at the hospital. He stated the Caucus was asking for a dialogue so the two entities could continue to talk on this and see if something can get done. He inquired of any State or Federal funds available for historical preservation of a road like this; is there an accurate count on 115 Road that has been done recently; what are the options for classifications of this road - is it opened or closed - is this as simple as it is; and is there any kind of cooperative effort or joint venture that can be entered into for maintaining the improvement of the road?

Discussion included the amount of property tax that goes to Road and Bridge, historical funds being applied for to enter into an agreement for maintenance; and the possibility of listing the road as a posted and not maintained road.

James Brown - a property at end of the road - 0797 County Road 115 - indicated that his only access into his property is off of County Road 115 and the road appears maintained to his driveway.

Currently the road closure is to vehicular traffic and includes bikes.

Joy Kor - 3537 County 115 - mentioned this is the best access for hospital personnel. She submitted a letter from the Chief Executive Officer of Valley View Hospital. Joy indicated using County Road 115 makes it 6 miles away from the hospital and it is critical for the road to be opened. She is very happy with the snow plowing.

Tom Gambell - County Road 119 - was under the understanding that a road could only be closed for 90 days and mentioned this road has been closed for 5 months. When the rock slide occurred the road was closed. He added that in early Spring the roads are horrible. He added that he prefers the Red Canyon

Road at any time. CMC, County Road 114 is a dangerous road. He stated that he pays a good deal in taxes and understands that a lot goes to schools and not much goes to road and bridge. However, government is to spread this wealth around and Red Canyon should be kept open. He appealed to the County to repair the road.

Sandy Anderson of 1332 Kendall - County Road 119 is a part of Spring Valley and having to go County Road 114 increases her driving time dramatically - about 6 miles further. She admits that Red Canyon needs 4 - wheel drive however, she appealed to have road as it was.

Jim Austin of Red Canyon Road - asked if the Board was looking at an either or situation. He added that the Board has, by approving subdivisions, encouraged growth in Spring Valley; he has held the position that if the Board encourages growth then you must improve surfaces. He alluded to the fact that the County receives funds back from the State for maintenance of roads.

King answered that the list he was referring to is a list of all public roads - some are maintained, some are not maintained. The County is only paid from gas tax reimbursement for roads that are maintained.

Jim Austin clarified the Lookout Mountain Road and 1/2 of County Road 119 that this would not cover and would only include \$2,000 per mile for Red Canyon Road.

King responded that the dollar amount fluctuates from year to year. The monies that come in are HUTF (Highway User Tax Funds) and it depends upon vehicle registration and gasoline tax; surtaxes attached to the sale of tires; etc.

Jim's fourth point was the level of maintenance they receive on County Road 115 - last winter the road was graveled - then the snow hit and there was no more maintenance provided. He also addressed the spotty maintenance of County Road 114.

King informed the audience that the funding for County Road 114 came with the stipulation they were to spot address the worse places.

Jim maintained the level of use and the level of maintenance is not balancing.

Jo Ann Hood - 0271 119 Road, stated County Road 115 does not need any extensive repairs, only to scoop out the fill that has fallen; she was also very concerned about the corner at 119 and 115 and asked how this would be maintained in the winter - people get stuck there.

Miriam Berkley - 4001 County Road 114 commented that Red Canyon is a road she never accessed but would like to see some sort of compromise for safety, perhaps marked for strangers to the area on County Road 115 as there is a potential for this being an unsafe road; but at the same time an access for knowledgeable persons. Road and Bridge have really been trying to maintain County Road 114; maintenance is not the problem but needs to be upgraded to a certain and specific grade so it is a maintainable surface.

Kenny commented on the road problem - traffic is overwhelming and not enough staff to keep up with the maintenance.

Ms. Berkley suggested the department do it right once rather than doing it poorly - it would be more cost effective.

Pete Simmons - submitted a letter and it was read into the record by Chairman Smith. He addressed the fact that there was a well-maintained access to Hwy. 82 on County Road 114. He asked for the closure of the lower portion of Red Canyon Road to vehicular traffic. He knew this wasn't a popular position and stated he could fill the room next week with people who do not want Red Canyon Road maintained. This is a matter of interest and as we talk about tax dollars, when he bought his property in 1989 he looked all around Roaring Fork Valley and at all the access roads. When people bought property the roads were the same. There was a sign in 1989 that County Road 119 was impassable. It was there when all these houses

were built and people still bought property and built their houses knowing that the road was impassable. He looked at the Road and Bridge budget and what property owners up there were paying for Road and Bridge. The average that they pay per year for all property owners, taking 60 of them that use the road and divided it into the tax base - the average price per year that we pay the County for that road is \$27.40. It cost between \$700,000 and \$800,000 a year to maintain the road and the taxpayers of Silt, New Castle, Carbondale, and Parachute are subsidizing the maintenance on that road and he doesn't like this. He looked into a road district and if 80% want to sign a petition and have a road district then they can pay for it themselves and it will cost \$8,300 per year just to maintain what we have, not to put cribbing in or make improvements. He personally doesn't want to pay \$8,300 more so he's grateful to those that do subsidize the expense. Emergency use - he stated a personal experience in November of 1990 where the ambulance was responding to his address of 5512 County Road 115 and was not able to access on County Road 115 due to black ice and by the time the emergency vehicles backed down and came County Road 114 it was a 45 minute wait. He spoke to Ron Leach the Fire Chief of Carbondale who talked to Jim Mason Fire Chief of Glenwood and they discussed this and all emergency services in Spring Valley come from Carbondale. They will be coming up the CMC road to Spring Valley. The ambulance also.

Chairman Smith referenced Resolution 81-175 which addressed this very issue that the residents did not feel that Red Canyon could handle additional traffic. She added that for those people who purchased land after 1981, this Resolution was part of the record. She read the resolution into the record which concludes by saying "the subdivision of such land whether by subdivision exemption or by subdivision process has been determined to be premature unless such person or persons are able to demonstrate to the satisfaction of the Board that subdivisions will not add traffic to that portion of County Road 115 known as Red Canyon Road."

Gary Burrows of 0601 County Road 119 - when he bought the land he did so with the intention of using the Red Canyon Road. With all the additional building and subdivisions going in he feels the County should improve the road and instead of just pushing the dirt around, they should really do something to it with all the money being spent on road graders and equipment just to sit along the road. He also thinks Red Canyon should be kept open for a lot of reasons more than just quick access. This road could be maintained and re-built with just a minor bit of what is being spent right now on grading it.

Commissioner Martin made a motion for the Board to sit down with the Spring Valley Caucus and Road and Bridge and other concerned citizens of that area to explore all points of view and come up with some possibilities.

Lisa Tarow of 735 Heather Lane - addressed the safety aspects. Children waiting at bus stops on County Road 114 - during the winter time there is always stalled cars, cars turned out in the middle of the road and you can't see these hazards when coming down the road or up the hill from the other side. This is a dangerous situation. She chooses Red Canyon in the winter time because is it safer than driving with 50 other people at the same time.

Chairman Smith remarked that school buses do not use Red Canyon Road.

Lisa commented that you split traffic by having Red Canyon open.

Tom Grambell asked if the record could reflect the number of individuals present who favored the road staying open.

Chairman Smith stated this did not represent all of the people.

A decision was made to put this back on the agenda and continue this in a public meeting for October 27th at 3 P.M.

A request was made to have Red Canyon Road re-opened since the 90 days were up.

Don DeFord stated the statute says, the road can be closed for 90 days in any calendar year. He was not present so he doesn't know when the first resolution was passed but barriers have been up off and on, so the Board will need to make this determination. If however, it has been 90 days, the statute does not permit them from closing it further.

Chairman Smith suggested a speed sign indicating 15 mpr as it qualifies as a narrow mountain road.

Don inquired if the Board was going to be making any decision as to whether the lower portion of Red Canyon Road would be maintained as part of the County system at this time?

Chairman Smith stated yes they would be looking at what needed to be done since they were within that 90 day time frame.

Commissioner McCown suggested to sign the road - "This road is not maintained, travel at your own risk." He has heard that the people want this road returned to it's original condition as a minimum. The original condition is rock slides and they are willing to live with this. The narrowness they are willing to live with. Therefore, let's get it open and you travel at your own risk.

One resident stated if the road is not maintained it will deteriorate to the point that it isn't usable. As for maintenance - what they are talking about is historical maintenance.

Commissioner McCown suggested that the Board's number estimates on bringing this road up to a safe travelable easily maintained road are far beyond what anyone here would perceive. So if others who have commented can do it cheaper and do it up to the County's standards, then some of these should be contacted and contracted to do the maintenance on this road.

There was protest among the residents maintaining that it was the County's responsibility.

Chairman Smith reminded the residents this was continued until October 27 at 3:00 P.M. and to bring in other folks who felt they could do cheaper maintenance on the road.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Ann Nicholson - 0029 355 Road, New Castle - asked who would be plowing 311 Road this winter now that it has been annexed into Silt.

The other comment she made was with respect to the Rapids on the Colorado stating this was an environmental disaster due to the floodplain in this area. She questioned the pullouts on this road for the subdivision; also the herd of deer that use this field in the Spring. She disputed the statements made regarding the 110 gpm of the wells and the 33 septic tanks right on the river.

Commissioner McCown stated she was too late to make a complaint and asked her if she was aware of the public hearing that took place. The documentation Rapids presented proved their statements.

DISCUSSION ON TRAUMA REGIONS-DISASTER PLANNING AND COORDINATION

Sharon Eshelman of Valley View Hospital, Dale Hancock, Guy Meyer, Don DeFord and Chuck Deschenes were present.

Dr. Randy Ross, Trauma Director at Valley View and Trauma Director Dr. Rodman in Aspen were present and submitted a request to have Garfield County included in the Statewide Trauma System working with Pitkin County as well as the Northwest Trauma Council.

Dr. Rodman indicated that Pitkin did not select to join the Northwest Trauma Council due to it not being conducive to Aspen's needs and those along the Hwy. 82 Corridor which includes Redstone, Eagle spur coming into the valley, and hoped to put together one valley-wide system with the idea that perhaps part of Garfield County would be included in this three-county area trauma advisory council.

Dr. Rodman addressed the question that came up before of "why not join the Northwest Council" making it one system. The reasons they decided against this was due to the larger area the more difficulty in having to administer it. The system as it is set up allows one or two surgeons and quite frankly Pitkin County

wanted control over their own region. Already some of the problems they have had to deal with are construction along Hwy. 82 makes it difficult to get medical personnel up and down the valley. So logistically having a fast-water rescue team coordination of effort is a common goal and adds to another reason for having a smaller region versus a larger one. The other question is funding. Commissioner McCown took exception to this area being called the "Sopris Valley." Chairman Smith - commented that the State wanted a larger area and argued that Garfield was in Northwest Trauma Council and this was the one they should be included into. Dr. Rodman argued the Northwest would not be conducive to Aspen's needs. Commissioner McCown suggested Pitkin County might approach Gunnison County. Again Dr. Rodman commented he formed Roaring Fork ATAK and wanted Garfield to come into theirs as well. Sharon stated there was no problem being involved in two ATAK's. Dr. Ross in talking about coordinating an additional group along the whole valley along geographic lines so it would be a better way to coordinate everything up and down the valley but not splitting the County. Basically saying that this part of the County is a part of two ATAKS and allowing Pitkin to have better coordination with the closest neighboring hospital and other ambulance districts.

Chairman Smith - commented there may be some conflicts and wondered then which group would be the overriding entity. Dr. Rodman - answered that patient welfare is the overriding factor. Dr. Ross added that if there were conflicts then it would go to the State level. Dr. Rodman indicated he was looking for something to serve the 82 Corridor to Independence Pass. Commissioner McCown as representative on the Trauma Board, stated he felt very comfortable with the County's association with the Northwest Group. Garfield County is covered and he still believes that. He did not understand how tying in the Pitkin/Eagle County spur is really going to benefit Garfield County's system. He has talked at great length with Kim Cook who helped put the Northwest Group together and added he has done a good job. Chairman Smith stated the Board needed to sit down and talk to Kim and Park County. The Board will not make a decision as to whether to be in one or two ATAKS. She suggested they would look at the whole picture. Dr. Rodman suggested this should be made based on an ambulance district versus being at a County level. Every area has their own distinct and separate problems. Dr. Ross - stated Pitkin doesn't want to be in Northwest and Garfield County needs to have input into their ATAC.

It was decided that Commissioner McCown would schedule a date certain with Kim Cook as to when he can come and discuss some of these issues and then schedule a meeting with Dr. Rodman.

Executive Session - Red Canyon Road

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

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

The following directions were given to King with regard to improvements on County Road 115, Red Canyon Road: fix the road repairs to the bare minimum, including the cribbing; no maintenance, "travel at your own risk" signage and when the repairs are completed, take it off the rolls for maintenance. In the interim period, the road, during the day, will be closed while construction is going on and opened in the evening. Sign that the road will be closed during construction between the hours of such and such. Commissioner Martin added it should be signed, "under construction, extremely hazardous." After discussion the following was added to leave the barriers in place with signage that road is closed while under construction with a date certain as to when it will be re-opened.

King suggested 7 - 10 days time frame to get this done.

FLOODPLAIN SPECIAL USE PERMIT AND AMENDED FINAL PLAT, LOTS 10 - 15, BLOCK 8, RIFLE VILLAGE SOUTH SUBDIVISION. APPLICANT: LAURENCE BRADLEY

Continued Public Hearing - Don DeFord, Eric McCafferty and Jerry Bauer were present. Chairman Smith swore in the speakers.

Eric McCafferty presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Return Receipts; Exhibit C - application; Exhibit D - project information and staff report; Exhibit E - Copy of the Garfield County Zoning Resolutions from 1978 as amended; Exhibit F - Copy of the Garfield County Subdivision Regulations of 1984 as amended; Exhibit G - Earth Engineers report dated 9/97; Exhibit H - Engineers report by Gamba dated 9/8/97; Exhibit I - the revocable standby letter of credit dated 9/12/97; Exhibit J - proposal from Colorado Pavement Maintenance Incorporated dated 6/19/97; Exhibit K - proposal from Simmons Construction dated 9/5/97; Exhibit L - proposal from Johnson Construction Inc. dated 9/5/97; Exhibit M - a letter from Public Service dated 8/20/97 and Exhibit N - the updated amended final plat.

Chairman Smith stated that Exhibits A - N will be admitted into the record although A - C had previously been admitted.

Eric stated that this is an amended plat, extension of infrastructure and floodplain special use permit review for Laurence Bradley for Lots 10, 11, 12, 13, 14 and 15 Block 8, Rifle Village South Subdivision. The applicant proposes the construction of single family, pre-manufactured dwellings, upon the five (5) lots.

Jerry Bauer addressed the fill and Mr. Bradley acknowledged he had encroached on a strip of Mr. Allamon's land about 20 wide by 350 long and proposed to mitigate the disturbances as follows: to restore the disturbed area with native grasses and brush including four-wing salt brush, buffalo grass and crested wheat. The root systems of the sage brush that was cleared still exists as can be seen by the new growth already coming back. However, additional sage brush would be provided as required along with other seeding to replace the vegetation. The planting will be done in late September. Prior to the seeding work, the clearing debris which was the caused in the drainage problem will be removed if the Allamon's want him to do so. However, they may want to leave it in place. Jerry referenced the letter written to Mr. Allamon by Mr. Bradley. Jerry stated that the very basic thing proposed was to put the land back into the same condition it was before the disturbance took place. There was not a significant amount of disturbance to the main strip in the eroded channel that runs along the West side of the property. There was some actual back hoe work and some significant earth moving with an eye to replacing the dirt with large boulders to break the velocity of the water as it leaves the drainage channel and enters the Allamon property. He indicated they were negotiating with the Allamon group with regard to just what the final form of the mitigation might be. Drafts of agreements will be passed back and forth until a final agreement is reached.

Carol Allamon of 365 Vail Valley Drive, Vail - as one of the adjacent property owners stated she appeared today not to cause the Bradley's any problems, or the County, or to hold up their project in anyway. They are working on an agreement to solve the damage done to their property, but one of the big concerns is maintaining the quality of their lake which is the main reason they purchased the property and the drainages there have been traditionally filled with these holes where the water can percolate at a slow pace down through the soil and have some natural filtration, be spread out so it doesn't run too fast and has less of a chance therefore not to cause so much erosion. One of their concerns which they have been discussing is that by changing the drainages and funneling more of the material into a narrower area you will have increased flow therefore increased erosion as well as more and more holes go in there, more chemicals from lawns and dirt from the street going down into the lake in a flow that cannot be absorbed and filtered through the soil before it works it way out as ground water. She stated she wanted to go on record as stating that this is a concern and we do want to make sure that this type of thing does not happen. She added, not only with just this development but as more and more homes go in this will be a concern.

Recommendations:

Based on this analysis, the Planning Commission recommended APPROVAL of the Floodplain Special Use Permit, extension of Shotgun Street and Amended Final Plat for Lots 10 through 15, Block 8, Rifle Village South Subdivision, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

The entire site be tilled/ripped to 18" below ground level and mixed with an engineered "cohesive" fill. Once mixing is complete, the mixture should be pushed aside and the native soil shall be compacted to 95% of the maximum dry density in place by a dozer pulled sheepsfoot and water truck. This will require the addition of water. The sheepsfoot shall develop at 200 psf. Areas where piping is evident should be cut below the lowest point of piping, and filled and compacted with the "cohesive" engineered fill.

Once compaction of the native soil is complete, the mixture of native soil shall be reinforced and compacted to 95% of ASTM D-698 maximum dry density by a dozer pulled sheepsfoot and water truck.

The mixture shall be covered with a final layer of 6" of engineered cohesive fill. This fill shall be compacted to 95% of the ASTM D698 maximum dry density by a flat roller type compactor.

The filled arroyos to the west of the site shall be excavated and a heavily lined ditch shall be constructed along that length. The ditches shall be constructed to the following specifications:

- a) Remove, process, and recompact fill material placed in the gulch.
- b) Place a 4 mil polyethylene liner along all portions of the gulch disturbed by the development to eliminate the possibility of water piping under the soil.
- c) Place rip-rap (pit run) material over the liner to a minimum depth of 18 inches to reduce flow velocities and protect the liner. In order to reduce voids, the rip-rap material shall consist of a range of material sizes with a maximum rock diameter of 9 inches.

A footer-stemwall foundation be utilized whereby a minimum span of 12 feet is utilized. An allowable bearing pressure of 100 psf may be used given prudent drainage techniques and compaction are utilized.

The minimum, finished floor elevation for each residence proposed for construction on these lots shall be the higher elevation as calculated by the following two methods: a) The elevation which is 2.00 feet above the centerline elevation of the street at the point measured from the highest corner of the house perpendicular to the street; or b) The elevation which is 1.5 feet above the pre-development topography as provided on the topographic map attached to this report and measured from the highest corner of the house (map attached, Exhibit A).

The minimum floor elevation shall be determined by a Registered Professional Land Surveyor and submitted in writing to the Garfield County Building and Planning Department at the time of building permit application.

All foundations shall be cast-in-place reinforced concrete footers and stemwalls. All foundation designs should be based on site specific geotechnical soil and foundation investigations. All foundation should be reviewed and approved by Registered Professional Structural Engineers. The structural engineer should review foundation designs in regard to hydrostatic and hydrodynamic loads and buoyancy.

Site grading shall be performed so as to create positive drainage away from all residences in all directions. The minimum allowable grade away from each residence shall be 10% for a distance of 15 feet. Patios, driveways, and sidewalks are excluded from this requirement, except that all patios, driveways and sidewalks shall slope away from the house at a minimum grade of 2%, and the 10%/15 grade shall be continued beyond all patios, driveways and sidewalks.

All foundation construction shall comply with the Uniform Building Code.

The applicant shall provide appropriate signage at the intersection of Colt Drive and Shotgun Street, as specified by the Garfield County Road and Bridge Department.

Prior to the issuance of a certificate of occupancy for the individual residences, the property owner shall submit an elevation certificate, signed and stamped by a licensed land surveyor, for the finished floor elevation of the single family dwelling unit.

No basements will be allowed in any residential structure.

The developer's engineer shall observe the construction of the extension of Shotgun Street and the redevelopment of the arroyos and shall certify that construction has occurred consistent with the

proposed standards. Garfield County Building Department shall not be obligated to issue building permits for the lots until the improvements are certified as complete.

That the following plat note be included on the amended final plat: "No open hearth solid-fuel fireplaces will be allowed in homes constructed on the lots depicted on this amended plat. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

The amended final plat shall receive final approval by the Board of County Commissioners after the applicant has reached an agreement with Allamons, et. al, regarding the applicants trespass and restoration of the property in question.

The Chair shall be authorized to sign the amended final plat after the Planning Department and the County Attorney have reviewed said documents.

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

Commissioner McCown made a motion to approve the floodplain special use permit and amended final plat for lots 10 - 15 block 8 Rifle Village South Subdivision for Laurence Bradley as shown in the staff report and attachments, comments, and recommendations 1 - 17 and adding conditions no. 18 and 19 (as stated above). Commissioner Martin seconded; carried.

Fairgrounds Agreement - Ernesto Leon and Olie Anderson Mud Bug

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a Fairgrounds Agreement for Ernesto Leon for October 11 and 12, 1997; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approval a Fairgrounds Agreement for Olie Anderson Mug Bug for September 27 and 28, 1997; carried.

CONTRACT LOAN DISCUSSION - CORRECTIONAL MANAGEMENT, INC., COMMUNITY CORRECTIONS, AND SHERIFF DALESSANDRI

Sheriff Dalessandri, Don DeFord, Chuck Deschenes, Dan Hall, Al Maggard, Jan Kaufman, Dale Hancock, and representing CMI - Wayne Ackerman were present for the discussion.

Dale Hancock reported he had received a fax from Spacemaster and clarified the \$423,700 for the 8 units was firm; the factory will store the units for 60 days at no extra costs; and payments can be made in 72 equal installments plus 5% interest for a lease purchase agreement.

Dale read into the record an official addendum to Contract 24584, which is our official agreement. He added Spacemaster will fax it tomorrow with the request to sign the attached documents and fax back as quickly as possible. He added there is an 8 week manufacturing, set up and delivery time frame built in the contract. Also, that no additional money is due up-front.

Dale commented that a decision was needed by Friday, September 19 as to whether the County was going to purchase the Spacemaster units or not.

CMI - Wayne Ackerman, Boulder, Colorado commented they had put together a Lease/Purchase Agreement for the Spacemaster for the Work Release Program. The Agreement was designed on the \$423,800 in 72 equal installments so that after 6 years at \$5,680 a month then the building would be off the hands of Garfield County. The Agreement was interest free.

Commissioner McCown commented he had a problem with no interest.

Wayne agreed to a 5% interest calculated into the agreement for 6 years.

Wayne also reported on the possible location stating they are still negotiating and hope to put in an offer on one site; if acceptable and allowed to tap into services. He expected to know by Tuesday 9/16/97 on the decision to annex into the city.

Tom stated he had met with Wayne of CMI and was satisfied with their operation. He added there were details to work out.

Don DeFord commented the Contract drop date is the 19th and asked if CMI was taking the facility when it was delivered.

Wayne answered that CMI anticipates putting the foundation down. They will get the site ready for the Spacemaster.

Don DeFord clarified the time when CMI would be committed and payments begin.

Wayne - when occupying the building the payments will begin. He also commented that there is one County site to pursue and a couple other options. He believes they have options to put this the project together.

Chairman Smith instructed Dale to inquire with Spacemaster as to another extension on the decision to purchase.

Don DeFord mentioned that Property Insurance needs to be added to the contract.

Dale stated he would inquire of Spacemaster and report back to the Commissioner before Friday noon.

DISCUSSION - MATTERS OF STATE INTEREST/1041 REGULATIONS

Mark Bean, Eric McCafferty, Victoria Gionelli, Ron Hyyks and Don DeFord were present.

Eric presented the Memo subject titled - Matters of State Interest - Discussion in regard to direction given by the Board to research and draft proposed regulations governing natural hazards and key facilities, pursuant to the CLUA, "1041 regulations."

Eric added that after discussion, if the Planning Staff was directed by the Board to proceed with further analysis of areas/activities of statewide importance, then the staff would request that the direction be provided as a motion which shall include the scope of the contemplated regulations, the date draft regulations are due for review, the method the regulations would be reviewed by the Board independently or referral or joint session to/with the County Planning Commission, and any other information the Board deems necessary.

Discussion was held.

The direction given was to refer the "1041 regulations" to the Planning and Zoning Commission and plan to hold Public Hearing prior to approving or adopting any new regulations.

Eric requested clarification as to the regulations being referred.

Floodplains, geologic hazard areas and wildfire hazards including all 21 activities and areas were included in the direction.

Commissioner McCown wanted it on the record that he was not a big proponent of additional regulations.

Planning & Zoning Board - Composition - Appointments

Anna Price and Cheryl Chandler from the Silt area; Phil Vaughan from Rulison; Jim Snyder from Rifle; Michelle Foster and 3 more alternates including Mike Silvia and Ray Schmall from Glenwood and Nancy Smith from the Carbondale area was suggested.

Commissioner McCown made a motion to promote the permanent positions open to Cheryl Chandler and Anna Price currently serving as alternates; Commissioner Martin seconded; carried.

Commissioner McCown made a motion to appoint Mike Silvia and Ray Schmall, both from Glenwood as alternates; Commissioner seconded; carried.

Commissioner Martin moved to appoint Nancy Smith as the alternate. Commissioner McCown seconded; carried.

Mark will notify these new members.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter appointing, assuming Anna and Cheryl agree, Anna Price and Cheryl Chandler to fill the terms as follows: Cheryl designated to complete the position vacated by Calvin Lee and Anna completing Dick Stephenson's term; carried.

Chairman Smith added that everyone that applied for the Planning and Zoning Commission should receive a letter and also a letter should be written to Calvin Lee and Dick Stephenson stating we will miss their expertise on the Planning and Zoning Commission.

Worksession Scheduled

A date of October 22, 1997 was set as a worksession with the Board and Planning Commission beginning at 6:00 P.M. to work on the 21 various regulations, prioritizing and setting time lines and certain dates to achieve certain things.

Cooks - Subdivision Exemption

Eric presented a concern that he and Mildred Alsdorf had with respect to the Cooks Subdivision Exemption. Eric stated the Plat by-passed Sam Phelps the Surveyor for the County.

Mildred commented that the Subdivision Exemption has accidentally been recorded and it was necessary to take it off the books and re-record when Sam had reviewed.

A motion was made by Commissioner Martin to recess the meeting until September 22nd for Budget and September 24 for Personnel Committee. Commissioner McCown seconded; carried.

Recess - 6:20 P.M.

SEPTEMBER 22, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, October 21, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

BUDGET

Chuck presented an orientation of the budget procedure.

Each department head was scheduled to come in and discuss their proposed budget.

Gary Janieck, Weed and Pest; Chuck Deschenes, Administration; Mike McBreen, Motor Pool; King Lloyd, Road and Bridge; Steve Rippey, Assessor; Margaret Long, Human Services and Mary Meisner, Nursing; Don DeFord, County Attorney; Chuck Deschenes, Airport Manager; Trey Holt, Coroner; Eric McCafferty, Building and Planning; Sam Phelps, Surveyor; Mac Myers, District Attorney; Jim Stevens, Communications; Sheriff Tom Dalessandri, Sheriff's; Lee Moss, Fairgrounds; Richard Alary, Maintenance; Carol McNeel and Pat McCarthy, Extension; Jackie Sphuler, Library; Georgia Chamberlain, Treasurer; Dale Hancock, County Operations; Wanda Berryman, Healthy Beginnings; and Cheryl Hurst, Human Services Commission.

In-depth discussions were held with each department to obtain information regarding their proposed budgets and additional requests.

SEPTEMBER 25, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The SPECIAL meeting of the Board of County Commissioners began at 9:00 A.M. on Thursday, September 25, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and Deputy Clerk to the Board Marian Clayton.

King Lloyd, Don DeFord,

OCTOBER 6, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 6, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

VACATION OF ANTLERS ORCHARD DEVELOPMENT EASEMENT LOCATED OFF OF COUNTY ROAD 216. APPLICANTS: GREEN AND GILBERT

A motion was made by Commissioner Martin to vacate the Antler's Orchard Development easement on County Road 216 and authorize the Chair to sign the vacation. Commissioner McCown seconded the motion; carried.

COUNTY ADMINISTRATOR

Chuck Deschenes presented the following items in his report:

Barbara Ramirez had placed the ad for the County Engineer in the newspaper; the Garfield County Nurses have a change order that he was requesting the Chair be authorized to sign for \$2150 increasing the total grant to \$117,047.00; October is the Domestic Violence Month and presented a Resolution for signature of the Chair so designating; Fairgrounds Tour scheduled for October 21, 1997 at 9:00 A.M.; the Sheriff had presented an operating plan with the Forest Service not to exceed \$2,000; and numerous Human Services Contracts for the Chair's signature as listed in the motion.

Domestic Violence Month

A motion was made by Commissioner Martin and seconded by Commissioner McCown to designate October as Domestic Violence Month and authorized the Chair to sign a Resolution so declaring; carried.

Change Order - Public Health Nurses

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a change order for the Public Health Nurses for \$2150 for a total contract of \$117,047.00; carried.

Sheriff - Operating Plan/Forest Service

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the operating plan with the Sheriff and Forest Service not to exceed \$2,000; carried.

Human Services Contracts

A motion was made by Commissioner Martin to authorize the Chair to sign the Human Services Contracts for a total of \$150,500 as follows:

RSVP	-	\$ 7,500
GRAND RIVER	-	4,000
{ SOPRIS THERAPY SERVICES	-	10,000
{ SENIOR TRANSPORTATION	-	15,500
ADVOCATE SAFEHOUSE	-	5,000
{ MOUNTAIN VALLEY DEV SVCS	-	20,500
{ ASSISTENCIA PARA LATINOS	-	4,000
{ GARFIELD LEGAL SERVICES	-	4,500
{ COLORADO WEST RECOVERY	-	16,000

{ COLORADO WEST	-	23,500
GARFIELD ADULT LITERACY	-	6,000
{ GARFIELD YOUTH SERVICES	-	14,500
{ FAMILY VISITOR PROGRAM	-	17,500
{ SENIOR NUTRITION	-	<u>2,000</u>
Total	-	\$150,500

Commissioner McCown seconded the motion; carried.

PAYMENT OF BILLS

Chuck Deschenes presented the claims against Garfield County for the first run of September 1997 for the Commissioner review and approval.

Commissioner Martin made a motion to pay the bills. Commissioner McCown seconded the motion; carried.

JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Don DeFord, Chuck Deschenes, and Al Maggard of Community Corrections Board were present.

Jail Count

Total in Jail: 119. 45 main jail; 49 Work Release; 7 females; 4 Home Detention; 6 in other jails; 1 State Hospital; 0 Day Reporting; 9 Workenders; 1 DOC in Clear Creek.

Spacemaster Contracts/Correctional Management Industries

Dale Hancock presented two contracts - Spacemaster and one from Correctional Management Industries. The Spacemaster Contract requires a payment of - \$10,927.00. What this does is it satisfies what would have been the originally \$50,000 in liquidated damages and with that it allows the County a stay on the contract until December 3, 1997. All terms in the contract will stay in effect until December 3 and then if we give the marching order for building, we are looking 8 weeks for construction and then they have an indemnification agreement to store 60 days at no cost after the last unit comes off. Then if for some reason we need a longer time, it is \$10 a day for storage per unit.

Correctional Management Industries - includes interest between 5 - 5.5%. The total price of the building is \$423,700. CMI is offering \$491,303 with a 72 month lease at 5% simple interest. This results in a note payment of them of \$6823.66 per month. At the end of the contract, CMI wants the building.

Commissioner McCown stated the Board did not agree to this.

Don was told it was a lease/purchase.

Discussion:

A motion was made by Commissioner Martin and seconded by Commissioner McCown for the Chair to be authorized to sign the agreement with Spacemaster after Don has reviewed the fine print and details with a \$10,927 payment; carried.

The Board decided to have Don look at the contract proposal with CMI and bring it back to the Board.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Lou Trapani, Chairman of the Transportation Intermountain Region was present requesting participation of this Board on the Transportation Committee.

Taxi in Glenwood Springs

Connie Ludhe and his partner Jamison Ford of 2600 Oakhurst Court, Glenwood Springs presented he was petitioning the State of Colorado, Public Utilities Commission for a taxi cab license. He was requesting a letter of endorsement. He stated he has letters of endorsement from the County Sheriff, Chamber of Commerce, service organization such as the Eagles, Chief of Police of Glenwood Springs and many area

business. He also stated he has a letter from the Mayor of Carbondale, Chief of Police of Carbondale, American Legion, City of Rifle, Chamber of Commerce in Rifle and Chief of Police in Rifle.

His taxi service is a 24 hour service which includes Garfield County. There is no service existing at this time and the letters of endorsement will be presented to the State of Colorado this coming Wednesday at the PUC hearings. He will have six vehicles to start.

Connie stated this will be in operation 7 days a week on demand on-call.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter of endorsement in concept of this taxi service; carried.

Chuck stated he would also present this before the Airport Authority as this may be a situation they would support.

EMPLOYEE OF THE MONTH

Josie Estrada was named the Employee of the Month.

COUNTY BUSINESS

Library

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a budget amendment for \$2500 to approve the replacement of windows at the Carbondale Library; carried.

DEPARTMENT HEADS

Margaret Long mentioned the Foster Parents will be meeting at 9:00 A.M. on October 9th at the Hotel Colorado and wanted one of the Board of County Commissioners to give the welcome speech.

Chairman Smith volunteered.

Leap Contracts

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the following LEAP Contracts for Ferrell Gas and Ameri Gas; carried.

Community Operations

Dale Hancock stated he had filed an appeal on the right-of way vacation with BLM on the Grass Mesa Communication Site and it went to Denver and Grand Junction.

Dale stated he had two offers - KRMA - putting \$15,000 up to operate on 5 sites with 5 licenses. The earnest money check for \$500 with a balance due of \$14,500 January 1, 1998 to bring public broadcasting into the County at the sites listed. The broadcasting would be KRMJ Channel 18 out of Grand Junction, but in this area is KRMA, Channel 6 out of Denver. Dale stated he thinks this is a win/win deal.

Dale also stated he had an offer on September 29 from Pitkin County to buy two transmitters off of Sunlight for Channels 52/54. What they envision is that Channel 52 would become Fox Affiliate out of Grand Junction. The deal would be that this would run through the Pitkin County Translators Association. They tendered an offer for \$8,000 for the two transmitters and two licenses.

Telecommunication Commission

Dale stated the Telecommunication Commission has been developed to start the policies. The Board of Commissioners will be the controlling authority. The Board can declare there are contradictory applications out there. There is an unsafe future in the particular industry in general so an advisory commission can develop policy to implement what's comfortable with the needs of the County.

Dale stated he had the following applications: Alan Bell formerly with KMTS; Joe O'Donnel retired Denver Police Department; Jim Stevens; Kevin Milner from Holy Cross Electric; Bob Jones retired

Safeway Manager; Walt Brown and Traci Collins from CMC. Dale stated he would like to see the Board appoint all of them.

Chuck indicated he would like to have a staff member to be the ex-officio member of the Commission.

Dale inquired if it would be appropriate to draft a letter for the Chairman's signature as far as the appointments are concerned and then set a meeting to have a worksession with the Board of County Commissioners and all the appointees to talk about the goals and objectives. Dale stated he would try to make it 30 days away.

Weed Management

Gary Janicek stated the exam test date is October 14 in Denver and he would be taking it.

Extension

Carol McNeel stated the audit by CSU was last week.
The newsletter number is at 1700 and they will send it out quarterly.

Building and Planning

Mark Bean presented the following:

Extension Request for Foster/Duplice

A motion was made to grant an extension request for Foster/Duplice until April 1, 1998 by Commissioner McCown and seconded by Commissioner Martin; carried.

Resolution - SUP - Jammaron and Gould

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution for a Special Use Permit for Joe and Geraldine Rae Jammaron and Mark Gould; carried.

Phelps - Weldon

A motion was made by Commissioner Martin and seconded by Commissioner McCown to grant an extension beyond the one year requested by Sam Phelps on behalf of The Weldon Subdivision Exemption due to a surveying delay until December 3, 1997; carried.

Resolution - Manufacturing Housing - Wind Shear

Don indicated the Board needs to act on the passage of a Resolution amending the County Zoning Code relative to the wind shear/wind load factor. The Chair needs to be authorized to sign this resolution. This will bring the litigation to a close.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with amending Resolution No. 95-043 concerning Section 2.02.07 of the Garfield County Zoning Resolution of 1978 regarding wind shear; carried.

Impact Fees

Don provided an update on Impact Fees and School Impact Fees.
Commissioner McCown stated the Road Impact Fees cannot move forward until the Board approves the Capital Improvement Plan for the County.
Don indicated a formula was in place.
Commissioner McCown indicated this was on hold.

School Impact Issue

Mark indicated this has been discussed. There is a request from RE-1 to considering amending the School Impact Fee formula to be similar to what's actually been discussed as far back as the 1970's. The School came up with a formula that they feel is more representative of actual school impacts based on the number

of students generated by certain housing types. We can include this in the normal subdivision review process but not within building permits. This must be within a subdivision review process.

ANNUAL MEETING - GARFIELD COUNTY SERVICES CENTER, INC.

Don DeFord stated there was a need to convene as the Garfield County Services Center, Inc. for the purpose of undertaking business. There is a quorum with two members present.

Vice President Buckey Arbaney made a motion to convene as the Garfield County Services Center, Inc. Marian Smith seconded; carried.

Buckey Arbaney made a motion that the President of the sitting Board of County Commissioners of Garfield County become the Board for the Garfield County Services, Inc. to become effective immediately. Marian Smith seconded; carried.

President

A motion was made by Larry McCown and seconded by Marian Smith to appoint John Martin as the President; carried.

Vice-President

A motion was made by Marian Smith and seconded by John Martin to appoint Larry McCown as Vice President; carried.

Secretary

A motion was made by Marian Smith and seconded by Larry McCown to appoint Mildred Alsdorf as Secretary; carried.

Business

Don stated the business that needed to be undertaken was to authorize the President to execute all necessary registration documents with the Secretary of State and the payment of \$25.00 as well.

Larry McCown so moved; John Martin seconded; carried.

A motion was made to close the Garfield County Services Inc. by John Martin and seconded by Larry McCown; carried.

Adjourn 11:04 A.M.

WILDHORSE ENERGY PARTNERS - BEAVER GATHERING LINE 12"

Don DeFord, King Lloyd and Mark Bean were present.

Don stated they were here today to request to use our County Road and issue a permit to use the right-of-way. This is not a public hearing.

John Obourn of 9680 East Powers Drive in Englewood, Colorado 80111; Steve Moore of BLM and Tom Brown of U. S. West were also present.

County Road 317

John Obourn representing Wildhorse Energy Partners stated several individuals were present and they were here today as they are proceeding with their permit to construct within the County right-of-way a buried 12 inch pipeline in regard to discussions held with this Board in May of 1997. At that time the preliminary information was presented to the Board and an on-site look at their route was done. The route has not changed and it has been more defined in the way of the road improvement design and some pre-engineering has been done, also a lot of work with the BLM, the City of Rifle and King Lloyd. A package showing an overview of the project was submitted which included the BLM's correspondence to the City of Rifle, correspondence to Tom Brown regarding their well activity and their willingness to work with Wildhorse;

Barrett's correspondence was not included, they have completed their third of three wells permitted in this area; also U. S. West correspondence indicating they are working with US West indicating a working relationship to minimize disruption in the phone service for the residents in the area where the phone line and the pipeline would be. Also a master package including the road improvement drawing prepared by High Country. Copies of the documentation that were provided to Rifle prior to the Rifle hearing which includes correspondence in detail regarding the road construction within the watershed. Correspondence from Craig Neiss who is the environmental operations manager for KM Field Services with respect to the emergency planning during the course of installation. Additionally the Hepworth report generated from the core sampling along a 3 mile stretch of County Road 317; and recent correspondence from last week when they last spoke between King Lloyd, John and Juliet Adamson regarding the results of the core sampling. John provided an update that included where they are now is a window of opportunity is afforded them now to make some road improvements on County Road 317 that will assist in the oil field traffic using this road next Spring and also get the pipeline installed during a period of time that a very low traffic flow. The water level in Beaver Creek is also low and we can get our erosion control during the winter months. The hearing at the Rifle City Council last week.

One of the items the Board requested of Wildhorse was to take care of a few matters before coming back one of which was to work with Rifle on a plan that would address their concerns for water quality and for reducing any potential erosion down County Road 317 that would find its way into their water supply or into some of the owner's water supply. John stated they have done that.

John stated this Board also asked them to work with BLM regarding their existing permit in which they are exchanging 3" pipeline underground buried to 12". The 3" will be removed and replacing it with 12" and that has also been taken care of.

Again, the Board also asked about working with BLM to have a better handle on the drilling activity in the basin for Barrett and Tom Brown. Wildhorse has also addressed that.

Also, they have had discussion with the loggers. Their permits have been approved and potentially they could be using County Road 317.

John stated they have met with landowners in getting their cattle and sheep out and in working with this window this will not conflict with their usage also. The window he referred to is a low water, low use of the road, and light traffic. They implemented water testing in September which was done to establish a baseline for Rifle water quality. Craig Meis, KN Energy Consultant as an Environmental Inspector is here to discuss this and he will be on site at all times and can shut down the project at any time.

This brings them to the last conflict which is the hunters. They have contacted the Forest Service and Division of Wildlife and they have a good handle over who has traditionally used that road and they are aware of the number of hunters, pick up trucks, and ATV's. Wildhorse has taken precautions not to restrict their activity.

The window he referred to was October 11 - November 9.

John indicated they would like to commence construction around October 16.

Craig Meis reported of his activities as the Environmental Inspector.

King Lloyd and Tim Moore from the City of Rifle indicated that Wildhorse doesn't have the approval of the City of Rifle, just a draft permit that recommends approval of the construction process. Rifle took the position that they wanted to see the drilling plan, the environmental assessment completed before they issued a go-ahead for this collection line. Rifle's consultants have told them that the Fall definitely benefits them to have this done. If not this Fall, then next Fall. So they drafted a permit with some conditions that were specific to this construction season. Rifle City Council approved that draft permit and it is contingent upon the staff being able to resolve with the applicant all the issues that were associated.

The issues Tim related to the Board were: water quality data; a performance bond at \$75,000 to cover construction; a \$25,000 performance with a 2 year hold after construction in case fill material fail or anything associated with the construction; an on-going environmental assessment completed and applicable to the City of Rifle's permit; and a geotech report included in final form.

Tim indicated if this Board asks for a bond, they will not. However, Rifle wanted to make sure the potential road damage was covered.

ROAD AND BRIDGE DISCUSSION

King Lloyd, Don DeFord, Chuck Deschenes and Tim Moore from City of Rifle were present for the report. Discussion included the previous meeting that was held with Wildhorse Energy for road improvements on County Road 317.

King explained the road use bonds and so far the Road and Bridge have never done a performance bond. Tim's discussion of a bond was for an initial \$75,000 through the construction of the pipeline, once construction is completed, they would do a partial release and still hold \$25,000 as a follow-up bond for sediment control, revegetation, etc. to ensure those were completed to the satisfaction of the permit. Chairman Smith clarified that Tim was mentioning a total bond of \$75,000.

Tim stated that was correct.

Commissioner McCown made sure there was a temporary phone service for these folks during the construction phase.

Steve Moore of BLM - stated that the City of Rifle spoke directly to the issue of this project being linked to gas development. They are not making a recommendation on the road simply that Wildhorse be allowed to go ahead if the Board approves the road permit. In response to Chairman Smith's inquiry as to whether or not BLM had considered having the pipeline go through BLM property, Steve responded that the landowners, Savage and Locher, preferred to see the pipeline in what is currently classified as the "utility corridor" where you have the existing road and phone service. Running a pipeline over to the BLM segment is not desirable.

Roger Neal of High County Engineering - went over the design they went through indicating the plan design was a 3 - 6" base based on what he typically sees. Based on the EDL that was developed last year and King's recommendation, they discussed some new numbers linked with new data incorporated in the letters to the Board. As long as they can get with King, Roger felt that they could work with the numbers and get a typical section that will work for the gas trap.

Bernie Whitman, Site Construction Manager commented that he wanted to look at the video again and hopefully they can start next week on the project.

Commissioner McCown stated before he was going to vote to allow this he was going to make sure there would be the best possible road on top of this that the Board can get to ensure the County will not have to go in and re-work that with the pipeline under the road. There is already a water line from the City of Rifle that we have had trouble with. There's a telephone line going in there and once those utilities are back in place, major repairs are hampered greatly by those other utilities. It is a utility corridor and the County doesn't like working in these. The Timber operation was told the same thing when they were here. Their requirements are laid out in their program, and these will be similar for Wildhorse. Therefore, he suggested the two get together and have a working cross-section for this road for future use at King's approval through the engineering company that is handling it for both entities.

October 20, 1997 at 3:15 P.M. was set on the agenda for continued discussion.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

County Road 320 - Barrett Resources

Brad Moss - 405 Will Avenue, Rifle commented he would like to put 2320 feet of 4" pipe along County Road 320. Bonneville has an existing line and this would be in the same easement.

The job was estimated to take approximately two weeks from start to finish.

Commissioner McCown made a motion to approve the request stated the conditions would need to be spelled out. Commissioner Martin seconded.

There were the conditions given to King to put in the contract in addition to the typical ones:

1. Barrett to post a 100% of the cost of the revegetation bond for a period of 2 years; (Barrett responsible for noxious weed control of the revegetation)
2. They will not leave open trenches overnight; (no reason to impede traffic)
3. The County will hire an inspector to do the necessary inspections associated with the project and Barrett will pay the cost;
4. Barrett's contractor will hire out the compaction test and submit the results of those to the County's representative;
5. All excavated material will be leveled and hauled away from the adjacent right-of-way fence;
6. All materials will be swept from County's roadway;
7. Barrett is allowed to bore their crossings only; and

8. If Barrett should need to cut across the roadway in an excavation, they are contact the County's representative first and then the usual backfilling requirements will be associated with those road cuts.
9. This will be completed by November 30, 1997.

Motion carried.

Discussion continued regarding the bond for revegetation.

Don stated that the method used with the County is to have the performance and vegetation wrapped up into one bond that their engineer or project manager would certify the cost of restoring the right-of-way to its original condition once the excavation has been accomplished. They would certify the full cost of revegetation. That full amount would be bonded by them. Then when they complete the restoration, Barrett will come before the Board with a certification from the project manager that it is complete and inspected. If this is done, the Board would release that portion of the bond. The other portion of the bond will be held for two years and the same process is necessary in order for the remaining bond to be released.

Sick Leave - Donations - Vernon Murray

King submitted a request for Vernon Murray to have sick days donated. He had open heart surgery and needs additional time.

Mildred stated this came after the Personnel Committee had met therefore, this is possible for the Board to approve the request and then King can put out a memo asking for donations.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the request; carried.

Gunnison Snow and Ice Conference - Loader Competition

King stated the equipment operators participated in the Snow and Ice entry at the Nationals held in Gunnison. His guys came in first place. They also get their entries paid at the National Snow and Ice Conference which is in Greeley this year. They left this morning to compete in that contest.

Bob Hammond and John Prehm will be competing in the tandem and Bert Garlitz in the loader competition. Marvin is going along with them.

BUILDING AND PLANNING

Eric McCafferty submitted the following:

VanHoose Subdivision - Application

Withdrawing the Application - A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the withdrawing of the application for the VanHoose Subdivision located approximately 2 miles West of Glenwood Springs; carried.

Close - A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing on the VanHoose Subdivision; carried.

Donelan Subdivision

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Charles & Penny Donelan; carried.

Resolution - Vacation County Road 293 and 295

Don presented that this was considered some time ago and he was just getting the Resolution in front of the Board today. It's a vacation of small portions of County Road 293 and 295 at the request of Union Oil in Rifle.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution vacating portions of County Road 293 and 295 in a triangle area adjoining those roads; carried.

Excess Revenues

Don stated that his office normally publishes the notice of hearing for excess revenues authorizing the retention of those funds and expenditures of same for capital improvements. Chuck indicated again this year it will be in excess status and he wanted to conduct this hearing. Don asked for authorization to go ahead and publish notice and have a date and time set. November 10, 1998 was determined.

Workman's Compensation

Discussion was held regarding going out for bid and Don reported we were too late for this year. Chuck was requested to call Asa Jones of Glenwood Insurance and determine what went wrong and correct the situation and obtain information as to how to submit bids for this next year.

LIQUOR LICENSE RENEWAL - BUFFALO VALLEY

Mildred Alsdorf presented that this was a renewal license for Buffalo Valley. A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the liquor license renewal for Buffalo Valley; carried.

PUBLIC HEARING - ZONE DISTRICT AMENDMENT - CHANGE FROM R/G/SD TO A/R/RD. APPLICANT: THOMAS MORTON, M.D.

Mark Bean, Don DeFord and John Taufer for Dr. Morton were present. Don determined that proper and adequate notification was timely and advised the Board they were entitled to proceed. Chairman Smith swore in the speakers. Mark Bean presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; and Exhibit C - Project Information and Staff Report.

Mark Bean presented this was a down zoning request from R/G/SD to A/R/RD on a parcel located on the southwest side of Glenwood Springs near the intersection of County Road 117 and Midland Avenue. Recommendation: The Planning Commission recommended APPROVAL of the application for a zone district amendment from R/G/SD to A/R/RD.

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

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the zone district amendment for Dr. Tom Morton to change from R/G/SD to A/R/RD; carried.

Executive Session - Litigation on Los Amigos

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session to discuss the litigation on Los Amigos; carried.

PUBLIC MEETING - SUBDIVISION EXEMPTION LOCATED ALONG COUNTY ROAD 150 IN THE SWEETWATER AREA. APPLICANT: WALLACE THATCHER

Mark Bean stated the Thatchers had requested a continuance as they needed to obtain information on water.

Executive Session - Litigation on Housing Authority

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

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

REVIEW SPECIAL USE PERMIT FOR A KENNEL LOCATED 3 MILES EAST OF BATTLEMENT MESA ON COUNTY ROAD 301. APPLICANTS: MONTE AND LINDA O'NEIL

Eric McCafferty submitted a request to have a continuance for a Special Use Permit for Linda O'Neil.

Commissioner Martin moved to have the O'Neil request for a Special Use Permit be continued until December 15, 1997. Commissioner Martin seconded; carried.

Executive Session - Current Status on Jail Litigation - City of Glenwood Springs

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss the litigation on the jail/City of Glenwood Springs; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session to discuss the litigation on Los Amigos; carried.

Battlement Mesa Assisted Living

Chuck presented that the Chair be authorized to sign a grant application for the CDBC Funds for the Battlement Mesa Assisted Living Contract Application and asked that it be contingent upon Don's review. Chairman Smith stated she wanted to be real careful that this wasn't the group that provides funding for the block grant for the pre-natal program. She asked Chuck to double check. She indicated the County gets block grants and this is where the funds have been derived. However, this may not be the same pool. The County has a good program going and she doesn't want it jeopardized.

Commissioner Martin approved the Chair to sign this grant application as long as it wasn't jeopardizing the prenatal block grant. Commissioner McCown seconded; carried.

Underground Tank

Chuck indicated he would need to analyze the correspondence to file a letter asked for more time to review the situation. This will involve some staff time.

Chairman Smith suggested to let Mike work on this as well.

Workman's Compensation

Chuck reported that Asa Jones basically reported in his letter that the County send the information before the end of the month and that was done. It appears that CTSI is saying that it is not the date sent, it is the date received. Chuck submitted the correspondence and stated we did what we were asked to do; however, our request may not be honored.

Commissioner McCown noted they received it on the 2nd, mailed on the 29th.

Don commented we could send a letter asking them to reconsider their position as we would like to receive other proposals.

The Commissioners agreed and Chuck stated he would follow up with phone calls.

Airport Board - Appointment

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint Klaus Schatteliter to assume the position vacated by Jim Hybarger until December 1999; carried.

PUBLIC HEARING - LOCAL IMPROVEMENT DISTRICT 1997 - 1. CANYON CREEK ESTATES

Don DeFord and Melody Seamans were present.

Don presented some of the requirements for this procedure. You must give 30 days by publication and by mailing to the individuals within the improvement district. The obvious notice must set forth the type of improvements, the number of installments, the time in which the cost will be payable, the extent of the district to be improved, and the probable cost per unit basis of those improvements. All of this is part of the findings at this hearing. Originals were submitted for review to the Board that are essential for the formation of the district.

Don inquired of Mildred Alsdorf if she had been involved in the provision of notice for the formation of the public improvement district in the Canyon Creek Subdivision?

Mildred Alsdorf, Garfield County Clerk and Recorder - answered yes she has.

Don - as part of that, did you publish notification of today's hearing?

Mildred Alsdorf - yes I did.

Don - and you gave me notice of that proof of publication, is that correct?

Mildred Alsdorf - yes, it was published in all three newspapers, Glenwood Post, Carbondale Valley Journal and Rifle Telegram.

Don - determined the dates and asked if written notification was provided to those people living in the Canyon Creek Subdivision.

Mildred - we sent written notification to all owners of property and all of the registered voters within the district.

Don - and you have given me a copy of the notification that was included in each of those mailings.

Mildred Alsdorf - yes.

Don the proof of mailings indicate they were mailed on September 19th.

Mildred Alsdorf - yes

Don - okay that is 15 days from today's date. You need to accept into the record the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Proof of Mailings; Exhibit C - Returned Receipts; Exhibit D - Undeliverable notifications; Exhibit E - Accept the Form of Notification that was mailed to each of those property owners; and Exhibit F - Letter to Fred Truden.

Chairman Smith admitted Exhibits A - F into the record.

Don indicated the requirements have been met and the proponents should explain what they feel are the necessity for this district as well.

Melody Seamans - the petition that was tendered is actually four copies and contains a total of 66 lots that are contained in this improvement district. The signatories on the petition and joint tenancy constitute 42 of the lots, so there are 42 of the lots with joint tenants signatories. That exceeds 3.6% and 51% is all that is required. It gives 81 signatures out of 120 people contained in the Assessor's Records. As far as without joint tenancy signatures there are three other lots that have one of the joint tenancy signatures.

Don - the base capital of cost is \$200,000 - do you anticipate this will be actually cost of construction.

Melody - they anticipate it will come under that amount.

Don - why are you requesting the \$200,000?

Melody - because they would rather have a high estimate than a low estimate.

Don - if there is a difference between the estimated cost and the actual cost, how will this be dealt with in the formation of the district?

Melody - the property owners will only get assessed for the costs that are incurred.

Melody explained the improvements contained in the petition.

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

Commissioner McCown made a motion to authorize the Chair to sign a Resolution creating the Garfield County Local Improvement District 1997 - 1 Canyon Creek Estates in the County of Garfield ordering the construction, installation, completion, and acquisition therein of certain local improvements, together with any necessary incidentals; providing for the issuance of bonds in payment for said improvements; and providing for other details in connection with the district. Commissioner Martin seconded.

Discussion:

Commissioner Martin added that this doesn't satisfy everyone up there. There's going to be a 38% or so people that will be real upset because they are not getting their problems addressed and he thought homeowners need to work out those problems getting the other roads into the subdivision or into the homeowners association.

Motion carried.

Chairman Smith indicated she would like page 3 corrected by adding the ERS and initial it.

Adjourn: 6 P.M.

OCTOBER 20, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 20, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Auditors Report - 1996

Chuck Deschenes stated Sharon was here and would explain.

Sharon Brenner of Yanari, Watson, Lyons & Co. P.C., presented the auditor's report and stated the auditors did not have any problems. There were no unanswered questions and no unresolved problems.

She indicated however, that the General, Public Library, Retirement, Capital Expenditure, District Attorney, Commissary, and the Oil and Gas Impact funds all exceeded appropriated amounts. This may be a violation of state statutes.

Chuck explained that he should have submitted budget adjustments. Time had not allowed him to do that.

Overall, Sharon provided a good audit report; however, she stated the computer software in accounting was still a subject that needs to be rectified, especially with the year 2000 forthcoming.

Discussion was held and the Board decided to take time and go through the report and schedule Sharon back in if they had significant concerns.

Chairman Smith commented that the Board will need a motion eventually to accept this report.

COUNTY ATTORNEY

Don DeFord stated he and Mark Bean needed to have a discussion regarding personnel in his office.

PAYMENT OF BILLS

Chuck presented the claims against Garfield County for the second run of August, 1997.

The Board reviewed these claims, obtained clarification on the ones they had questions and a motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bills as presented; carried

**ROAD PERMIT - PUBLIC SERVICE TO PLACE UTILITIES IN COUNTY RIGHT-OF-WAY.
DON CURRIE**

Don DeFord, King Lloyd, Chuck Deschenes and Don Currie were present.

Don Currie commented that this was in regard to the Rapids on the Colorado, Gene Hilton's development on County Road 335. He found Public Service in a position to extend some gas mains from Apple Tree Park along County Road 335 to the intersection of Garfield Creek. It is about 6400' of gas distribution that is needing to be installed and they need a permit. Don stated he had met with Ron West of Road and Bridge in the field, walked the job, and subsequently Ron had spoken to his boss King Lloyd and came back with some recommendations.

King added that Ron had described the concerns to him. Typically there are some big fills along that stretch of County Road and generally they like the installations to go at the bottom of the fills. In this case, King has concerns that the fills are on private property where they would end up installing these gas lines. Don Currie had to change his proposal based on that. The new plan is to do some directional borings underneath the County Road rather than to go along with the fills. Other than this it is a typical installation. The primary reason Don Currie is coming before the Board is that normally pipelines of this length are brought to the Board as a form of information.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the permit for Public Service to place a gas line in County Road 335 right of way with the condition of the inspection as needed; carried.

Slaughterhouse Gulch Road

Don Currie stated he has a gentlemen on the other end of this road that needs a power line therefore he needed to know whether or not it was a County Road.

King indicated the problem that has happened is Public Service's engineer contacted King and met with Marvin about the line and showed Marvin what was going on. The road has been built but technically the paperwork hasn't been completed transferring title of that road to the County.

King indicated the landowner has contacted him and voiced some concern about power poles in his front yard. Since the easement hadn't been worked out, Del asked what terms were possible. King referenced Don DeFord as the man to discuss this.

Don Currie indicated Del Whittington informed him he is coming before the Board for a split on his property.

King stated that easement wise, there is adequate room.

Don Currie indicated that Mr. Zelenka is anxious for electrical power.

JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Al Maggard, Chuck Deschenes and Don DeFord were present.

Jail Count

Total in Jail: 127. 44 main jail; 50 Work Release; 9 females; 11 other jails; 5 Home Detention; 1 State Hospital; 1 DOC at the Sheriff's Office (total of 8 DOC counting the ones in other jails); and 7 Workenders.

Executive Session - Jail Issues with the City

Commissioner Martin made a motion to go into Executive Session to discuss jail issues with the City of Glenwood Springs. Commissioner McCown seconded; carried.

Don DeFord requested that Al Maggard and Dale Hancock remain in the room as the discussion was pertinent to them as well.

Commissioner Martin made a motion to come out of Executive Session. Commissioner McCown seconded; carried.

Community Operations

Dale Hancock reported that the Governor's Council on Friday on Supplemental Funding Request will be a part of the discussion. Some decisions will need to be made on Supplementals. This puts pressure on the local level especially if the County continues with twenty full beds.

COUNTY BUSINESS

Chuck presented the fixed asset deletion sheet for the old computer to be transferred to Rifle Police Department.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the fixed asset deletion sheet for the computer transfer; carried.

Downtown Development Committee

Chuck stated that the Downtown Development Committee requested a member from the County sit in and participate in it from the County's point of view. Mark stated he would be glad to participate if the Board so desired. Mark Bean and Commissioner Martin indicated they would be willing to jointly participate.

The latest discussion item is for 8th Street to become the main entrance into Glenwood; do away with the sewage treatment plant on 7th Street; and to utilize the property between UPL and part of the school for a planned development area. This is just proposed.

Chuck indicated he would call and advise the Downtown Development Committee of the member and alternate.

Battlement Mesa Assisted Living

Chuck indicated he had a message to possibly consider waiving a portion of the permit fees for the Battlement Mesa Housing Project. Chuck indicated we are handling the administration of the grant without a fee; our building fees are based on cost of doing inspections; and two organizations are involved. Mark stated fees have never been waived for Building and Planning. If waiving of this type of fee is being proposed, a criteria needs to be established in order to determine when others will be considered.

BUILDING AND PLANNING

Mark stated Big Mamas Home Cooking submitted a request for a Conditional Use Permit for a commissary for a business.

This was set for a Public Hearing on November 10, 1997 at 2:00 P.M.

Resolution - Morton - Zone District Amendment

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a zone district amendment request for Tom Morton, M.D.; carried.

Conditional Use Permit - Aircraft Landing Strip Application - Wayne Rudd

Eric McCafferty and Don DeFord submitted a memorandum and asked for direction in pursuing this Conditional Use Permit on Lookout Mountain Ranches for Wayne Rudd.

Don indicated after the discussion at the Planning Commission, it was determined there may be a problem on the notice. The property which was noticed was not actually the property owned by the applicant. By the time it went to the Planning Commission the property did go to a Corporation. This comes before the Board because it appears it may not be adequate or sufficient notice to property owners.

Also after the hearing Don stated he received written communication that Wayne Rudd may be out of compliance with both the Board and the Zoning Resolution. The question will also need an answer as to whether the Board considers the Rudd application complete.

Don explained the options: the application was adequate; or according to the Memorandum jointly from Don and Eric the Board can find the application incomplete and redirect the application back to the Planning Commission at a time the application is determined to be complete; or find the application incomplete and pursuant to the submittal of the required information and determination of a complete application, the Board shall hold a public hearing consistent with 9.02.03 and 9.03.04 (1) (2), G.C.Z.R.; or designate a hearing date and proceed with the Planning Commissioner recommendations.

Don explained that the "landing strip" is a Conditional Use Permit and the Airport is a Special Use Permit. Don stated that FAA hadn't responded by the Planning Commission hearing. Therefore, information is required from the FAA before a decision is made. It was therefore reviewed in error by the Planning Commission.

The Board recommended that this go back to the Planning Commission.

Extension

Master Gardener

Pat McCarty presented the Master Gardener dates and speakers for January through March. The dates are January 7 - March 11, 1998 with no classes on the 28th of January or the 11th of February.

Newsletter Update

They sent out some 1800 Newsletters. They are asking for input as to those who are truly interested in continuing to receive these.

Information Item

Steve Carcaterra has resigned effective January 30, 1998 for Eagle County so the Master Gardener has fallen on the Glenwood Office and Pat will obviously be requested to help out. Steve will be the new Lift-Up Director in Garfield County.

Weed Management

Gary Janicek stated he passed the test and can begin on the spray work. Battlement Mesa's project is the first on the list, plus he will get with Road and Bridge on projects for later this Fall.

Telecommunication Advisory Commission

Dale stated the Telecommunication Advisory Commission will be meeting in Don's Conference Room on November 5 from 9 - 11 A.M.

APPOINTMENT OF ENGINEER - ROSE RANCH

Victoria Giannola, Don DeFord and Chuck Deschenes were present.

Don DeFord stated that Victoria sent a number of requests to engineering firms. The only response received was from Wright Water Engineering.

Victoria mentioned this goes to the Planning Commission - November 1.

Commissioner McCown moved to accept Wright Water as the Engineer on this project. Commissioner Martin seconded; carried.

Airport Landing Use - CUP - Wayne Rudd

Don DeFord commented that the Board should take a site visit prior to this coming before the Board and should notify the public and Mr. Rudd that the Board will be doing this; and probably do a site visit on the ground and in the air.

COUNTY ADMINISTRATOR

Chuck reported on a problem with the door at the UPL property and commented it was related to the roof problem he had discussed at the last meeting. He explained how it was connected to the roof leaks.

Discussion - Old Lift-Up House

A motion was made by Commissioner McCown and seconded by Commissioner Martin to name a date certain of December 31 to have the house gone on the UPL property; carried.

January 1 the house comes down.

Mildred stated she passed along a call from a lady in New Castle that had shown interest in the house.

Chuck stated he told the lady to make the County an offer.

Commissioner Martin stated the press ought to be notified that the house is coming down and this was the last chance.

Chairman Smith directed Chuck to advertise for bids on salvage prior to the house being torn down.

UPL Building

Chuck was directed to determine costs of repairs and submit to the Board for additional direction.

Chuck stated he would get estimates.

CCI - Request for Support - BLM

Don stated he had a call from Chris Castelian from CCI and wanted a discussion with the Board whether or not they wanted to become involved with joint litigation with other Counties against BLM concerning designation of Wilderness Areas here and in other areas. This apparently is driven by Moffat and Rio Blanco Counties.

Chairman Smith commented this is driven by T. Wright.

Don indicated Chris had two reasons to pursue this. One - if Garfield County would participate and secondly - he wanted Don to assist in putting together an IGA between the Counties that would allow private funding of the litigation. This raises a host of concerns.

Discussion

The Board stated they were willing to lend their name but can not contribute funds to it, and that Garfield County would want final say over representation issues as a governmental entity.

Chuck asked if it was possible to start out with a letter of support and reserve judgment until this is seen in an IGA. Also, he agreed with the Board that Don has enough to do besides getting involved in helping with the IGA.

Chairman Smith indicated this all started with a Utah lawsuit.

Don commented there was enough BLM land in this County that the Board should stay informed and stated he would inform Chris at the level the Board would participate.

Abatements

Shannon Hurst presented the following abatements to the Board:

HUNTINGTON ENGINEERING & ENVIRONMENTAL; CRYSTAL QUICK LUBE, INC.; BOGUE CONSTRUCTION, INC.; SYSTEMS FUELS; RIFLE PRINTING; MOTHER O'LEARYS; LEONARD E. STUCKHAM; GRIZZLY LIQUORS; LBLB, INC. DBA BATTLEMENT MESA BEEF & BEVERAGE

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the following abatements:

Huntington -	\$1275.31
Crystal -	212.66
Bogue -	2888.03
Systems Fuels	490.86
Rifle Plumbing	150.15
Mother O'Leary	20.00
Struckman	42.58
Grizzly	15.31
LBLB	176.65

Motion carried.

RFVRA

George Roussos requested the Chair to sign letters of appreciation from the Roaring Fork Valley Rail Project to: The Honorable Ben Nighthorse Campbell, The Honorable Wayne Allard, The Honorable David Skaggs and The Honorable Scott McInnis in helping to secure the \$2 million in dedicated funds provided for in the FY98 Transportation Appropriations Bill.

Commissioner McCown moved to sign a letter of thank you on the RFVRA Project to the Representatives and Senators in Congress. Commissioner Martin seconded; carried.

ANNUAL DISCUSSION - COLORADO DEPARTMENT OF TRANSPORTATION

Representatives from the City of Glenwood Springs were in attendance for the joint discussion including: Mike Copp, Larry Thompson and Lou Trapani.

State Highway Report

Regional Director Bob Moston for C-DOT, Grand Junction and Transportation Commissioner for District 7 Doug Hayden, also from Grand Junction, presented the highway program.

Bob indicated they wanted to discuss the highway and the transportation programs with the Commissioners and this was their annual visit for this purpose. The current projects are always reviewed and the future projects that affect Garfield County are discussed.

Bridge Replacement - Grand Avenue

No final decision has been made on the bridge replacement for Grand Avenue. City Council is accepting additional public review. The alternative options to replacement of the bridge would be a project to make some repairs on the existing bridge consisting of the expansion devices and investigation on the footers in the river making sure there is not a scoured problem. The bridge was built in 1952.

Traffic Signal - Catherine's Store - Hwy. 82

Bob indicated this installation was underway.

Overlay County Road 139

The overlay on County Road 139 began at the North foot of Douglas Pass and took in a few miles of Garfield County. It proceeded for 20 miles and made a major improvement in the area.

Bob indicated there is no long term solution to the slide area.

Hwy. 82 - Chip and Seal - year 2000

Bob reported there is a project planned to Chip and Seal Hwy. 82 in the year 2000 from Carbondale to Basalt, Mile Post 14 to 24.

Pitkin County - Hwy. 82

Bob indicated that the Commission did approve advancing Senate Bill I money for two more projects in Pitkin County on Hwy. 82 totaling \$19.5 million dollars. Bids are to be released in January 1998.

Oversight Committee - I-70 Mountain Corridor Investment Study

Bob stated he has been serving on the Oversight Committee and Commissioner Martin is a member as well. The project covers Denver International Airport to Eagle/Garfield County line extended to Glenwood Springs. The cost has been estimated at \$4.86 billion. Of this \$3 billion is involved with the 6 major investment studies and \$1.1 billion in the I-70 Mountain Corridor Study. This study is one of the 28 strategic projects that the Commission has dedicated to support and advance.

Bob stated there was a meeting scheduled for December 11 at the Easter Seal Handicamp near Empire, Colorado and the report complete by March of 1998.

Commissioner Martin indicated he got Lou Trapani involved as the City of Glenwood Springs needed to be represented as well.

Lou Trapani stated he was involved on the Oversight Committee as he is Chairman for the TRP for this region and on December 11 the recommendations come from this committee, then go to the Denver MPO and the Region TRP Board for prioritization. So our area is very much involved.

George Roussos representing Eagle County stated that very few from the Western Slope attend these meetings and considers himself a spy from this area.

Doug Hayden commented he has lived in Colorado for 9 years and Grand Junction for eight years. He works for Colorado National Bank and is responsible for some activities on the Western Slope. He travels and does business in this area.

Bob Moston introduced some members of Region 3 staff: Buck Schrader - Maintenance Supervisor from Craig; John Smith - Maintenance Superintendent from Grand Junction; Del French - local maintenance supervisor; and Ralph Trapani from Glenwood.

Ralph Trapani - C-DOT program engineer in Glenwood Springs. He stated that Hwy.82 is moving along very well and with the allocation received means everything from Basalt to Buttermilk is essentially in construction with exception of Snowmass Canyon. The design work is completed for Snowmass Canyon and would be ready to accept funding in a year or so.

The section at Aspen Village should be next summer. Shale Bluff - early 2000 and the other two projects will go in the 1999 construction season.

Mike Copp mentioned the bridge at the West Glenwood Interchange. The City put in 6 million dollars to do a whole new Midland Avenue on the West side, and Midland Avenue from 7th Street to 27th. The State then built a bridge and turned it over to the City to have a second crossing the Colorado River. Since this has been completed the number of trips - 35,000 cars on Grand Avenue lowered to 21,000 per day. This has taken approximately 14,000 off Grand Avenue and believe we need to continue in having other alternatives for traffic to flow through Glenwood Springs. One of the things they are doing is 27th Street, working with RFRHA. The City has permission to cross the tracks. This project is hopefully going out for bid later this year, and is planned to be in construction Spring 1998 and complete in August of 1998. This gives another alternative to get to Hwy. 82. The last phase that needs to be completed is the phase at South Glenwood Springs. The study for the South Phase has been completed with HNTB, a joint City/County participation and one that was fruitful. Partnership with the City/County/State will not only give us another access to the South, helping Four Mile Corridor, but it will also help clean up access on Hwy. 82 especially on the West side. The City felt the need to improve Midland Avenue from 27th street and extend to a point that it is possible to link up with any kind of a bridge improvement that the State would have.

City Engineer Larry Thompson reviewed the HNTB Proposals, the cost, etc. He put together a summary in drawn form showing the work that HNTB did for Garfield County and the City of Glenwood Springs in 1995 and 1996. The study basically identified the preferred corridor for improvements to Four Mile Road

to Hwy. 82 and a Southern terminus for the alternate route that the City has undertaken and partially completed.

Lou Trapani stated the amendment to the stipulation to approve this process should be a high priority to get it on the agenda process. There is only one pot of money. Additionally, he thanked the Board was combining this agenda today with the City.

Project Priorities - Mel Rey Road

Chuck stated he mentions these at every meeting but drainage issues in West Glenwood, New Castle and Rifle are high priorities.

Bob Moston suggested to send these requests to C-DOT.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report and stated the change in the intersection in Battlement Mesa was printed in their local paper. It is now signed as "one-way stop."

Landfill

Commissioner McCown mentioned he had some complaints about the newly hired individual as being abrasive and authoritative.

King stated he was a little strong and was having a hard time working with other employees. He had a meeting last week with the new staff person, however he was hired with a probation term. This was the first complaint from the public.

Projects - Update

All contracting projects except Mamm Creek all other chipping jobs are done. On Mamm Creek the places in the road that have deteriorated are being spot chipped to provide a temporary solution and to get us through until next March.

News Article in Rifle Telegram

Commissioner suggested King place a news release in the Rifle Telegram to let the local residents know that we are going to address it and will improve it for winter maintenance.

Commissioner Martin suggested that King could do a direct mailing since there are only a very few residents on that road.

Oversize/Overweight Reports for September

King submitted these and reported that revenues were up the highest this year.

Complaints about Striping on Four Mile

King mentioned the complaints he had received and commented he had commented on the fact that a company from Grand Junction did the striping and determined the passing zone. King is however concerned about the speed limits in the slow zones.

Discussion was held.

Don suggested making the speed limits lower in places to 25 mpr.

The Board suggested that King could put "Children At Play" signs in particular areas.

King mentioned that the State Attorney General has stated not to use the "Children At Play" signs.

Enforcement is the key we are missing per Commissioner McCown.

The Board indicated they will pass this concern of speeders on Four Mile to the Sheriff.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

King Lloyd and Ron West were present.

County Road 311

Robert Lee Martin of Cottonwood Springs came before the Board with a complaint about road maintenance on County Road 311. He throws papers for a living. He stated that Ron West can't grade the roads. 311

Road is the pits. No grader has touched this road since next to last snowfall this last Spring. Other roads have been graded. Mr. Martin mentioned that he goes to the 1300 mark on 311 Road. Complimented Marvin's roads but complained about Ron West's road.

Ron West stated he did not send his men up into the forest. He stated the road was bladed prior to 324 Road. Ron commented that the rainfall was an attributing factor as well.

King stated they would go up and see.

Chairman Smith stated they had the complaint registered and would get a report back on it.

Chairman Smith added that Joe Clem and Jack Pretti called and visited with the Commissioners about County Road 302 intersection with County Road 308 and into County Road 338. Chairman Smith suggested they come before the Board today.

King stated they do not plow County Road 302/County Road 338 and do maintenance as they can.

Road 302

Jack Pretti was mainly concerned with Road 302 and wanted year-round maintenance. Is it on the County User's Road List? What it will take to meet the criteria to have year-round maintenance?

King stated it was on the County Road list. Typically, the County did seasonal maintenance to the BLM property and for the past several years, they have only done occasional maintenance. King stated complaints have been that the Road and Bridge do not do enough snow removal in this area. The owners of the property contacted Ron and was told that Road and Bridge does not maintain the road under 6 inches of snow. King stated that given the equipment and personnel he foresees a problem.

Chairman Smith stated that during storms they plow the school bus routes.

Jack stated that this is a request for the Road and Bridge to go an extra mile.

Mr. Clem stated a major realignment was completed on this road approximately 20 years ago and when they went in with the shale they did some work.

Ron clarified they stayed in the roadway when the work was last completed. This was after County Road 338 was shut off.

Joe Clem stated he would tell prospective buyers that after 6 " of snow, they may get a snow plow up that road.

King stated they put the school on notice that the County would not extend the school bus route.

Chairman Smith asked, if they did extend the snow-plowing, where would be the best turn-around?

King stated at the intersection of County Road 302 and 338 at the entrance to Doghead.

Commissioner McCown stated he didn't have too much trouble with the snowplowing as he did to committing to gravel in the Spring.

Chairman Smith stated for Joe and Jack to advise their prospective buyers that maintenance would be sporadic.

Joe mentioned he was aware of some drilling for gas and was aware of the possibility that this road may be used for access and he asked, how does the County deal with energy developers in cases like that?

King stated they posted a bond as a security and maintain the roads.

Commissioner McCown added the County is out of the loop in the oil and gas decisions except for the bonding.

Jack asked how they could get this designated as a school bus route?

Chairman Smith indicated they talk to the School Board.

Commissioner McCown stated Joe Clem, as a surface owner, could negotiate his own terms for his property in the form of contracts with the oil and gas companies.

A motion was made by Commissioner McCown and seconded by Commissioner Martin that the County would undertake winter maintenance on Road 338 and 302 for snow at and over 6"; carried.

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

BOARD OF HEALTH

Mary Meisner, Wanda Berryman and Margaret Long were present to give the monthly report.

Leap Contract - Public Service

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Public Service - Leap Contract; carried.

Mary announced that the Health Care Assessment would be on the November 12 agenda at 11:00 A.M.

Flu Shot Campaign

Mary reported that the senior citizens were given their flu shots last week and the community is being given the shots this week. There has been about 1,000 participants thus far. Immunization totals in Colorado have exceeded the rate set by CDOH.

WIC

Mary indicated that this continues to grow and will continue with welfare reform.

Staffing Patterns

Mary was redrafting some staff and looking at how to make WIC more employable. One thing is they need a bi-lingual WIC educator for the Glenwood area. They are also working with satellite computers; and WIC purchased a printer and a cellular phone. Once the caseload reaches a certain point the WIC program will pay for it. They will be advertising strictly for a bi-lingual person. They may be shifting budgets to accommodate for this position.

Future of WIC

Mary stated WIC will have scanners and be interfacing with the card system in connection with Medicaid and Food Stamps - it will be a multi-use card. This is the vision for the future. They're piloting it now in Northeastern Colorado.

Health Care Programs with Special Needs

Cardiac Clinics are scheduled for November and the Neurology Clinic for December.

Secretary/Receptionist for Rifle

Mary indicated there is a real need for a bi-lingual person as secretary/receptionist in Rifle and is advertising in that manner.

TB Case- Update

Mary provided an update stating the TB case is now inactive and public health is monitoring the home and on-going health.

Other communicable diseases - a second TB case from Mesa County; also a case of malaria, petussis and the family was quarantined.

A workshop was held to update public health workers on these diseases.

Sandra Barnett has spent a great deal of time on these issues and she received a letter of congratulations from State Health.

Healthy Beginnings

Wanda Berryman reported there were 180 enrolled in the program to date and they have delivered 150 babies; the remaining 30 clients terminated with miscarriage or they have moved. Over 80% of the clients are at high risk; a disturbing trend at pre-term labor and birth. The average birth weight has gone down from 7.5 lbs.; they are now around 7 lbs.

Wanda implied the program enrollment was down. She contacted Sandy Swanson of the Family Visitor's Program and they are going to do something jointly. Also, Wanda is going to put posters in the laundry mats and grocery stores. In addition, an incentive program has been designed for anyone that brings someone into the program before 20 weeks.

Commissioner McCown - asked what percent of these clients were mono-lingual?

Wanda stated this has been increasing. She just completed the statistics and it was 70% which is up.

Commissioner McCown asked if these clients were all legal.

Wanda answered they were undocumented and this is the reason they are entering late into the program. They are seeing higher risk clients within the clinic. Wanda indicated that very few of their babies stay in intensive care. The program had a case of twins for the first time weighing at 4.2 and barely over 5 pounds. This was co-managed with a physician because the physicians feel like these high risk cases get better care within the Healthy Beginnings Program.

Commissioner McCown asked to have Wanda clear up what was meant by "undocumented?"

Wanda answered they were in the Country without papers.

Margaret added that illegal is the strictest interpretation and means when someone has come into the Country without papers and booted out and come back illegally. The vast majority of our clients have never been deported so they are undocumented.

Commissioner McCown stated he disagreed on Margaret's interpretation and added that he questioned the rewarding with prizes of people that bring others in to this program so that the babies can be born American citizens and become another number on our roll.

Margaret Long commented that it is better to have healthy babies with pre-natal care. It is better to help these people have healthy babies than to pay a hospital somewhere and have the cost shifted to her for their medical care as would be seen in higher premiums, etc. She would rather put the dollar up front.

Chairman Smith - if they don't participate in this then they show up at the Emergency Room.

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

**PUBLIC HEARING - PUD ZONE DISTRICT TEXT AMENDMENT - BATTLEMENT MESA PUD TO ALLOW "UNMANNED CARWASH" IN NEIGHBORHOOD COMMERCIAL DISTRICT.
APPLICANT: BATTLEMENT MESA CO**

Mark Bean, Don DeFord and Tom Beard were present.

Don determined that adequate and timely publication was in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Application; and Exhibit C - Project Information.

Chairman Smith admitted Exhibits A, B, and C into the record.

This is a Planned Unit Development (PUD) Zone District Text Amendment to the Battlement Mesa PUD Zone District Text Amendment. The proposed PUD zone district text amendment will affect areas of the development that are intended to provide small neighborhood commercial shopping areas. The only area development at this time is in the area developed as a mobile home park and mobile home subdivision. The exiting small shopping area could have a gas station with carwash facilities under the existing zoning. The applicants are interested in developing an independent carwash facility. There should be no negative impacts to the residents of the area and the amendment would not confer any special benefit upon any person.

Chairman Smith asked if the Battlement Mesa Homeowners approved of this.

Tom Beard stated yes there were no negative comments made.

Recommendations:

The Planning Commission recommended APPROVAL of the requested amendments of the Battlement Mesa PUD zone district text amendment.

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

A motion was made by Commissioner Martin to approve the PUD Zone District Text Amendment for the Battlement Mesa PUD to allow an "Unmanned Carwash." Commissioner McCown seconded the motion; carried.

Tom Beard informed the Commissioners that ground breaking would possibly begin in March of 1998.

Resolution - Scribners Error - Community Based Services dba Western Academy

Mark presented there was a scribners error and requested the Chair be authorized to sign the amended resolution.

Commissioner McCown so moved; Commissioner Martin seconded; carried.

South Canyon Landfill

Mark Bean and Don DeFord were present.

Mark Bean presented the need for a Public Hearing on the South Canyon Landfill Certificate of Designation.

Discussion

Chairman Smith suggested notices should go to Glenwood Post, Citizens Telegram and the Valley Journal.

Mark read into the record the requirements.

Don stated their certificate expired and the County is the reviewing agency. This is a new certificate.

A date was set for December 8, 1997 for the Public Hearing.

Mark indicated there was a \$500 permit fee.

Resolution - Rapids on the Colorado

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution for Rapids on the Colorado; carried.

Pay and Classification Plan - Nurses and Regular Part-Time Employees

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adopt the pay and classification plan amendments for the public health nurses in Classification E at a salary range of \$2,500 to \$3,493 and that the regular part-time employees would be paid the same as regular full-time employees within their particular classification with the minimum of \$7.80 per hour for Grade A; carried.

LIQUOR LICENSE RENEWAL - VALLEY LIQUORS

Mildred Alsdorf presented for Julie Rae Wernsman dba Valley Liquors that this was a liquor license renewal. She stated there had been no reports of violations with respect to their operation.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the liquor license renewal for Valley Liquors; carried.

Resolution - Repealing from Resolution 90-007 - Adopting New Liquor License Fee Schedule

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution repealing Resolution No. 90-007 for adopting fees and charges for issuance of liquor licenses; carried.

Aspen Glen - Golf Course - Optional Premises

Mildred presented an amendment for an optional premises liquor license application for Aspen Glen Golf Course and indicated there was no requirement to post or publish as this expanded their current boundaries.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the amended the Aspen Glen Optional Premise Liquor License; carried.

CONTINUED DISCUSSION - WILDHORSE ENERGY PARTNERS - BEAVER CREEK GATHERING LINE 12"

King Lloyd, Don DeFord, Mark Bean, John Obern for Wildhorse and Tom Foote with KN Energy, Inc. were present.

Documents were presented for the record regarding Construction Permits for Installation of utilities in public rights-of-way with respect to Garfield County Road 317 that addressed construction schedules, completed installations, pipeline installation depth, project bonding, County Road 317 maintenance agreement, ditch crossing, staging areas, U.S. West phone cable, Tom Brown, Inc. gathering line, outfitters, notice of proposed operations, emergency measures, environmental mitigation and road improvements. Additionally, a document from Smith Pipeline Construction to KN Energy, Inc. was presented for the record referencing the 600' of pipeline along the diversion ditch showing color photos of the area affected.

Additional information and clarification issues had been requested by the Board and these issues were addressed and answered.

In-depth discussion occurred.

King indicated he liked the additional material submitted and wanted to add the packets of material dated October 17 and August 19 as part of the record.

Other speakers included:

Don Dorrell - 1312 of 317 Road

Intermountain Forest Products - Chris Meyer - P.O. Box 670 Montrose, CO

Bernie Whitman - 365 Will Avenue, Rifle

Commissioner McCown moved to approve the permit for an installation of a pipeline in County Road 317 with the stipulations discussed and the conditions set forth and adopting these documents as part of the record. Commissioner Martin seconded and complimented Wildhorse that they have been willing to work with the Board and were very sensitive to the environment and the residents around this area - this shows a good working relationship; carried.

Special Use Permit - Intermountain Ranches LOC.

A date was set on the Agenda for November 10 - 2:30 P.M.

Cook Exemption - Rifle Village South Subdivision, Block 8

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Thomas C. Cook; carried.

CONTINUED DISCUSSION - COUNTY PURCHASING POLICY - CHUCK DESCHENES, DON DEFORD, KING LLOYD AND MIKE MCBREEN

Chuck voiced his concerns with the policy on County purchasing and wanted to have a standard form that could be used.

King indicated he needed forms for equipment, contracts for construction services; and design build projects.

Direction - Mike McBreen was to obtain examples of what other Counties use.

Commissioner McCown commented that on the bid packages, it needs to be made clear up front what we want.

Chairman Smith - stated there are statutory authorization forms for Chuck to sign.

Don stated they can designate a county official - decided upon per contract.

Mildred stated she wanted to be sure the actions on contracts were signed in a meeting as a record was necessary.

Don stated Mildred should have an original or copy of all contracts.

Change Personnel Code

Don indicated that the Personnel Code should be changed to read that the department heads must provide executed originals on all contracts to the Clerk and Recorder's office.

Mildred requested a memorandum be given to all departments stating that "only in the case of an emergency will a contract be signed outside of a meeting of the Board of County Commissioners."

Standard Contracts

Don will draft new forms and circulate them asking for recommendations. Don was directed to keep it simple.

Mike and Don need to set up a time to talk regarding purchasing and see what they can come up with. The matter was continued until December 8 - 4:30 P.M.

Finalize Personnel Matter with Dump Truck in Rifle

The lunch hour at the regular Board of County Commissioners meeting on October 27 was set to discuss and finalize the personnel matter for Road and Bridge.

Employee Christmas Party

Commissioner Martin stated that he feels the County needs to invest in the Employees.

Discussion was held with respect to a sum of \$2,000 being requested to fund this party.

Chairman Smith and Commissioner McCown were not in favor.

Direction

A decision was made to have this issue discussed by the Personnel Committee on Thursday and have a recommendation come from them for input to the Board at the October 27, 1997 meeting during Department Heads.

Chairman Smith asked that funds be set aside for next year under discretionary funds in order to avoid this same problem again. She suggested it could be called "employee support funds."

King indicated that every year he has a sizable amount of funds obtained from the sale of scrap iron that is not considered part of his budget and he would be willing to donate it for the Christmas Party. This consists of grader blades and damaged signs.

Green Frequency - Communications

King explained the situation with Communications and programming his radios.

Discussion included a communication problem with Jim Stevens over re-toning King's radios for Road and Bridge and the associated cost of doing so.

Chairman Smith indicated the Board was aware of the problem and would handle it.

Cox - Resolution and Plat - SUB Exemption

Mark submitted a Resolution and Plat for signature of the Chair.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution and Plat for Subdivision Exemption for Calvin, Paul and Marilyn Cox; carried.

County Zoning Code - Gun Club

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a letter to the City of Glenwood Springs indicating the Gun Club was in violation of the County Zoning Code and the Board would pursue the enforcement of their code; carried.

Executive Session - Personnel Matter

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

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

BLM Survey - Property Adjustments

Mark Bean, Eric McCafferty, Chuck Deschenes and Don DeFord were present for this discussion. Don indicated that Sam Phelps brought to his attention the fact that during recent land surveys performed by BLM, specific property sites were adjusted to below the 35 acre minimum required in the County's regulations. This creates a hardship in some cases and boundaries were changed without the owner's control. Don identified the Mountain Springs Ranch as one that was affected. Commissioner McCown indicated this would be a problem if re-sale of the land were to occur. Eric indicated that BLM had shown Building and Planning the areas affected on a map. Therefore, after discussing, the decision was made to contact BLM and have them specifically designate the properties affected; inform the property owners; then Mark will submit a Resolution correcting these site specific lots.

E-911 Contract - Communications

Commissioner McCown indicated October 23 was the final budget approval date and a schedule would be formulated with the County as the landlord.

Chairman Smith asked for clarification on how E-911 fits into the plan for Communications.

Commissioner McCown indicated E-911 would contract with the Communications Authority.

IGA

Don indicated there was a need to change the contract to the Communications Authority.

Commissioner McCown suggested Alan Thulson as the contact person for Don to approach with the IGA for E-911.

The Board approved Don to discuss this with Mr. Thulson.

Commissioner McCown stated he would bring this up at the October 23 Communications Authority Meeting to expect something on E-911.

Commissioner McCown indicated that once the Director was in place and the staff under the Authority, then Garfield County would basically become a landlord.

Audit - 1996 Budget Adjustments

Don indicated the County could be charged with malfeasance under the State Statute. The State Statute is very specific and it is not just the Commissioners, it is the Department Heads. It first finds it as an offense under the State Local Budget Law which in turn the same section of the Statute is malfeasance. It's a petty offense and also cause for removal from office.

Chairman Smith indicated there was \$24,615.00 paid to the Department of Corrections that was never budgeted and this is not a small amount. There's \$8,168.00 that's cost of care, again in the Sheriff's Office; however this is revenue.

Don indicated revenue is not as serious as the over expenditure side.

Commissioner McCown indicated that prioritization of State Law was one that needs to be at the top of the list.

Don stated the retroactive 1996 budget adjustments need to be made to clear up the violation and make sure it gets done for the 1997 year. If you are going to make budget adjustments one time - then it should be done the first meeting in January.

Don indicated this affects his office as he is one of the highest over budget yet he comes before the Board to request and obtain approval for every budget adjustment.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to recess until Tuesday, October 21 at 1:30 P.M. for Budget Hearings.

Recess - 6:20 P.M.

OCTOBER 21, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, October 21, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

BUDGET WORKSHOP

Chuck Deschenes presented the workshop materials to the Commissioners.

Topics discussed included:

- Auditor's report
- Fixed assets in capital expenditures
- Autos - motor pool
- Capital for jail
- Budget amendments
- Library district
- Sheriff's department
- District Attorney's percentage of office expense
- Fair expenses
- New equipment needed/replacement

OCTOBER 27, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 27, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report.

Fairgrounds

Mike McBreen and Lee Moss were present for a discussion on the Fairgrounds with respect to the drainage into a ditch. RFP's were discussed as to whether they were necessary or if it qualified as a service. If it is bid, then how would it be phased? The first phase would include a survey and the time frame for the work being accomplished. The two options were: releasing this for bid and the second option was to sit down with a firm the County is comfortable using and do a review of the volume of material to be used, etc.

Commissioner McCown stated this should be divided into two sections: the survey and the material moving. Depending upon the amount this will cost should be the determining factor.

Jerry Bauer and/or Sam Phelps were suggested to complete the survey.

The time-frame was to be completed before Spring of 1998.

The dirt work and volume as to whether or not to go out to bid will be decided once the survey is complete and reviewed.

Renovation

Chuck indicated that money is in the budget and the furniture in the Commissioner's room was considered. The possibility of re-upholstery was suggested for the low-back side chairs; also new carpeting and new wall board. Discussion was held with respect to the tables for the Commissioners.

The consensus was to put money in the budget and decide later. \$3500 for chairs and \$6000 for carpet.

For the Record:

Sam Skramstad was upset because the Board canceled the meeting with Planning and Zoning. He stated it was difficult to defend the County when things like this occur.

Commissioner McCown suggested he was not having a problem considering this, but the Planning & Zoning agendas were full and this was not a good time.

However,

Chairman Smith said she would bring this up at the Commissioner's meeting and put it on the record. She said Sam also suggested looking at the UPL site again.

Chairman Smith asked if Sam had seen the agreement that is in place. She informed Sam this had been sent over to the City but to date the County has not heard anything back from them.

Expansion of the West Glenwood Sewer System

Commissioner Martin informed the Board that the City purchased a lot from Gilstrap involving a piece of property and this was on the West Glenwood Sewer System. This has been called to the attention of the Building and Planning as a large portion of this expansion is in the County and rest is in the City.

Journal Entries

Chuck submitted these for the Commissioner's review.

Discussion was held on several categories and Chuck explained the entries.

Chuck stated no action was required by the Board.

WIC Contract - Amendment

Sandra Barnett presented the WIC - Nursing Contracts for signature of the Chair. She added that this is not the final contract but it needs to be signed in order to pay for this quarter. It is a contract renewal.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the WIC Contract; carried.

Budget Considerations

Chuck asked for scheduling of various meetings to discuss budget considerations. November 13 was determined as the date for these discussions.

Jail Sites and Updates

The need for discussing jail sites and updates was discussed during budget hearings and Chuck suggested getting this in action again. Several sites were suggested.

The City cannot force annexation of County property.

Revisit the footprint for the Courts and Jail for arraignments and advisements. However, leave the Court for trials as it is currently - in the Courthouse.

A suggestion was made to also re-visit Mr. Howard with the combination of Road and Bridge Shops, Communications, the Jail, a Courtroom, the services currently at Taughenbaugh.

Silt Site for Community Corrections

Ed Foster the Chief of Police in Silt is an adversary of Community Corrections being in his town. Commissioner McCown reported the City Council of Silt didn't have any problem either, however on November 13 at 9:30 A.M. time has been set aside for additional discussion.

JAIL DISCUSSION

Sheriff Dalessandri, Deputy Sheriff Sears and Al Maggard were present for the report.

LEAF Contract

Sheriff Dalessandri explained this was for the DUI Enforcement Grant and the County is the administrator. It is for the different agencies and broken out in the grant. Carbondale is not in but all others are.

Carbondale went with Pitkin County.

Don stated he needed the Chair authorized to sign the Contract and the Resolution.

Discussion

Chairman Smith stated they can receive the LEAF Contract for three years and then opt out.

The total of the grant is \$45,250.

Commissioner Martin so moved to sign the contract and resolution to distribute the funds. The motion was seconded by Commissioner McCown; carried.

Jail Count

Total in Jail - 116; 30 main jail; 51 Work Release; 8 females; 20 other jails; 6 Home Detention; 1 State Hospital; 0 Day Reporting; 1 DOC. Of those in other jails - 7 are in Clear Creek; 1 in Rio Blanco; 1 in Eagle; 1 in Detox; and 1 in Grand Mesa Juvenile Detention.

Sheriff Dalessandri reported two rescues of hunter mishaps occurred over the weekend. The use of the snowmobiles were used to get to the scenes.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cindy Crandell, Animal Rescue, Inc. provided an update. Lou Ann Ryman, Secretary was introduced. Cindy handed out her report and explained the material presented. She reported they were looking at two sites in New Castle and talking to Glenwood Land for sites in Glenwood. The Del and Cathy Rippy property in New Castle off of Hwy. 6 & 24 is in the negotiating stages for a possible land exchange

involved in a 10-31 exchange - meaning a tax deferred exchange. The new owners are willing to speak to Cindy and her group about the property.

Cindy added that she is going to the City Council November 6 and expects a commitment from them for funds.

She will come back to the Board of Commissioners on November 10.

Executive Session - Rose Ranch - Personnel Action

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss with the Board and Planning Commission with representation of Rose Ranch Subdivision; carried.

Note - The Board of Commissioners held a portion of this Executive Meeting without the members of the Planning Commission. However, they called the members in for a portion of it.

Planning Commission Members present were: Phil Vaughan, Herb Nelson, Michelle Foster, Ray Small and Anna Price.

DEPARTMENT HEADS - PUBLIC HEARING: ABATEMENT OF TAX SALE CERTIFICATE #1989188. PROPERTY OWNER - MMB, ASSOCIATES, INC.

Steve Rippy and Georgia Chamberlain were present.

Georgia provided information stating they had found where they were taxing property since 1988 on mineral rights that should not have been taxed. The taxing was on mineral rights as though they were severed. As it turns out, these are really unsevered mineral rights and never subject to taxation. In 1989 they took them to tax sale and the person that purchase them at tax sale were Jim and Jackie Gilbert who were the surface owners, so they had the right of first refusal. Their land, if sold at a tax sale (no tax was due at the time of the tax sale) then the County is obligated to abate the tax at the tax sale and abate the taxes. She added they can only abate taxes for two years. The taxes from 1988 - 1994 is what Georgia is asking to be declared uncollectible. This is what the resolution is about. She and Steve worked jointly on this issue and compiling the information.

Commissioner McCown inquired as to how they came up with \$810?

Georgia informed the Board that they sent it out for a title search and the title search bill is almost \$500. The County is responsible for all the interest that accrued that needs to be paid back to the certificate holder - the Gilberts - \$150. The rest is taxes so they get their tax money back as well. Every year since, they have been paying their taxes.

Chairman Smith clarified that the \$810.28 also includes the title search cost.

Georgia added that the title search was done here through the County by hiring Mineral Land Services to do it.

Steve stated that mineral rights are an expensive research issue and explained the complex nature of the search.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to pay the abatement; carried.

APPOINTMENT OF COUNSEL - SPRING RIDGE SUBDIVISION SKETCH PLAN

Executive Session - Discussion of Sketch Plan Review - Appointment of Attorney

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

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to accept Josh Marks as the attorney for the sketch plan review for the Spring Ridge Subdivision; carried.

HUMAN SERVICES COMMISSION

Cheryl Hurst with Human Services Commission provided the Commissioners a brief update and a time line for Human Resource Grants. The application due date is the same as last year and are due to be turned in by November 20, 1997. The nonpartisan committee will be picking up the applications and will make recommendations on December 10 and bring to the Board of County Commissioners on December 20, 1997.

Cheryl provided the Commissioners an article shared by Dr. Mark Hibberman who works with the Carbondale Clinic that talks about how there is still a lot of economic mobility in America and that temporary governmental assistance does make a difference in helping the lower income classes moving out of poverty levels.

Chairman Smith presented a letter from the Governor with recommendations of the Colorado Business Commission on Basic Adult Learning Levels. They said there's over 400,000 Colorado adults not graduated from High School and therefore may not have the necessary basic skills to be successful in life. There are some recommendations and goals apparently at the CMC Conference Center on Grand Avenue.

Deb Stewart added this was probably Shirley Bowen of the Developmental Studies and Adult Education. She volunteered to check on this and see if a member of the Commission needs to sit in on the meeting.

Deb Stewart shared the profile available to some outside funding agencies in order to provide an overview of what is going on in Garfield County. The funding assistance page now reflects the total base of over \$9 million in work and support services to citizens of Garfield County. Deb indicated that she was the Chair of the Human Services Commission and Debbie Wilde is Vice-Chair.

Deb reported that Carbondale is asking for a senior meal site and there is a possibility of opening another site in El Jebel. As for Senior Housing, the facilities are full and they have a waiting list.

Cheryl stated that Pat McCarty of Extension is the Chair of the review committee.

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

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

PERSONNEL/EXECUTIVE SESSION

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss a personnel decision in the Road and Bridge Department; carried.

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

Commissioner Martin gave King the directive to go ahead and deal with Marvin and his employee and come up with a recommended disciplinary action on the accident involving the County truck in Rifle and to present this plan to the Board as soon as possible. Commissioner McCown seconded and added he would like to have this before the Board next Monday; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd and Jim Stevens were present.

Red Canyon Road

King mentioned the road signs for the upper and lower portions of Red Canyon Road did not get up until today. Kenny and King's understanding was the line of demarcation of the maintenance would be just above the commercial businesses at the lower portion and at the point of the last driveway on the upper portion. It is actually 1.3 miles below the County Road 119 intersection.

Chairman Smith added that Michael Sullivan wanted Red Canyon Road to be named as a primary road; however she said when County Road 114 was built, it was named a secondary road.

King was asked to find out how Red Canyon Road is listed on the highway maintenance list. He said several years ago the Department of Highways gave the County the job of classifying all the roads in the County. The State came back with their version and Red Canyon Road came back as an arterial road. The County took exception with that and never heard anything back from the State.

King and Jim Stevens - Phones

Jim stated to replace the existing VHS system of 1992, Jim went to Motorola and presented a snap shot quote to use the white channel tone. \$79,000 is the bottom line for the replacement of the radios currently used by Road and Bridge. The original proposal was to use used equipment which never transpired.

Discussion was held.

King's understanding was to be able to use some of the existing equipment.

Jim explained the green frequency was to be used for emergency paging and the Road and Bridge should be used on white. Jim estimated 15 radios that were 15 years or older; the bid he submitted from Motorola was for 23 radios which included some new ones.

Commissioner McCown estimated \$100,000.

Commissioner Martin stated he spoke to Rich Donaldson and was told the old radios could be fixed between \$35 and \$50 each to make them work on the green tone.

Jim summarized if they could get 15 radios of King's fixed at \$35 each, keep them on green, they still have the conflicts with public safety paging.

Jim said they had 20 complaints in the last six months of not hearing the pages due to people being on the green frequency. This causes a loss of seconds and minutes during an emergency.

Commissioner McCown has never heard this toning being interrupted by others being on green. The \$100,000 is a problem.

Direction:

The Board asked if Mike McBreen could check with Richard Thomas and determine a cost comparable with the Motorola bid; then get back to the Board.

Competition

King said that John Prehm came in 4th place in all of North America; Bob Hammond did well in the driving portion. King added his men always excel in operation completion.

COUNTY BUSINESS

Reports

Mark Bean submitted his reports for review and said activities were moving right along and the department is slightly behind 1996 which was the busiest year thus far.

Zoning Violations

Don has not had time to get to these but Steve Hackett is submitting the reports.

Mark stated the County Attorney has to do these.

Commissioner McCown asked if Mary Lynn could draw up these papers.

Mark did not believe that she could as Don would need to be able to defend the violations in Court.

Steve has found quite a few out of compliance; and he is progressing on the violations. Some will admit their errors and spare going to Court. Mark indicated there was a possibility of contracting this out to someone since Don is so busy.

RFRHA

Update - Mark submitted a report and briefly stated they finally reached a decision on the Request for Proposals on the Comprehensive plan.

Discussion was held with respect to Garfield County's involvement, the scope of work and geotechnical analysis.

November 13 is a day long retreat in Redstone to further define the goals of RFRHA.

An IGA with C-DOT was finalized that requires RFRHA to contribute \$400,000 to the study and the remaining \$900,000 will come from the State and Federal funds. The project has increased from 1.1 million to 1.3 million, due to changes in some of the work program.

Mark said RFRHA was close to offering the position of Executive Director to an unnamed individual at this point.

Mark stated that Tom Newland reported that he had authorized the entire corridor to be flown for aerial photographs and mapping would be completed as a part of the contracts. The staff was authorized to put together an RFP for rail services

Glenwood Land Company still pursuing their lawsuit and it is in litigation.

Extension - Mamm Creek PUD

Mark explained that Bob Howard had contacted him and asked for an extension. What is the pleasure of the Board - a public meeting or public hearing?

The Board suggested that Mark talk to Don and pursue the method that he suggests.

Parachute Fire District

Mark said the County may be in a position where there is a need to update the fire code adoption. We've adopted the 1994 fire code. Parachute is considering adopting a newer code.

Commissioner McCown said that the 1997 Code was more restrictive than the County's code and Parachute wondered if this would create a problem. A solution would be to adopt the most recent one.

Mark said it would require a Public Hearing process.

Accessory Dwelling Units

Mark requested the staff be authorized to proceed forward with the appropriate language in the Zoning Resolution that is needed to change the language in order to be consistent with the administrative guidelines. One thing would be to acknowledge the guest houses as accessory dwellings.

Mark explained the process and said it would require a public hearing.

Commissioner McCown so moved. Commissioner Martin seconded; carried.

EMERGENCY MANAGEMENT DISCUSSION - GUY MEYER

Oil and Gas Maps - Pipelines

Guy Meyer presented a color coded map showing the Emergency Management incorporating debris flows and floodplains into one map.

Concerns were the utility lines and oil and gas lines running through these areas.

The map shows the County is pretty full of debris flows. A suggestion was made by Guy to draft a letter to the Oil and Gas Commission and see if they have their pipelines located on maps, they can sent this information to Rob Hkyks and we can incorporate this information into our maps prior to a concern arising.

Emergency Alarm - Rifle Gap

Guy mentioned there was a potential for a problem at Rifle Gap in the section where the Golf Course is located. He suggested approaching the Bureau of Recreation and see if there is a possibility of joint funding and put a warning system into effect in case the dam every breaks.

He also suggested looking at Harvey Gap as well.

Airport Exercise

Guy said they had an airport exercise for staff only which was a two-fold purpose: exposing the group to the new plan and exposing them to a new mass casualty plan the EMS Council drafted.

Peach Valley

Guy reported there was a total of 330 hours of labor involved in the clean-up of the Peach Valley flood. They received a lot of thanks from the local community.

CONTINUED CONSIDERATION - FINAL PLAT DOCUMENTS FOR OAK MEADOWS FILING FOR BEAVER COURT

Mark Bean, Attorney Larry Green and Don DeFord were present.

This comes before the Board for a status report for an expanded waste water system. The site application had been sent to Grand Junction and they were considering it. Then their staff stated it was sent to Denver and sat till Friday asking for more information on 3 points on the site application. Currently, they are in the process of putting together a response and the information they asked. Hands tied. all for the report. Larry Green asked the matter be continued another 60 - 90 days.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continued this until January 12, 1998 at 2:00 P.M.; carried.

Executive Session - Los Amigos and Red Canyon

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

DISCUSSION - RED CANYON ROAD

Resolution 91 - 61 for Red Canyon Road was reviewed and is the rescission of Resolution 81-175. Michael Sullivan - 3780 County Road 115 - commented that the Road and Bridge Department did a great job on the Red Canyon Road both on quality and timeliness on the work done.

Tom Gambell, Kathy Tuttle, Jackie Cabrera, Joy Kor, Calvin Cox, Bob Arrington, Eric Whipcomb, Janet Harris, Sandy Anderson and Dave Dixon were present and expressed their concern that the road be kept open and passable - that's all they wanted.

Pete Simmons - doesn't agree with this group on the road. He wanted to reiterate that County Road 114 is a good road and the area didn't need Red Canyon open. He felt Red Canyon road is too dangerous compared to County Road 114.

King stressed that during a heavy snow Red Canyon Road will not be on the first list to provide snow removal. It may be last. School bus routes are the priority. The wider and smoother the road, the more people will use it. The group was warned that it might be days before it was plowed - depending upon the amount of snow.

Commissioner Martin addressed the signage that may be needed indicating this was a very narrow mountain road. He suggested a "travel at your own risk" sign be posted.

Clarification was made that Spring Valley Ranch was tied to a 4-lane road improvement to County Road 114.

Commissioner McCown said the Board would take a look at the intersection of County Road 119 and Red Canyon Road when on their road tour this next Springs.

A motion was made by Commissioner Martin to uphold Resolution 91-061 and to maintain and keep Red Canyon Road in its present condition. Commissioner McCown seconded; carried.

Request for Christmas Party for Employees

Mildred said that at the personnel meeting there was a lot of discussion regarding the Christmas party between all elected officials. She stated that the Personnel Committee comprised of elected officials that vote, and department heads that provide input, voted to bring the request to the Board of Commissioners stating they do support the Christmas Party and the allocation of \$2,000 needed to pay for the expenses involved. The Committee would like to put this flier in the paychecks the end of this month. Mildred explained that all the elected officials and department heads have been notified that they can make donations for door prize drawings.

Commissioner Martin stated that he felt it was a positive move for the employees and supported the idea. Discussion included the Employee Recognition Dinner and how it was a potluck event totally supported by the employees.

A motion was made by Commissioner Martin to allow the employees to proceed with the Christmas Party and the announcement be included in the paychecks. Commissioner McCown seconded; carried.

Adjourn

Commissioner McCown made a motion to adjourn. Commissioner Martin seconded; carried.

NOVEMBER 3, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 3, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report.

Fairgrounds Drainage Plan

Chuck presented the plans from Sam Phelps for the proposed drainage plan dated October 29, 1997. Chuck stated that estimating quantities is the next step.

Pitney Bowes Postage Machine

Chuck stated the postage machine had been ordered. There was an error made on the soft guard payments and it made the payments more advantageous rather than paying the full amount at one time.

Chuck indicated that this machine was used by every department and the other one was over ten years old. The features on the new one will possibly save us money.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to ratify the signature on the Pitney Bowes Postage Machine authorizing the purchase; carried.

RE-1 Joint Meeting with their Board

Chuck stated the Superintendent called and requested a get-together on January 13, 1998 from 5:30 P. M. - 7:00 PM meeting at the school just prior to their regular meeting. This was to be a meeting to discuss generalities.

UPL Building Roof

Chuck reported that Mike is getting bids for the roof on UPL building . Protecting the equipment and salvage from weather exposure was determined to be an investment risk free as the time frame for building any significant building on that property was well into the future.

The Commissioners directed Mike and Chuck to proceed with obtaining bids.

Letter from Workman's Comp Pool

Chuck said he received a letter from the Workman's Comp Pool and they did accept our Workman's Compensation Pool and will ask for proposals for bids. There is some advantages in being in this pool as there are not as many requirements as the State.

Jail Discussion - Agenda for November 10.

Chuck stated he had conversations with Bob Howard and basically he is not giving us any deals. He started out with an explanation with his discussions with City of Rifle and Rifle was not interested. They were only enthused about developing the 220 acres South of the Airport. Bob talked about 2 pieces of property that were 16 and 19 acres. Bob said that for the prime lots with water and sewer he wanted \$45,000 an acre and would rebate 1/2 back toward the development of sewer lines and wanted to hook up to the sewer without paying the fees.

Steve Rippy's valuation was \$10,000 an acre with water and sewer available. Jean and Dee Blue own some property as well in the vicinity.

Chuck indicated that these are possibilities. The zoning is in the County and is probably A/A/RD. Howard's PUD is only 2/3's usable land.

Rob is generating Chuck a map that will show the utilities. Chuck is checking further into the easements on the land. The City told him there were only a limited amount of sewer taps available and he was leery about the jail for this reason.

Commissioner McCown commented that when dealing with Mr. Howard we need to deal with the fact that there are no improvements. Look at our own wastewater facilities and if Mr. Howard wants to be a part then okay. The land is certainly not improved at this point.

Next week at the jail discussion, all property should be explored. New Castle should be explored to see if there are services available.

The perimeters are to be in the County and services for the next 50 years.

The UPL is still the best option and Chairman Smith is still in favor of this land if the Courts or City approve.

Commissioner Martin commented that Washington State has a similar County Jail building with a walkway overhead as we proposed.

Chairman Smith stated that Sam Skramstad is still in favor of pursuing the UPL site. Lou Trapani agrees. She suggested to poll the City Council to see where they are on this issue at this date and time.

PAYMENT OF BILLS

The Claims against Garfield County and the Payroll were presented for the Commissioners to review and approval.

Discussion was held. The Per Diem needs to be amended during the drafting and updating of the Personnel Manual.

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to approve the bills and payroll as presented; carried.

ACCEPTANCE OF AUDITOR'S REPORT

Chuck asked if the Commissioners had any comments or questions. The budget amendments need to be handled per their report.

A motion was made to accept the Auditor's Report by Commissioner Martin and seconded by Commissioner McCown; carried.

JAIL DISCUSSION

Dale Hancock, Don DeFord and Al Maggard of the Community Correction's Board were present.

Jail Count

Total in Jail - 120; 38 main jail; 51 Work Release; 7 females; 10 other jails; 5 Home Detention; 0 Day Reporting; 1 State Hospital. In other jails include: 5 Clear Creek; 3 in Gilpin; 1 in Rio Blanco; and 1 in the youth detention center in Grand Junction; and 1 DOC. There are 8 workenders.

Community Corrections

Al Maggard reported that the Board meets the 13th for their regular meeting at the Hotel Colorado at noon. The State meeting is November 21st in Golden and this is the legislative panel meeting. Russell George confirmed he would try to be there. It is scheduled for all day Friday and 1/2 day on Saturday.

Legal News

Chairman Smith suggested Dale subscribe to the Legal News paper.

INS - Congressman McInnis

Dale said that Congressman McInnis' Office was instrumental in making this contact with Dale. The Fugitive and Detention Supervisor will review this to see if they will pay us on a per diem per capital if the funding is available.

Easements - Bob Howard's Property

Dale was directed to check on the easements and encumbrances on the Bob Howard property.

The letter from Tim Moore has been received and it commented they would prefer the County to look at the Airport Property.

The Commissioners commented we should look at all options. Rifle controls land use. See what they are offering the land for at their Industrial Park area. The number of individuals hired is of interest to Rifle.

The Commissioners directed Chuck to begin inquires with various individuals on land purchase for the jail. Chuck stated he will speak with Dale and work together.

COUNTY ATTORNEY

Executive Session - Housing Authority Litigation

Don requested an Executive Session to discuss litigation issues regarding the Housing Authority.

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

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

COUNTY BUSINESS/EMPLOYEE OF THE MONTH

The Employee of the Month was Robert Shelton, Child Support Enforcement Division from Social Services.

CCI

Chairman Smith commented the registration needs to be made for CCI. The cost is \$300 for each registration. There is only one voting person on the Committee. Dues went up to \$1600 this year and the comment was made that they should make registration included in the dues. Chairman Smith suggested to do one County registration.

Mildred stated in the Clerk & Recorder's organization they have a set-up where there is meals for one included in the registration and the other meals are paid for separately.

Chuck stated he would discuss this with Peter King.

The Board's consensus was to change the structure.

DEPARTMENT HEADS

Extension

Carol McNeel presented the report for Extension.

Date books were given out and Carol said calendars are available.

Budget adjustments were made with the staffing. The total \$64,679 was increased by \$7,048. This includes the insurance benefits and with last year budget adjustment it will show an increase of only \$2500.

Fort Collins Campus

Carol stated the meetings at Fort Collins were very intense. The clean-up is categorized as a disaster, not a flood. The snow load leveled the roof of one of the building where the tack and equipment was being stored.

Carol taught a class to their equestrian students and there is some interest in doing internships.

Achievement

Carol handed out the invitations for the Achievement Dinner.

Short Term Food Class

Garfield Youth Services is providing a short term food class with 2nd and 3rd graders.

Master Gardener

The Newsletter went out to over 200 participants and 15 master gardeners.

Pat is planning to do a plant inventory. He has been meeting with the Library in Silt for resources for the agricultural portion.

BUILDING AND PLANNING

Mark Bean gave input on the discussion on the 1041 powers and oil and gas regulation; and CTI's interest. Don has talked briefly with Chris Christalian and apparently he will be over in Eagle on Wednesday November 5 at the State Lands meeting.

Chairman Smith stated she would be going to that meeting.

Don added that Chris had said they could probably discuss both issues - oil and gas regulations and 1041 powers; also the BLM litigation concerning declaration of land issues. Don stated that the members of the Oil and Gas Commission have not been contacted. Chris is coming over to the Public Lands meeting on November 5 in Eagle and Don suggested one of the Commissioners needed to be present as they were going to be discussing the BLM issue.

Chairman Smith indicated that she was going to attend.

Juvenile Detention Center

Chairman Smith commented that the possibility of a Juvenile Detention Center needs to be resolved. Ken Stein will be speaking before the Rural Resort at the Hotel Denver at 1:00 on November 5. Commissioner Martin mentioned he would be attending the meeting.

Chairman Smith asked Don if he could possibly be there as well.

Public Safety Council

Mark met with the Public Safety Council and Mark said his department is speaking for the fire departments and emergency services. They want to develop a system that is mandatory; and just to go in and re-address. Don and Mark looked at this and the authority at best is vague. This could be a heated debate. Early in the '70's the system presently being used was based on the mileage system from the main I-70 Corridor. On the roads that are unnamed, letters have been sent to these property owners. The outcome of those responding is this: 1/3 a good idea; 1/3 no; 1/3 stronger yet with objections and do not want to do it. Without the landowners' cooperation, the issue would need to be forced. The problem is old roads and private roads with the basic question being whether to pursue this or not? Mark asked for direction from the Board.

Chairman Smith suggested the mandatory requirements should come from the emergency services versus the Board. She suggested to perhaps do a portion of community at one time.

She suggested the Emergency Fire District should spearhead the effort. The problem this creates is for the Sheriff and Fire District.

Mildred stated this affects voting and motor vehicle registration as well. The Census is also affected.

Heads up - Boards and Commissions

Mark mentioned the Planning Commission members affected as terms being at an end are Jim Snyder, Herb Nelson and Nancy Smith.

Mark requested to get the notices out.

Chuck will put out notices for all of the Boards.

Assistance Living Grant

Chuck mentioned that he wrote the memo on the Assisted Living Grant Agreement. If the Board agrees to these issues that need to be resolved he will forward the agreement.

Chairman Smith stated the Housing Authority is not the organization to be doing this CBGB grant nor serving as a pass-through. She suggested that Chuck give this to Tom Beard first as they are further in the process of a facility in Battlement Mesa.

Housing Authority meeting on November 18 - 1:30 P.M. at City Hall.

The Board suggested that Tom Beard be scheduled for the November 10 Board of County Commissioner's agenda to further discuss this agreement.

Emergency Management

Guy reported they had found a Fire Truck for the Rifle Airport location.

BLM has tagging authority; they will own and we lease for \$1 a year.

Community Corrections

Contract

Dale and Don gave the Board an overview of the new requirements for the Emergency Medical System placed on the County.

Don suggested the Board needs to authorize the Chair to sign the Contract with a cover memo containing the language that "a State requirement of Emergency Medical Services" and added the following comment be included in a memo - "use with reservation and not precedential value."

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the contract with the amendment containing the wording stated by Dale; carried

HEALTHY MOUNTAIN COMMUNITIES - REGIONAL TRANSPORTATION UPDATE

Colin Laird on Healthy Mountain Communities invited the Board to attend the event on Thursday and Friday saying it in a celebration of all the work going on in transportation. Colin was asking each Board to send a representative as they would be talking about cooperation within state and local government.

REVIEW OF CONDITIONAL USE PERMIT LOCATED AT 2309 MIDLAND: APPLICANT - BRAD EARNEST

Eric McCafferty, Don DeFord and Brad Earnest were present.

Eric reported that a letter of complaint was received on October 21, 1997 from Doris Hunt, an adjacent neighbor. Ms. Hunt states her concern was the noise due to the Conditional Use Permit and requested refusal to continue the CUP.

Eric said that the staff conducted a site visit at 2309 Midland Avenue on October 27, 1997 and reports the following: based upon the site visit and discussions with Mr. Earnest, it appears that the approved home occupation is being operated with the conditions of approval.

In regard to the noise complaint from Doris Hunt and the assertion that the home occupation has a negative impact on the neighborhood, staff suggests additional monitoring of the situation.

Staff suggests an additional site visit after June 1, 1998 to determine compliance with all approval conditions.

Ms. Hunt's concerns were: general storage character; violation of specific conditions and referenced materials and batteries on site.

Mark explained that times of operation were not put into the Resolution.

Brad commented to the Board that he put up a berm of dirt and would plant some trees this next Spring. He said he does try to do the "noise" makes during the day and non-noise activities after 5 p.m. He expressed there was an on-going feud with Doris Hunt and himself the past 10 years. He added that the batteries will be moved this week. The vehicles are titled and licensed in his name; he's trying to comply. Brad stated he would regulate his hours and be considerate of Doris Hunt and didn't want a restriction on his hours. Chairman Smith mentioned to Brad that a noise complaint could be issued with the police but the Board did not put a restriction.

A date was set for June 15 to have Building and Planning perform an inspection; and scheduled for Brad to come back on July 6 at 11:45 A.M. for a report.

Personnel Staffing - County Attorney's Office

Don mentioned that he would like to add a part-time attorney to his staff. Jim Leuthauser had indicated he would be interested in 20 hours per week.

Discussion included adding Mary Lynn in the budget as a paralegal versus a legal secretary as she will receive her certification very soon.

Don would like to have Jim do code enforcement and making Court appearances. Jim knows land use requirements as well.

Commissioner Martin stated Jim did a good job for the DA's office.

\$40 an hour was suggested. Jim has full computer processing in his home and would do a lot of the work from his home. Malpractice insurance would be picked up by the County.

The Commissioners agreed this would be a good idea to approach Jim and for Don to talk with Judge Ossola making sure there are no conflict issues involved. If possible, Jim would start January 1, 1998.

Stanley and Ethel Glen Exemption Plat - Resolution - SIA

Eric McCafferty presented the Glen Exemption Plat and stated they have met all the conditions of the plat. All improvements have not been made but they would do something similar as a subdivisions improvement agreement by the bond for a face value of \$45,000. Improvements are estimated at \$38,000. Additionally there is a contract on one of the lots to close in about one week. With this contract and closing, Eric feels this will be taking care of with these recommendations and suggested the Board grant approval.

Don confirmed that all the documents necessary were in place.

Plat, Resolution and SIA

Commissioner Martin made a motion to authorize the Chair to sign the Glen Exemption Plat, Resolution and SIA. Commissioner McCown seconded. Motion carried.

REVIEW OF SPECIAL USE PERMIT - LAKE TOUEYE WATER SKI CLUB

Mark Bean, Don DeFord and Sherry Caloia were present along with representatives from Lake Toueye were present.

Mark reported that in reviewing the Resolution No. 97-45 approving a Special Use Permit for a private water skiing club for the Lake Toueye Water Ski Club, it appears that there are two issues not completely resolved. Conditions No. 7 states "that the applicants provide an access easement along the north and east sides of the lake for the property owned by the Anderson estate." Mark submitted a copy of an offer of a 25 ft. wide easement along the north and east sides of the lake. According to the attached letter, the Anderson family has not accepted the offer. There has been some additional discussion of a public access easement to the property on the north side of I-70 and through the applicant's property. The applicant has indicated that a copy of an easement will be presented the County Attorney that will demonstrate that there is no public access. The only access to the north side of the interstate is the adjoining property owners. (This was presented to Don DeFord).

Condition No. 9 required a letter from the Garfield County Road and Bridge Department stating that the existing roads are adequate for the proposed traffic. There is a letter that was submitted by King Lloyd prior to the final decision that indicates certain signs would be appropriate in the area to deal with the traffic.

King stated he had provided a copy of the letter and the signs should be appropriately placed and everything else in line.

Mark said that today the Board should consider and/or discuss the present conditions.

Chairman Smith - said additional discussion to gain access through the North side of the property, was not a issue attached as a condition to the Lake Toueye.

Mark stated there was some question about a gate being locked; the gate was not locked.

Bob Scarrow - 1844 Upper Cattle Creek Road - owns property nearby and explained how the underpass came about. Argued with the owners of Lake Toueye about putting some access to his land. This was not considered as a public access easement. Mr. Anderson had an easement to get to the ditch and Mr. Scarrow's land. This is not a public road. The highway agreed to put the underpass there so he could get to his land.

Sherry Coloia - said she did receive a response from the Board after she had given them the easement document. Her clients stated to her that the easement will not be acceptable. Since that time they have gone in and physically cut an easement located on the South side of the lake to get to their two-acre parcel. There is an old easement that goes through the lake itself on the side of the property that is 30 feet in width and recorded. Apparently, they are assuming that easement is located outside the boundaries of the lake and prefer to go into her clients access south of the Lake. Her clients are all ready at this time to correct the easement and deed to indicate their easement is located just south of the lake. This would be in the form of a correction easement deed to reflect their easement is south of the lake that supplies access to their parcel. Mr. and Mrs. Loy wanted access around the north side of the property down to theirs and this is why the easement was given to the north. Apparently now they are saying they want it to the south which was somewhat of concern to the Allemen's. But after discussing this with them, they decided that would be fine and could go ahead and give them a document they could use to access their property to the south. They are offering the 30 foot one that was there.

Decision:

The Board will have to do another Resolution.

Donna and Bob Bannon and Linda Loy commented unfavorably about the easement. Don suggested to the Board that they need to consider if we need to go back to a Public Hearing. Mark added that there was a requirement of an easement related to the fact that the easement would be moved according to their proposed excavation. This was an easement to gain access to the north side of the road. The property owners indicated they wanted an easement, along with the City of Rifle, along the north side of the property.

A lot of discussion was held with Carol Allemen, Bob Bannon and Linda Loy all making comments. Don advised the Board that they were here today to review if the conditions have been met. If there is to be any changes, then it has to go back to a public hearing.

Sherry commented that this is a procedural issue. The Allemen's applied for a SUP; they have met the conditions; are entitled to have the Board review the conditions; and a decision rendered.

Commissioner McCown - said he has listened to comments from both sides and he is clear in his mind that he has found no discernible evidence either way, however, under the review that the Board is to be hearing today, he thinks the applicant has met the conditions of the review process and sees no other choice but to allow them to proceed.

Chairman Smith said the Allemen's made the offer on the north and east side of the land and agreed with Commissioner McCown that there was no new evidence to make this go back to a public hearing.

Commissioner Martin - echoed what Commissioner McCown and Chairman Smith have said.

A motion was made by Commissioner Martin to formally authorize the Special Use Permit for the Allemen's. Commissioner McCown seconded; carried.

ROAD AND BRIDGE DISCUSSION

County Road 117 - Mr. Nelson - Encroachment

King Lloyd appraised the Commissioners on a situation when clearing the slopes on Four Mile for the road improvements saying there had been an encroachment on Allen Nelson's property. King has been meeting with him and the various landscaping companies in the area. He does not have anything completed but getting close to some final numbers. King showed an aerial photograph and said that it depicted the encroachment and the vegetation in place which were clumps of oak and sage brush. Mr. Nelson's idea of mitigation is that this should be replanted as nearly as possible to the way it was before the encroachment. Sage brush of a mature caliber rather than young plants is his request. King met with one landscaping company out of the Basalt area and they discussed the area and King explained what Mr. Nelson was after. Several weeks later a proposal was submitted with an estimate. This company specified in the proposal, native re-planting. The area impacted by Road & Bridge was 4450 square feet. King explained in more detail what was needed and would get updated figures. King in the meantime contacted other companies and the only ones he received a response from was West Canyon Tree Farm and Gionetti's.

King stated the West Canyon Tree Farm was more responsive. Both companies stated they would need the winter to get the plants together and it would be a Spring planting. Both have stated that irrigation was a mandatory requirement in order to have survival of this size of planting. The system will be on a timer that included a drip system.

King was directed to obtain several other bids.

Tar-sand Cost

King stated the Tar-sand cost was going to be higher next year.

Executive Session - Personnel Issue -Disciplinary Action

Frank Romero, King Lloyd and Don DeFord were present.

King submitted letters regarding the personnel item in Road and Bridge carried over from the last meeting.

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

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

Commissioner McCown moved to accept King Lloyd's recommendation to penalize Frank Romero one week without pay beginning November 4, 1997 through November 10, 1997 and reduce his hourly pay by \$1.00 which would make it change to \$11.55 per hour instead of the \$10.50 that King suggested.

Discussion: This new hourly rate would be beginning April 1, 1997; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Colette Barksdale from Social Services was present due to an urgent fax from CCI on the "maintenance of effort" with options.

Colette explained the options.

A motion was made by Commissioner McCown to authorize the Chair to sign the CCI questionnaire Bill B Option No. 1. Commissioner Martin seconded; carried.

CONTINUED DISCUSSION: CAPITOL IMPROVEMENT PLAN

Mark Bean, Don DeFord, King Lloyd, Dean Gordon and Dennis Stranger were present.

Larry Green and Charlotte Zilm were in the audience.

Mark Bean presented that in the previous discussions of the Capital Improvements Program there has been a lot of concerns over the effectiveness of the proposed road impact fee formula in generating revenues to pay for the identified road improvements. The biggest concern seems to be the amount of money generated from the proposed impact fees, based upon the estimates provided by Dean Gordon. Dean makes one statement that is somewhat misleading when he states that "road impact fees will only generate 17% of the revenues needed for the improvements." This statement is made based upon the very conservative estimates used for the population projections and the correlation to a projection of revenues from residential development over 20 years. This memo, with 4 - Mile Road as the example, is based upon the known proposals on the road.

In Volume II of the Capital Improvements Program on page 25, the County Road 117 estimated cost is the total costs of Traffic Study areas 20a and 20g. This adds up to a total estimated cost of \$9,420,000 for the needed improvements. Based upon the Cost/ADT column on the same page, the following summarizes the estimated revenues that could be generated from the road impact fee formula as adopted:

Four Mile Ranch Subdivision - 58 SF x 10 adt = 580 adt x \$203/ad =	\$	117,740
Sunlight View II 40 SF x 10 adt = 400 adt x \$264 =		105,600
Springridge II 132 SF x 10 adt = 1320 adt x \$264 =		348,480
Oak Meadows 60 SF x 10 adt = 600 adt x \$401 =		240,600
30 MF x 6 adt = 180 adt x 401 =		72,180
Sunlight Ski Area 300 SF x 10 adt = 3000 adt x \$746 =		2,238,000
450 MF x 6 adt - 2700 adt x \$746 =		<u>2,014,200</u>
Total		\$ 5,126,800
Less Tax Credit - 1070 DU x \$394 =		<u>421,580</u>
Total Estimated Revenues		\$ 4,715,220

The \$4,715,220 represents 50.1% of the projected cost of the County Road 117 road improvements and there are still some additional properties not accounted for in items of road impact fee revenues such as the Bershenyi Ranch and RAC Arabians properties. These would theoretically contribute additional road impact fees, if they were developed with the 20 year planning horizon. This is just an example of the over generalization of Dean's statement and the fallibility of the estimates.

Discussion was held.

Roaring Fork District and Colorado River District runs to Parachute and the Western District, taking in remote areas, were suggested as having everyone in those areas/districts paying the same thing.

Some funds would need to be collected up front in order to build these roads.

Dennis stated there is enough information, you just need to break it out per districts.

The ATD is based upon the numbers of traffic.

Don said you base your road cost on planning and try to use your Comp Plan, but this does not prevent a developer from coming in and proposing a high density development. If this should occur and the development would require a different type or level of service road than was designed, the 100% of those improvements could be assigned to this development and the total cost could be assessed to the developer.

Districts

Dennis Stranger said there has to be a direct benefit to the individual fee payer for the rational nexus test. He suggested to make the districts smaller and it will make the costs more defensible. The Four Mile Road is about as conservative an approach as the County can take.

Mark stated these fees are only for development in the subdivision stage, unless these fees were collected at building permit fee.

Don stated this is behind the time for the road if they wait to collect fees at building permit time.

Mark stated under the present building code there is nothing to collect fees at building permit stage.

Commissioner McCown wants to get something in place that is fair.

Chairman Smith - arterial roads only are the ones in question.

Dennis stated these fees are not the cure-all for roads - it will still take tax money. He suggested the Board could amend the regulations if they wanted to collect the impact fees at building permits.

Chairman Smith would like an idea of how Jefferson County split their districts.

Dennis projected 35 districts and suggested not to end at Parachute but include all of Garfield County.

Dennis suggested to start with large districts, then go to sub-districts.

Mark stated they need a Resolution to address this.

Mark was directed to take a look at a district approach.

Commissioner McCown mentioned 10 districts and they should also tie into arterial roadways.

The Road Impact Fee Discussion for Road Districts was set for November 24 from 9 - 12 and for budget from 1-4.

Larry Green said the development communities are expecting a road impact fee and are prepared to help. What they are asking for is fairness. He felt the Board was on the right track. Districts are basically a good idea and suggested when the Board looks at this, facts will tell. How you get to Hwy. 82 makes sense. He really encouraged the Board to do something about this issue. Developers are a funny breed, the unknown is what scares them.

Mark will submit a handout prior to the meeting on November 24 that outlines the proposed districts.

Portion of Vacation of Road 266

A date was set for December 15 at 3:30 P.M.

Tar-sands

King submitted the cost estimates and for comparison purposes: Grand River on the New Castle/Buford Road project was \$37.50 per ton; United Paving for White River was \$35.50 per ton; and County Road 145 tar-sands was \$35.89 per ton. In summary, it would cost an estimated \$22,000 to put down a 1 and 2/10's mile of tarsands.

Gravel

This summer Commissioner McCown would like to know the overall cost for gravel trucking.

King stated the amount of gravel we have put down this year will greatly reduce next year's amount.

Landfill

King reported he has been trying to get an arrangement with Richard Flohr on tub grinding and a feeder truck. The initial offer was to negotiate that he could have the material to offset the grinding. He does not have a market for the material and needs the cash for operating. This machine costs more to operate than he thought.

The Board directed King to get some more information and bring it back before them.

Executive Session - Jail Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss Jail litigation and new development; carried.

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

Adjourn

NOVEMBER 10, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 10, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

ASSISTED LIVING PROJECT UPDATE - TOM BEARD

Tom Beard and Chuck Deschenes were present.

Tom presented a summary that answered some of the concerns Chuck had. 1) Housing Authority has to be included in this plan and review; the new director of HUD was in on the meeting; 2) the Public Meetings were held and the Division of Housing has previously approved this; 3) Tom defined and described the national entities involved. The National Corp. Bank (NCB) is a non-profit bank formed by charitable institutions in Washington. They formed NBC which are smaller entities and sponsor these assisted living projects to meet the need. They are the seed money and operate in partnership. Senior Partner Housing and NBC is a joint venture.

The grant consisted of construction, development and soft costs for 44 units.

Montezuma is the latest one to have a similar senior project like this.

Chuck will meet with Don and review the responses submitted by Tom Beard and make sure all the concerns were addressed in the summary.

Battlement Mesa Intersection

Tom reported the switch over has been very good and suggested a slow sign coming down the hill in order to avoid having cars going to fast on the slick portion of the road.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report.

Rich Thomas reported on the cost to update King's radios and the switch over to a different channel.

A problem was reported with 911 in Rifle due to a U. S. West switching problem; it was not the Communications Center.

Chairman Smith reported the most recent update was completed by U. S. West in 1982 and may need to be updated again. She too has experienced similar problems with busy lines.

Boiler Inspection - Mountain View Building

Chuck stated he turned the memo regarding the boiler inspection at the Mountain View Building over to Colette. This would come under the current repairs on that building.

UPL Building

Mike is getting bids on the roof repairs and thus far they are up to \$27,000. Chuck stated it will probably be more.

Commissioner McCown requested a better evaluation before going any further.

Chuck is to check the building out from a structural standpoint.

Airport

Barry Hamilton and Chuck discussed better ways of protecting the Airport making sure the instrument approaches and height restrictions are in place. The possibility of purchasing some airspace was discussed. The FAA will be looking closer on land use.

CCI

Some of the current problems of concern to the Board were discussed: the cost of registration, dues structure and a lack of published agenda.

Budget Discussion - Budget Publication

Chuck reported on the schedule for budgets. He said he published the budget and set aside the capital funds. One problem was in solid waste. An increase has been projected.

Jail - Capital Expenditures

Chuck said there is a total of 4 million between the two funds set aside for the jail.

Underground Fuel Section

Chuck stated he had received a closure letter from Silt. This is good news. If the Board wants Chuck to surface the issues in Rifle, he will. Getting the tanks out was the main concern.

JAIL DISCUSSION

Sheriff Dalessandri, Deputy Jim Sears, Don DeFord, Dale Hancock, Jan Kaufman and Al Maggard of the Community Correction Board were present.

Jail Count

Total in Jail 119; 45 main jail; 52 Work Release; 8 females; 9 other jails; 5 Home Detention; no Day Reporting; no State Hospital; 2 DOC; 7 Clear Creek; 1 Rio Blanco; 1 in Grand Mesa Youth Facility; and 9 workenders.

Juvenile Detention Center -Update

The last letter from Ken Stein was discussed.

Tom stated we were over the grant period and said we should get in touch with Ken Stein and cancel. Tom stated the Judges have approved a place for the Juveniles in the Attorney/Client room by the West end of the Courthouse for a 6 hour hold. This will be manned and also used on weekends. Cost for the telephone is the only thing.

A decision was made to send a letter to Colorado West for their willingness to consider this proposal but at this time we are not going to move on it since the Judges have agreed to the use of the room. Tom said that he needed approval of a 2 way mirror.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to make improvements and put in a two way mirror establishing a Juvenile Interview and Detention Room on the first floor Courthouse allowing Judge Ossola and the District Attorney mutual use; carried.

Tom mentioned that a Court Security Officer has been hired - Derek Stevens. Deputy Sears has been in charge of this; a letter introducing Derek to all department heads and electives will be sent out. He carries a pager and to reach him in an emergency dial 9 - 911 and he will enter on the radio. Tom added there has been good comments from Pat with the Courts. The Courthouse Evacuation Plan will also be his area of expertise.

Jim Sears stated the Sheriff Department has some video tapes on mail bombs if anyone wanted to borrow them.

Courthouse Committee

Tom reported they have another meeting with Judge Ossola to discuss concerns. They will be sitting as a committee to see how things are going. This would be a monthly advisory committee to prioritize and discuss concerns.

Leak - Carbon Dioxide - Jail/Sheriff's Offices

Tom reported that last week two officer went to the hospital and one was admitted with a lethal dose of carbon dioxide. People have been tired and headachy; they installed 6 new carbon dioxide units in the jail facility. Tom said the problem is related to the fresh intake vents. KN Energy came out and assessed the problem. He reiterated that there was an urgent need to get on the new jail. This is the second instance for potential injury. Ruby Richardson fell down in a vent and is workman's comp leave. He added he has spent \$11,000 this last year just fixing stuff. He stated he was very frustrated and needs something done on the jail situation.

Chuck suggested to have an in-depth inspection on the carbon dioxide problem and have a report submitted as to what was needed in repairs.

Chairman Smith stated after this list is formed they should plan to meet and prioritize the work needing to be done.

COMMUNITY CORRECTIONS

Al reported the State Meeting was Thursday November 13.

Executive Session - Personnel

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

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

COUNTY BUSINESS/BUILDING AND PLANING REPORT

SIA - Rural Resort

Don DeFord stated that he and Mark Bean went through the report that Mick Ireland had put together. It is a broad agreement for joint planning services among the 5 Counties where the county would recognize mutual interest in certain areas and take a look at various projects proposed within each County. It would require that Garfield County submit land use projects to other Counties and get their comments. There is nothing binding, it is a referral to obtain comments. The practical aspects were reviewed by Mark.

Mark stated what concerns him is they were committing to and agreeing to the use of staff time and availability for various meetings as well as input into projects.

Chairman Smith suggested for Mark to make his comments and she will address these at the next meeting.

A motion was made by Commissioner McCown that Mark Bean draft a letter and authorize the Chair to sign declining simply because of the lack of staff time available and the work load committed to by the Board.

Commissioner Martin added the Board has already committed to reviewing projects with Eagle and Pitkin involved with RFRHA and with the City of Glenwood Springs and Carbondale. This is broadening it to everything from Eagle to Vail; this is too much to ask of the staff.

Chairman Smith stated the agreement with the Rural Resort is older than any of the other agreements Commissioner Martin mentioned. She added they even preceded Smart Growth.

Chuck said to go an additional step in getting comments made from them and suggested that we would send them a copy of the applicant's package and they should feel free to comment.

Mark added that we could comment if we wanted to.

Don cautioned that by not making comments, one might assume that Garfield County didn't have a problem with the application and this is not always true.

Motion seconded by Commissioner Martin; carried.

Mid-Valley - Irrigation Water - Blue Lake Area

Chairman Smith commented that anytime there has been anything with Mid-Valley it has been controversial. At the last RC&D meeting, the soil conservation service and RCS brought in an application for irrigation systems for lawn irrigation and watering with non-treated water. She said she strongly suggested that this be tabled until the Commissioners have a letter in writing that Mid-Valley really did approve of this.

Western Slope Aggregate - Gravel Pit

Mark submitted a letter he had received from Gary Hubbell. In regard to this complaint, Mark had Steve go out a few times. Steve's observation is that there is a speed problem. However, the use of Jake brakes on Hwy.82 was not a restriction. Mark added there is general proof that the trucks are stacking up in front of the pit before they open which is not okay. Therefore, some of the issues raised are valid and some are not. Mark added there is a requirement to review the permit. Gary is requesting that the County do another noise study independent from the contractor chosen by the Ranch at Roaring Fork and paid for by the developer of the pit itself.

Chairman Smith and Commissioner McCown suggested to send a copy of the letter to the Pit. Commissioner Martin suggested getting some equipment and having an agreement with the property owner to monitor and document.

They agreed to no Jake brakes and 10 miles per hour and no access via cards.

Gary Hubbell is the only one that has complained.

Chairman Martin suggested pulling the conditions of approval and reviewing the hours of operations as well.

Mark said he would send a copy of the letter to the Gravel Pit.

Vacation - Road 238 - Del Whittington

Don DeFord reported on the vacation of County Road 238 and said he has the deeds ready to submit. A problem has surfaced within the last two weeks which is Del Whittington and development issues on his property. This relates to how many lots he may or may not be entitled to depending upon what the deed is to the road. Mark talked to him. Once the road is deeded to the County, concerning the existing property, the County will effectively be entitled to ask for an exemption for two lots, one on one side of the road and the other on the other side of the road. Del has tried mightily to convince Don that he is entitled to three.

Discussion:

Don explained what he wanted to do in this instance and the Board concurred.

Don will advise Del of his position pertaining to the site of the current house which is to treat this as one parcel; treat a second parcel as being to the East; and a third parcel would be in the Southwest corner, west of the existing road and south of the existing house. He wants three parcels for family reasons and he cannot understand why he is not entitled to three. Don said he left the issue with Del that the Board is the final arbitrator. Don will tell him what the regulations mean and if he disagrees with this position, he can come to the Board.

Rose Ranch

Don reported that Victoria sent out her comments to the developers. They did withdraw their application. Both the attorney and Mr. Heggermier will address Victoria's comments.

Don said there will be a complete reset.

Current Planning Reports - Activities

Mark indicated that Pershanna Farms and The Peaks at Aspen Glen will be in before the Board in December.

The Planning Commission will be hearing the preliminary plan for Shamrock Acres and Van Hoose and Ponderosa Subdivision Preliminary Plans on November 12.

Building Permits

Mark said there were 207 residential permits versus 234 last year. The activities are less but close in valuation. The department is up \$1,000,000 in commercial.

Extension - Rudy Steele

A motion was made by Commissioner Martin and seconded by Commissioner McCown to extend this to the one year time limit. A date was set for June 15, 1998; carried.

Lake Toueye - Resolution - Special Use Permit

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Floodplain Special Use Permit application for Lake Toueye Water Ski Club; carried.

Resolution - Battlement Mesa - Unmanned Car Wash

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of an amendment to the Battlement Mesa Planned Unit Development Zone District Text; carried.

Resolution - Thomas and Donna Reppo - SB 35

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Thomas and Donna Reppo; carried.

DEPARTMENT HEADS

Weed Management

Gary Janieck reported that he did some spraying this Fall; they winterized the truck and parked it in the garage.

Leafy Spurge on Wallace Creek and Russian Knapweed up Dry Hollow

Dave Gallagher is working on the State Grants for Leafy Spurge and Russian Knapweed and should have those completed by December 1.

Intergovernmental Invoices

Dave is also working on intergovernmental invoices for approximately \$13,500 as stated in the fax.

Weed and Manager's Meeting

Gary said he went to a round table meeting that contained some good information and help.

Colorado Weed Management Association Conference will be held December 9 10, and 11. Chairman Smith commented it was a good thing for Gary to attend.

Boundary Discussion - Bureau of Land Management

Mark stated that Sam suggested a Boundary Line Adjustment on 3 mile due to the re-survey. Mark indicated it was his understanding the Commissioners would do it by Resolution due to circumstances.

There is a need to have the legals and the properties that have been changed.

This was to be rescheduled on the agenda.

New Postage Machine

Mildred reported the new postage machine was installed and working great.

**PUBLIC MEETING: AMENDED PLAT - LOTS 19 - 24, TOWNSITE OF COOPERTON.
APPLICANT: GERALD JOHNSON**

Mark Bean presented a report stating the amended plat involved lots 19 - 24 and wanted to erase lines and create an easement. This will clean up the plat and make it easier on the development.

The Board commented they did not have a problem with the amended plat.

PUBLIC MEETING - AMENDED PLAT - ASPEN GLEN CLUBHOUSE, CLUB VILLA, GOLF COURSE PLATS. APPLICANT: ASPEN GLEN GOLF COMPANY

Larry Green and Mark Bean were present.

Larry presented that there are three things they were asking the Board approval for: 1) a small amendment to the existing Golf Course Parcel No. 5 on the other side of the Roaring Fork River to include the omitted parcel where the Championship tee's are not and should be a part of the course; therefore they are asking to amend the golf course parcel to include the little bit of land for the "tees" with the golf course parcel; 2) is the 2nd Amended Plat of the golf course parcel. Larry said they have moved the site of the golf club twice now and trying to locate the golf course parcel. (Mildred added that she needs the legal for the liquor licenses.) Larry stated in doing this, the golf club house left them in an awkward position and some parcels that were previously platted as golf club house, but now they are being moved and they are left in limbo. With concurrence of the County staff, these have been platted as River Club Villa Tract A and Club Villa Tract B and Club Villa Tract A. None are intended for ultimate development and there is a plat note that says all these parcels would be subject to preliminary plan review prior to any resubdivision. The County and Aspen Glen should enter into a SIA agreement for security for the Board to make sure there is utilities and access to this parcel. Larry presented a draft SIA. And, 3) is the final plat Roaring Fork Mesa 1/4 acre

lots near the old Siever's Corner. There is now a total of 55 in this area. The SIA for this one was also prepared.

Commissioner Martin inquired about the sewer system and capacity.

Larry stated all the platted lots will bring them up to 90%. The District is trying to figure out a way to work with the County to impose a requirement such as a letter of credit or other security to have for expansion when needed. Later they will ask the Board to require some security on any new developments. The plats were signed and SIA's will be given to Don DeFord.

FOUR RIVERS HEALTH CARE TASK FORCE UPDATE/CHEMICAL DEPENDENCY TASK FORCE UPDATE - MARGARET LONG

Al Dietch 1119 South Little Texas, Willow Creek, CO. Al said he was the Chair of the Community Forum Health Care Task Force. The purpose is to study area problems before they become full-blown political footballs. The first thing they decided to study was the Health Care Delivery System. There are 3 hospitals - Valley View Hospital in Glenwood; Claggett Memorial in Rifle and Aspen Valley Hospital in Aspen. Once organized they decided they needed a Community Health Assessment. This is determined by a professional as to what the Community thinks a health care delivery system looks like. What are the needs and how it can be improved. They also determined they needed a provider's survey. They hired Janis Health Care in Denver who interviewed 749 residents by telephone prefix and asked specific questions. Then 510 surveys were sent out to medical providers. There were 29 focus groups and about 300 individuals took part. In October of 1996 the Four Rivers Health Report came out. The conclusions were obtained and Al said the Task Force wrote a report which came out in August 97 called "The Final Report of the Community Forum Health Care Task Force." In that report they identified 6 issues: (reverse order of priority) 6) better cooperation and Social Services Agencies; 5) Getting people information about health care delivery systems; 4) complimented the three hospitals working together saying it has improved; 3) medically indigent - suggested to put up clinics that charge on a sliding scale to keep people out of the emergency room; 2) availability of health insurance - 17% no insurance but the problem is another similar group that has deductible insurance of \$500 and 17% reported the health insurance is inadequate; and the Number 1) from 72% of the medical providers the number one problem is alcohol and drug abuse. The task force took a look at this and the reason for this is hidden. What the Task Force looked at was statistics on child abuse, absenteeism, Workman Comp Claims, DUI, domestic violence and all kinds of things that indicated there is a problem. The Task Force has suggestions. Al said since the report he's speaking before political bodies (this the third group of County Commissioners), the Rotary, and various organization where everyone agrees this is the number one health problem as well as an economic problem. If there is a workforce that are users and abusers then they are insufficient workers. The recommendations for solving this is in convincing the community that attitudes needs to be changed regarding alcoholism and drug abuse. There is an organization called the Chemical Dependency Task Force that has started up-valley and they are attempting to expand in order to work on this problem. The first thing is to educate the Community about the seriousness of the problem. This will be a 3 -5 year process. The statistics indicated that the average age a youth is drunk for the first time is 13 1/2 in Rifle, Glenwood Spgs and Aspen. The first time a youth uses marijuana more than once or more a month - the average age is 14 1/2. The Sheriff's Department in Aspen, from the number of cars they can stop with probable cause, 1 out of 20 cars on Hwy. 82 after dark is driven by a drunk driver, not just under the influence. 75% - 80% of those incarcerated have a substance abuse problem. These statistics reinforce the work they are doing and they are trying to work and educate the community to do something about it.

Chairman Smith said one way is to take the glamour out of the chemical dependency issue. Work on both sides of the issues. This is a very affluent area and alcohol is the drug of choice. Kids look like they are having fun. Tobacco is down and the kids tell the authorities that they obtain these products from their parents. They are getting beer and marijuana from their parents as well. Denial that the problem exists is the real barrier.

A drug-free workplace is what employers need.

Commissioner Martin stated the lifestyle is the biggest problem.

Aspen is putting in a new detox clinic in their hospital. This is a start and Aspen Valley put in a sliding scale clinic for health care and a group of doctors in Carbondale offer a sliding scale.

Chairman Smith - the detox in Valley View Hospital acknowledges there is a problem.

All left copies of the report for the Board.

PUBLIC HEARING: EXCESS REVENUE - CAPITAL EXPENDITURES

Don DeFord and Chuck Deschenes were present.

Don determined that the notice of the hearing was adequate and advised the Board they were entitled to proceed.

Exhibit A - Proof of Publication was in the Roaring Fork Valley Journal and the Rifle Citizens Telegram in accordance with State Statute 22-1-301.

Chairman Smith admitted Exhibit A into the record.

Don read from the Statute "that prior to conclusion of a public hearing, the governing board of the taxing entity shall publicly announce the percent by which the mill levy required to raise such excess revenue exceeds the ability to compute without such excess."

Don said the purpose for this hearing is to consider retention of such revenues to be spent for capital expenditures.

Chairman Smith swore Chuck Deschenes in.

Chuck stated that the excess revenues are identified in the publication. The State Statute enables the County to retain funds for capital expenditure purposes. Given the need for a detention facility is the reason for the retention and the County has been doing so over the last few years. Chuck is recommending it again. 11.55% is the difference in revenue and this amounts to \$700,099 in 1997.

Chuck said the difference in the mill levy is 12.08 mills minus 13.655 and the difference is 13.09%.

Don stated the Board needs to make this finding and announcement.

Reporter Heather from the Citizen's Telegram asked if the 13.655 mill levy that people actually pay.

Chuck stated if they didn't do this process, they wouldn't levy the tax next year. This is all related to next year. Chuck added it is all under the Amendment I is 5.5% limitation.

Growth increases the mill levy; property taxes will not increase.

Commissioner McCown moved to close the Public Hearing. Commissioner Martin seconded; carried.

Commissioner Martin moved to authorize the Chair to sign the Resolution by which the Board of Commissioners would go ahead and approve a mill levy which would be 13.09% in excess of the amount needed to generate the Statutorily permitted revenues and which resulting mill levy would remain the same as the current mill levy of 13.655. Commissioner McCown seconded; carried.

ROAD AND BRIDGE DISCUSSION

King Lloyd presented his reports.

He said they have some complaints on County Road 320. Basalt Construction is back making repairs and they are patching the areas.

Road and Bridge Frequency - Mobile Radios

Rich Thomas' proposal was \$50,000 less than Motorola. Dale will be the staff person who will work with Mike to upgrade the radios and keep separate from Communications. Motorola is not giving us the cooperation we need.

King would like to see a system that will enable the department to talk from Glenwood to Roan Creek.

Commissioner McCown stated even the Emergency Communications are not able to do this. The goal is to get Road and Bridge off of the Emergency Communications.

The Communication Board wants to be able to interconnect with Road and Bridge in an emergency situation but will not give up nor broadcast for any public works facility. They do want to be able to connect with you in case of an emergency.

Chuck stated some exclusions will need to be made.

Chuck proposed Dale, King, Mike, Rich Thomas and he sit down and discuss this new option and determine what can be done.

Landfill - Electrical and Water

Chairman Smith stated the letter from BLM is forthcoming to allow the County to purchase the Landfill.

King stated the Board has already directed him to do this and it is underway.

Landfill

Electricity and Water Supply at Landfill

Chuck discussed extending electricity to the landfill. Water was another issue to explore. A cistern was discussed as well as drilling a well.

The Board directed King to look into a couple of options. The various options were discussed including checking on the Anvil Points source and a local resident.

The Board wanted King to come in with some approximate costs of the water.

Chuck stated he would take this out of capital expenditures. Resolution 85-86 stipulates the County wants to demonstrate property taxes at work in the capital expenditures.

Northern End of White River - Pavement Problem

Joe Clugston commented that the north end of White River is sloughing north of the bridge creating a pavement problem.

Six Lazy K Road - County Road 311

Carl Dipillo put a pipe across the road like a speed bump and this may inhibit snow plowing.

King stated he thought it was a private road.

Black Diamond Road Project - Road 117

King stated they were trying to get this project cleared up before winter.

Commissioner Martin commented they did a good job.

Budget - November 13

Chuck stated the Board will be trying to fine-tune the requests for equipment purchases on November 13.

Inspection Program

Commissioner McCown stated we're using MK Centennial for inspections and on pricing, etc. He has a problem with the mill tailings clean up and asked have we looked at any other options that might fulfill the County's needs and be cheaper?

King stated there were no funds available. He did use them on the Four Mile Project. UMTRA Funds have been funneled through MK. Historically, there is a way they use tax dollars in a "less than acceptable manner" when using the taxpayers' money.

This issue was discussed.

Mamm Creek and County Road 109

Mamm Creek

This will be completed in the 1998 budget. King stated proposals on Mamm Creek consist of the Project Design and Project Management and these are separate. Originally it was 4% and ended up at 12% of the cost of the road.

Discussion included having omissions and errors put into the proposal. If the design fails and if the tester does his job, then the road work should be fine.

County Road 109

Schmueser Gordon Meyer will be doing the work on Aspen Glen and King asked if they would do the County work.

King stated this makes coordination better.

County Road 114

Re-Vegetation Program - Nelson

King stated he had a meeting with Con-Sy, MK Centennial, and Schmueser Gordon Meyer. King stated he contracted the Merrick Company; they are not allowed to sell to the land owner and can only sell to government. They raise the plants for a specified project.

Hauling Logs off of Kimball Mountain

King reported they were about ready to start hauling logs off of Kimball Mountain.

LIQUOR LICENSE RENEWAL - THE GUZZLER/WKP, INC. - SOPRIS RESTAURANT

Mildred Alsdorf presented the liquor license renewal for the Guzzler and WKP, Inc. for Sopris Restaurant. She commented that there were no reported violations at either establishment.

Commissioner McCown moved and Commissioner Martin seconded that the Chair be authorized to sign license applications for WKP, Inc. Restaurant Sopris and the Guzzler, Jim and Vicki Points - Battlement Mesa; carried.

Agenda - Joint City/County Meeting

Mildred stated the meeting was scheduled for November 18 at 7:30 A.M. with the City Council and inquired as to the agenda items the Board wanted to discuss and asked which of the staff did they want to attend.

Agenda - Four Mile Ranch and Annexation of Roads; Letter of Designation - South Canyon Landfill; the expansion of the West Glenwood Sanitation District; Planning and Zoning dealing with the entire County to commit compared with the City and a 10 mile square area. A copy of the old agreement of 1982 committing the City and County to joint planning was suggested to be given to the City Council at the meeting.

Mark Bean was requested to be present in order to explain the cancellation of having the meeting with the Planning Commission in light of the letter the Board received from Roger Garing.

CCI - Bill to Change Categories in the Counties.

Mildred mentioned she had contacted Chip Taylor with CCI and he sent her the census projections. Chip stated this one representative will probably carry the bill. He said what we should do is to look at the County, change projections and assessed valuation and get this back to Chip if the Board feels that we should look at this.

The Board commented they felt they should.

Mildred said she could work with Mark on the population numbers and assessed valuations.

Chuck will give Mildred the figures but they would have to use those from 1996 and the planning estimates for 1997.

Mildred stated they would bring back the figures and perhaps next week the Board could draft a letter.

Fire Fighting Facility at the Airport

Commissioner McCown said he thought the Airport Authority should send a letter to Rifle Fire Protection District regarding the salvaged vehicle for sale and state the County is interested in making any type of a governmental bid of \$5 or whatever they feel is fair.

Chuck said he will do this because he would be meeting with Pete Blum and Mike Morgan on Thursday. Commissioner McCown indicated the truck has a 2,000 gallon projection system and it can be used as a pumper and if you need the foam it is projected into the line so it can be used either way.

Personnel Policy Discussion

Don DeFord and Barbara Ramirez were present.

Administrative Leave - Discussion

The issue at hand is when sick leave is gone, we should have something in place to give the department heads a tool to handle these requests.

Don said the department head or elected official could decide if this leave is with or without pay.

Don said this should be more specific such as: on the job injury to fellow employee/damage to property/misuse of funds/ then discretion of department heads on others.

Commissioner McCown stated he felt elected officials would want something in place that would give them the tool to decide if administrative leave was with or without pay.

The other issues discussed included personal injury that would require lost time; through negligence that would cause loss time; drugs and alcohol on the job should be suspended without pay but a DUI on a Friday night would not necessarily need to be suspended if not on duty.

If a County employee loses their driver's license then it is up to the department head's discretion. They also discussed the involvement of a motor vehicle accident while driving a County vehicle that would cause property damage or injury above \$1,000.

Don indicated they were working on a draft. A supervisor can suspend someone but this is not true in all departments. Another area discussed included criminal activity on the job.

The steps to be taken were discussed and Don added he wanted Barbara involved so she can contact Don. He added that a chain of command should be in place that clearly indicated who is to do what. The supervisor can go directly to Don if they want.

It was suggested to make a separate investigation apart from the court system and keep this purely substance abuse - on/off duty; motor vehicle with damage using a County vehicle; allegation of criminal activity while on duty; and allegation of criminal activity while off duty.

The Personnel Meeting is scheduled for November 18th at 9:00.

UPDATE ON BEAVER CREEK LOGGING SPECIAL USE PERMIT. APPLICANT: INTERMOUNTAIN RANCHES, LLC

This was postponed until next meeting.

DISCUSSION: COLORADO ANIMAL RESCUE

Cindy Crandall and her secretary were present plus several supporters for the shelter were in the audience. Cindy Crandall representing the Colorado Animal Rescue presented a request for the County to donate \$100,000 toward the building of an animal rescue center in Garfield County. More letters of support were given to the Board.

Cindy said she provided the Board an update on August 12, 1997 and had requested \$100,000 on a contract basis. She has \$220,000 in committed funds, \$75,000 of which is from the City of Glenwood Springs. She handed out a packet of information and added they are actively pursuing site locations; their membership consists of 541 families throughout the valley in support of this endeavor; and presented a letter from John and Rusty Freeman, founders of The Lucky Dog Trust. Cindy reiterated her request for a pledge from Garfield County.

Some of the on-going methods of raising funds for the animal shelter include: bake sales where they ask supporters to sign postcards that are a showing of demonstrative support; car and animal washes.

Cindy reported that Attorney Bob Noone is providing pro bona support and she is working with two Realtors to find appropriate property. They are hopeful of building a facility with 30 dog runs; being able to house horses as well.

Chairman Smith indicated that the Board has not completed their budget for 1998 and they are still going through the refining and working process. She projected it would be mid-December before they knew the final outcome.

Commissioner Martin stated it may be property, or money or a commitment.

Chairman Smith added that individual letters mean more and Cindy should have interested parties submit letters to the Board.

Housing Authority Documents

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

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

Don said he needed authority to spend not more than \$500 on litigation expenses on the Housing Authority. Commissioner McCown so moved. Commissioner Martin seconded; carried.

JAIL OVERVIEW/STATUS

Dale Hancock, Sheriff Dalessandri, Chuck Deschenes, Don DeFord, Al Maggard, Jan Kaufman, Mark Bean and Deputy Sears were present.

Chuck scheduled this because the Board wanted to go ahead and get some options discussed and get staff rolling and working on fine tuning the alternatives.

Chuck presented an executive summary that contained a site selection scoring and analysis process that was completed for two purposes. First, the process is a demonstration of an organized method of comparing different sites with an established criteria. Second, splitting the Sheriff's Department into two locations

causes another problem which should be discussed in depth; and third, increasing the time between the jail and the court increases the possibility of escapes, officer injury and other security breaks. The Statutes were reviewed - Section 30-10-101 (1)(a) Every sheriff, county clerk and recorder, county treasurer, and clerk of the district and county courts shall keep his or her respective office at the county seat of the county and in the office provided by the county.....

The issues surrounding the jail were discussed.

The Board indicated they would be needing 20 acres of buildable property that had access to roads, water, sewer, phone, electric, gas, and a major artery to tie into.

Various studies were thought to be necessary, including the number and times prisoners interact with the Courts, the possibility of the Judge's agreeing to teleconferencing/video of arraignments, cost comparisons; possibility of having a magistrate handle some of the case load; and a system to evaluate all potential property in order to have a systematic approach to making a decision.

Summary:

Chuck summarized the discussion saying the parcels to be looked at were: Wulfshon, Snyder, West Rifle, Airport Partners Ltd., and Weaver.

Commissioner Martin said the Board needs a report back.

Dale said he will start this week.

Commissioner McCown inquired if there was time before next Monday to talk with the Chief Judge Ossola. He indicated he would like to move a piece of property the first of next year.

A new time was set for December 8 for additional discussion.

Approval of Minutes

Commissioner Martin moved to accept the Minutes of May 5, 1997 and July 29, 1998 for Board of Equalization. Commissioner McCown seconded; carried.

IGA - Fire Station

Chuck said that he and Don have reviewed Phil Vaughan's contract on the fire fighting facility.

Don had some concerns on the contract and recommended that their needs to be a project or construction manager to supervise the construction. The first issue however, if "who is going to own the building" and "why is the County building it?" Is the County the proper contracting authority? The property is owned by the County but the Airport Facility is operated by the Airport Authority and funding is partially being supplied by BLM.

Chuck stated there were three sources of funding - BLM, Forest Service and the County.

Chairman Smith suggested an IGA before we started on the contract with Phil.

Discussion continued.

Commissioner McCown stated that the County is paying for the design build portion. The Board will sign the contract for the schematic.

Chuck indicated the cost of the facility was projected to be approximately \$165,000.

The question of ownership needs to be settled.

Chuck stated the Board has a \$5,000 grant from the Forest Service in the County's name and the Airport has committed \$5,000 and Rifle Fire Protection District says they are going to commit \$5,000 for the first phase. Chuck will firm up the commitment from Rifle Fire Protection District.

Don questioned why contracting with Phil Vaughan.

Chuck indicated there were three proposals received to do the schematic design and cost estimating.

Chairman Smith stated Phil has done fire stations before and the Board felt he had the expertise.

Resolution on the Excess Revenue

Chuck submitted the Resolution concerned with retaining excess revenues pursuant to the provisions of Section 29-1-201 (1.2), C. R. S. as amended for signature of the Chair. He added that this has already been approved by motion.

Executive Session - Springridge Litigation

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss litigation issues; carried.

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

Legal Counsel - Springridge - Josh Marks

Commissioner Martin made a motion to engage legal counsel, Josh Marks for the Springridge litigation at \$130 per hour with additional costs for mileage. Commissioner McCown seconded; carried.

Adjourn

Commissioner McCown moved to adjourn; Commissioner Martin seconded; carried.

NOVEMBER 12, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 9:00 A.M. on Wednesday, November 12, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

Chairman Smith called the meeting to order at 9:00 A.M.

COUNTY BUSINESS

Chuck mentioned he had a request from King for a hand check for Con-Sy for \$88,000. He wanted the Commissioners to be aware of this.

Chairman Smith commented there were some change orders due to the blasting on County Road 117 which was more costly than anticipated.

Commissioner Martin added King was supposed to be sitting down with Con-Sy as to their responsibility in the Nelson claim for re-vegetation. There was a provision in that contract that if there was any change outside the perimeter that was established, Con-Sy was to come back to the Board and discuss this giving the reasons for being outside those perimeters. Con-Sy failed to do that and now it is costing the County the re-vegetation expense. The contract was very specific. This is a cost that Con-Sy ought to be sharing. The County has some fault because King and Joe Kracum did catch them outside the area until it was too late.

Commissioner McCown indicated the responsibility went further than this. He commented it went back to the engineer.

Chairman Smith was in agreement.

Commissioner Martin stated Con-Sy needs to come in and discuss this with the Board. If we make this payment in full, what will be our leverage with them.

Commissioner McCown mentioned the punch-list and several items not completed.

Chuck stated this was not a release of retainer. He stated he would call Kristy and determine if they have sufficient retainers and leverage. Kristy informed Chuck there was \$15,000 retainage. Additionally, Chuck indicated that Con-Sy has not completed their contract.

Commissioner McCown wanted King contacted to see if the Con-Sy punch list was completed to King's satisfaction and the particulars.

Chuck discussed the Con-Sy Contract with King. He reported the \$88,000 was the second to last payment. The re-vegetation project is still in the discussion stages and waiting on a third estimate to come in. Con-Sy is willing to help some but this is still being negotiated. The only outstanding item is the re-vegetation according to King.

Commissioner Martin reiterated that Con-Sy went way beyond the boundaries established by Schmueser Gordon Meyer and stated he had reviewed the survey marks and the plans and the measurements.

Commissioner McCown asked then if Commissioner Martin felt Schmueser Gordon Meyer was not responsible at all. King had commented that Schmueser Gordon Meyer did not pick up on that encroachment and assumed the fence line was the right-a-way.

Commissioner Martin indicated it was clearly marked before the fence line and it's on Schmueser Gordon Meyer's plans. The fence line is on that plan. This is his argument. If it is clearly on the plans and Con-Sy went up to the fence, then they were very well aware of that they were outside the boundaries. Because of these two incidents, they are responsible in some way on the re-vegetation. Con-Sy had a contractual responsibility to come before the County and advise us they were going outside the boundaries.

Chuck clarified that the County owes Con-Sy one more payment and then there is also the \$15,000 retainer.

Motion on Hand Check to Con-Sy

Commissioner McCown moved the hand check for \$88,231.40 to Con-Sy for second to last payment on their contract on the Four Mile Road Project. Commissioner Martin seconded the motion; carried.

Budget Orientation

Chuck Deschenes provided the Board an orientation with respect to the budget for 1998.

Coroner

Chuck indicated he had attempted to call Trey Holt and wasn't sure if he was coming to the orientation or not.

The Schedule

Coroner Trey Holt - 1:15
Human Services Margaret Long - 1:45
District Attorney Mac Myers - 2:45
Summarization - Future Scheduling 3:45
Adjournment - 4:00

On November 24 starting at 1:00 with another 15 minute orientation.

Tom Dalessandri - Sheriff/Jail/Special Projects/Patrol - 1:15
King Lloyd - Road and Bridge/Solid Waste - 2:30
Reserved for BOCC to name who they needed to talk to - 3:30
Summarization - 4:30

Prisoners in the Basement - Flow to Booking Area

Chuck indicated he had a conversation with the Sheriff and Jim Sears regarding prisoners in the basement while they did the flow to the booking area. Tom stated he would like to know what problems the Commissioners have with his budget before the meeting. Chuck responded that the meeting was to find out what was in your budget and have discussion. Chuck did comment that there was a big increase and felt the Board would focus on this wanting to know the reasons for it.

The storage of the prisoners in the basement went smoothly and wanted to continue until they could release them or bond them out.

Goals Outlined for the Budget

- { Jail Financing
- { Current Expenses - Approximate to Current Revenues
 - Identify as an exception and distinguish short term program with a determination or gambling with future revenues due to the importance i.e. County Road 109 versus i.e. funding a clerk in Mildred's office.

{ Communications

- How employees of Communications are being notified of the transition

Commissioner McCown provided an update saying discussion had been held with the Dispatchers over Comp Time Issues. Additionally he stated the Authority would be interviewing the applicants who were still interested after the salary range was revealed and hoped to have a director on board by January 1, 1998. Also, a continued contract for 60 days into 1998 with the County and the City of Rifle until the new director can get his/her feet on the ground and make the transaction. This gives the

Authority time to get insurance in place and the retirement plan shifted to the new system.

{ Capital Improvements Program

{ Pay for Performance - Increased Wages

{ Mamm Creek and County Road 109

{ Capital Expenditures - Portion of the Mill Levy

{ Updated Computer Systems - Year 2000 Change Over

{ Oil and Gas Taxation Income; others

{ Building and Planning - Fee Structures Updated

{ Impact Fees - Adopting/Implemented (Developer with 50 units versus a single family dwelling on several acres)

Rural Transportation System

NOVEMBER 17, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 17, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

Chairman Smith called the meeting to order at 8:02 A.M.

COUNTY ADMINISTRATOR

Carpet Selection - Commissioners Rooms and Administrative

Chuck Deschenes and Mike McBreen were present.

Chuck stated Mike McBreen was called in first thing for the Commissioners to meet and decide on carpet colors/choices from samples as previously discussed.

Commissioner McCown stated there was two ways to look at buying carpet - purchase real good grade of carpet and expect it to last 15 years or a cheaper grade and replace it in 10 years.

Two bids were received:

Glenwood Custom Carpet, Inc. \$ 3,265.42

Carpet Max of Glenwood Spgs 3,220.84

The carpet laying now was installed during the re-modeling in 1982.

Commissioner McCown moved to accept the Carpet Max bid for \$3,220.84. Commissioner Martin seconded; carried.

Roof on UPL Building

The beams are so massive it was reported that even if there was some rot, it would not have a dramatic impact. Mike reported all the damage is on the North side where the water has laid on the roof and it leaked.

Discussion was held.

It was decided that Mike should secure bids to replace the roof and bring them back to the Commissioners the first of December.

Credit Cards - Resolution

Chairman Smith submitted the liability for the credit cards for the employees covered under this program. She indicated there was also a Resolution. It was decided that Don DeFord should look this over and get back to the Commissioners.

Communication's Director

Commissioner McCown stated there were 33 applicants for the position; the committee narrowed it to 11; and the executive board narrowed it to 8. He added that all except one had responded and were willing to come and interview. The salary is established at \$36,000/entry level and the applicants are from Kansas, Georgia, Illinois, California, Washington, and Utah. He added the applications are very impressive showing long-time experience in the position; and the committee feels very good that they have some good candidates to choose from.

PAYMENT OF BILLS

The Claims against the County were submitted for the Commissioners approval.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the claims as presented for the 2nd half of October 1997 with the exception of Jimco/Sealcoat; carried.

Letter from Sherry Caloia - Animal Shelter

Sherry Caloia submitted a letter of support for the Animal Shelter.

Cindy Crandall mentioned there was not a full-time person, only a maintenance person to feed the animals.

Commissioner McCown stated he has adverse reactions by the County not having an animal shelter.

Chairman Smith stated that Don Williams, former police chief was working with the County on a shelter for the animals out on Deveroux Road. He stepped down and this went by the wayside.

Boards with Vacancies

Advertising will occur after input from the departments have been received.

Sheriff's Department - Gas Problems

Chuck stated there may be a need for an additional maintenance person who checks out furnaces and works with the library as they are interested in having someone who can replace ballists. Rich has done it as he can but as the buildings get older, there is a demand. This was just for discussion. The library could be billed for a portion of this position.

Chairman Smith stated you need an "apartment manager."

Chuck mentioned that Rich could handle this but he would need some additional help in staff.

Meeting with City of Rifle - Budget Hearing

Mark, King, Chuck and Don were requested.

Chuck said that during the hearings, it was stated there was no request for the Fairgrounds. Chuck stated he pulled the correspondence and forwarded it to the RE-2 School District and the City of Rifle. He will follow up.

County Engineer

The Valley Journal and Citizens Telegram advertisement did not draw any applicants. Chuck requested direction.

Commissioner McCown suggested the professional magazines as a good source to advertise.

Chuck stated he would direct Barbara to investigate some sources.

JAIL DISCUSSION

Dale Hancock and Al Maggard were present.

Jail Count:

Total in Jail: 126; 51 main jail; 49 Work Release; 5 females; 7 other jails; 6 Home Detention; 0 Day Reporting; 1 State Hospital; 2 DOC; and 6 Weekenders.

Assessments on Site - Quantified Basis

Dale stated this study was more comprehensive than he thought. He went ahead and did a thumb-nail assessment on all 6 sites that were discussed. Rob Hkyks assisted with the maps on the geological hazards on all sites in question.

Dale discussed with Bob Johnson on Thursday regarding the architectural aspects. Some of the things that Bob brought to the discussion and addressed were: further geotechnicals, title searches for minerals, infrastructure and the amount of water needed for fire suppression and daily use. He also discussed the design construction and time frame; what type of approval process was required as it relates to utility extension; and indicated Reilly/Johnson was willing at no cost to the County to go into this in-depth evaluation.

Discussion

Dale stated he was awaiting instruction before proceeding further.

Chuck stated the next step would be for the Board to decide which land they wanted to explore further.

Then to fine-tune the acquisition site and obtain engineering costs. He suggested to focus on the property that is top priority and having the land owners come in during an Executive Session to discuss the price per acre.

The direction given was for Dale to call Snyder, McGreggor, Howard, and Hallenbaugh to come before the Board and go into an Executive Session to discuss price, offer to the County and various other particulars.

Property Acquisition Meeting - Executive Session Planned

A date set for this special meeting for December 9 at 9:00 a.m.

Meeting with City of Glenwood Springs

Tuesday, November 18

CMI - Spacemaster

Dale stated the deadline is December 3, 1997.

Litigation - Executive Board - Edward Loftman and Troy Groman

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss litigation issues; carried.

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

Communication Director

Commissioner McCown stated the new Communications Director will be on Board January 1, 1998 and they were asking the Rifle Dispatch to along another 60 days. March 1 is the date of transferring staff under the Communications Authority.

Executive Session - Planning and Zoning Issue - Bradley Subdivision RVs

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

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

Commissioner Martin made a motion to uphold the staff on the Bradley property and to have them follow the recommendations 1 - 5 of his staff report. Eric will draft a letter and the Chair will be authorized to sign; carried. Commissioner McCown seconded; carried.

Request from Eagle County - Harmony Road

Mark said parts of Harmony Road are in Garfield County and part is in Eagle County. At times certain portions of property are submitted for development and the Building and Planning has received notice of activities. In the past the County has acknowledged that since most of the development is in Eagle County that we draft an IGA. Paul Clarkson will draft the IGA that they can proceed with the understanding that no building permits will be issues on property that is actually in Garfield County. Don and Mark will review the document and bring it back before the Commissioners on Monday November 24, 1997.

The Board did not have a problem with this.

COUNTY BUSINESS

Ray Gilbert's - Amended Plat - Antlers Plat

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Antlers Plat; carried.

DEPARTMENT HEADS

HUMAN SERVICES COMMISSION

Cheryl Hurst and Margaret Long were present to give an update.

Cheryl reported that the grant requests are coming in and the deadline is 5:00 P.M. Thursday, November 20; December 8th is the review with the Board.

United Way - we're at 50% - and fairly confident of more coming in. This Friday is the Celebration Dinner at Hotel Colorado.

The New Director at Lift-Up is Steve Catterca.

Cheryl asked for questions of the Board and/or directions.

She projected for United Way \$195,000 this year.

Margaret said this will make their goal but there will not be enough money to go around. There are new parties expected to apply for funding.

Chairman Smith said the Commission must be sure these new programs are needed.

Margaret Long stated they screen all the programs.

Day Care - Licensed Program are a real need for the area according to Cheryl.

Margaret Long said they had targeted the need; and suggested the County take the leadership role to start looking at a stimulus for child care needs town by town. She said there was some interest in the Rifle community. She suggested starting with the task groups and working through the community identifying the needs. Referrals are up and down and where the children are going is a concern.

Commissioner Martin mentioned including day care into any type of commercial development proposals.

Cheryl Hurst suggested that placing day care into the nursing home environment. It is a wonderful concept.

Margaret Long is exploring some possibilities.

Sheriff's Memo - Budget

Chuck was directed to respond to the Sheriff's memo regarding the amount of increase in personnel over the years.

Solid Waste Meeting

Chairman Smith mentioned the Solid Waste Meeting in Craig - December 16.

Social Services

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

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

CTSI INSURANCE POOL OVERVIEW AND UPDATE - ALAN CHAPMAN

Alan Chapman of CTSI gave an overview and update on the Insurance Pool addressing the soft market cycling due to the skyrocketing stock market; the health care pool cycle with 10 - 28% increases; and the publications currently predicting the hard market coming back down in workman's comp.

He said what they have experienced in the pools, due to the fact that there is a soft market, is a couple of things: the competition with the State fund especially in the work comp area; and the loss control policy where the State starting trying to go out and market Counties to bring them in to offset some of their undesirable risks. CTSI began bidding against them.

CTSI Insurance Pools are owned by the Counties and everything is decided by the Boards of County Commissioners. Since 1987 there has been a million dollars in return of equity; about \$540,000 on the health care side in deposit holidays; \$104,109 in the Workman's Comp are in returns; and \$308,000 in property casualties.

CTSI is a service arm of CCI and share office space.

Chairman Smith inquired as to how many there are in the Workman's Comp Pool.

Alan stated 47 Counties in the Workman's Comp Pool.

ROAD AND BRIDGE DISCUSSION

GMCO Bill

King submitted the bill for the final settlement.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bill of \$206,550.59 to GMCO; carried.

Snow Removal - Pitkin County

King stated that Pitkin County has signed the contract for snow removal on their roads. This will be billed to them by the hour.

Weight Reports

King submitted the weight reports for the Commissioners to review.

BLM

King reported on the transfer of the landfill saying the process has been delayed. He asked if the payment of \$2595.75 could be a hand check or should it run through the normal process. There is a document that the County will receive in the transfer process. He added a motion would be needed for the Chair to sign

this agreement and an excerpt from the minutes to be submitted along with the paperwork that denote authorization of signature of the Board of County Commissioners.

Chuck indicated he would like to keep the check and the paperwork all together.

Tires - Landfill

King reported on the tires at the landfill saying something needs to be done with these tires.
Discussion.

White River

Marvin and King went to look at White River and there is one place that looks hazardous. This is right at the intersection; someone went out over the shoulder. The City of Rifle, a few years ago, had a water main that run in the shoulder and the City never came back and made repairs.
Commissioner McCown indicated the creek is undercutting the road.

Semi's -Donegan and Mel Rey

King stated the semi-trucks are continuing up Mel Rey and Donegan. This is an enforcement problem on Glenwood Springs and suggested signs or regulations.

King was directed to put a sign "wrong way" with an outlet pointing to the left.

Landfill

King stated they are experiencing some problems with wind-blown trash.
He checked with other landfills to see what measure they take. Some charge double for an unsecured load.
King was going to write a letter to see if the Sheriff would give him some back up.
Chairman Smith recommended to reward them for a "covered load."

Cattle Guard at Airport

King indicated the cattle guard at the east end of the Airport sunk again.

PUBLIC MEETING: AMENDED PLAT - ANTLERS ORCHARD DEVELOPMENT, LOTS 55 & 58. APPLICANT: NORM HUNT

Eric McCafferty, Don DeFord and Norm Hunt were present.

Eric McCafferty stated that staff has reviewed this amended plat request and researched the deeds to the applicable property. The subject lots are shown on the original Antlers Orchard Development plat as lots 55 and 58. According to the narrative presented in the report to the Board, the request is premised upon increasing the efficiency of delivering irrigation water to Lot 58 and the creation of an access and utility easement for the benefit of Lot 55.

Pursuant to Section 6:10 of the Garfield County Subdivision Regulations, an amended final plat may be approved as long as no additional lots or roads are created. Although at least one additional driveway intersection with County Road 233 would be created, this would not be considered to be the creation of a new road. Staff does recommend, however, that the Road and Bridge Department evaluate the new access and issue a written approval, prior to final authorization of the amended plat.

Recommendation:

Staff recommends conceptual approval of the Amended Final Plat Antlers Orchard Development, Lots 55 and 58. Chair be authorized to sign.

Don stated there was a need for the Chair to sign the mylar.

A motion was made to approve this in concept and the Chair be authorized sign the final plat in a regular meeting on November 24 by Commissioner McCown and seconded by Commissioner Martin; carried.

CONTINUED PUBLIC MEETING: SUBDIVISION EXEMPTION LOCATED ALONG COUNTY ROAD 150 IN SWEETWATER AREA. APPLICANT: WALLACE THATCHER

Eric McCafferty, Don DeFord, and Wallace Thatcher were present.

Eric presented that this is an exemption from the definition of subdivision for Wallace Thatcher on a tract of land located approximately 7 miles west of the intersection of Sweetwater Road and the Colorado River Road in extreme eastern Garfield County.

The applicant proposes to subdivide, by exemption, the 20.5 acre tract into two (2) parcels of approximately 16.1 and 4.4 acres each. The southerly parcel would contain the existing improvements and a new, single family dwelling would be developed on the northerly portion.

Tom Boni was present and spoke for Wallace Thatcher.

Chairman Smith reminded him that he was well out of the distance for the fire department.

Recommendations:

Due to the likelihood of a water augmentation plan or a change in use of irrigation water being required to amend or issue a well permit, staff recommends this petition be continued to all the applicant time to pursue the plan. Upon completion of the water supply, staff would recommend approval of the petition, pursuant to the following conditions.

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$200.00 in School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.
5. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
6. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.
7. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1974 Uniform Building Code, as adopted by Garfield County.
8. Prior to final approval, the Division of Water Resources shall issue the appropriate well permit and a formal, water-sharing declaration shall be submitted if the well is to be shared. If the well is not shared, the well on Lot 2 shall be drilled and pump-tested for four (4) hours duration, an opinion of the person conducting the pump test shall be submitted, stating the flow will be sufficient for the intended use(s). All information shall be submitted to the Planning Department for review.
9. That the following plat notes shall be included on the exemption plat:
 - "The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - "The individual lot owners shall be responsible for the control of noxious weeds."
 - "One dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."
 - "No

Commissioner McCown made a motion to approve the exemption from the definition of a Subdivision for Wallace Thatcher at the location so stated on the application with the staff's recommendations - deleting the portion to be continued in the staff's recommendation. An additional note from Eric was that all information was complete in No. 8.

Commissioner Martin said that he was in a difficult position but he did second it.

Discussion

Chairman Smith said she would like to know how difficult it would be to get water from the other well if he has approval for the current well to service the other lot.

Don added that he needed to ask the applicant, in order that there be no misunderstanding in terms if the Board approves the motion, on Page 17 a letter from the State Engineer's office and the motion Commissioner McCown made seems inconsistent with the language on this document. If the Board goes ahead on the motion made particularly Condition No. 8 does not meet what the State is requiring on page 17.

Eric clarified that he was suggesting the Board continue this to allow Mr. Thatcher to pursue some type of water augmentation plan to change in use, with the disposition that this is done favorably. And if a well permit is granted, the Board would act more formally to approve this with these conditions allowing Mr. Wallace some hope in the future that he would not have to go through all the time and expense completing a water augmentation plan. With that disposition in mind, the Board could go ahead and approve it.

Approving it outright would throw it very much into the position of a pre-1972 exemption so Condition No. 8 would need to be re-written to know that this is not exactly what the Board had in mind.

Don - if it is the desire of the Board, in the motion that Commissioner McCown made, is to meet the conditions on the letter on page 17, he would agree that Condition No. 8 would need to be altered.

McCown - if this is the State's Board's intent, why is the approval written on that well permit.

Mark - the approval is for a single well for one home.

Eric stated they have made no disposition for this well because they found this application to be incomplete. They need a County exemption before they make a determination to issue this well permit or an augmentation plan.

Condition No. 8 was deleted.

Chairman Smith called for the vote:

McCown - aye; Smith - aye; and Martin - nay.

Commissioner Martin stated he was fearful that this would open up a problem for the County.

Chairman Smith mentioned that the State leaves the applicant hanging and this is very frustrating to her.

Commissioner McCown agreed.

PUBLIC HEARING: ZONE DISTRICT TEXT AMENDMENT - ADD "STORAGE AREA" TO A/R/RD SPECIAL USES, SECTIONS 3.02.03 AND 5.03.08. APPLICANT: BOARD OF COUNTY COMMISSIONERS

Don DeFord Mark Bean and Eric McCafferty presented the Board with the proposal for a zone text amendment to the Garfield County Zoning Resolution. The Board has been requested to expand the

"storage" use to include a wider range of uses, such as boats, recreational vehicles and similar types of equipment. Previously, the "storage of heavy equipment" was added as a Special Use.

Chairman Smith swore in Mark Bean.

Mark submitted the following Exhibits for the record: Exhibit A - Proof of Publication and Exhibit B - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A and B into the record.

Mark presented the Zone District Text Amendments 3.02.03 and 5.03.08 and said that the following amendments are showing the deletions in *italics* and the additions in **bold** type:

3.02.03 Uses, special: Airport utility, feedlot as principal use of the lot, crematorium, agriculture-related business, resorts, kennel, riding stable, and veterinary clinic;

Two-family dwelling, camper park, ski lift and trails; broadcasting studio, communication tower, golf course driving range, golf practice range and accessory facilities, commercial recreation facility/park:

Public gatherings; storage of oil and gas drilling equipment; storage of heavy equipment; **storage area;**

Site for extraction, processing, storage or material handling of natural resources; recreational support facilities and guest house.

5.03.08 (5) Storage area, salvage yard, sanitary landfill and mineral waste disposal areas:

(A) Storage of flammable or explosive solids or gases shall be in accordance with accepted standards and laws and shall comply with the *National Fire Code* **national, state and local fire codes and written recommendations/comments from the appropriate local protection district regarding compliance with the appropriate codes;**

(B) At the discretion of the County Commissioners, all outdoor storage facilities *for fuel, raw materials and products shall may* be **required to be** enclosed by a fence, **landscaping** or wall adequate to conceal such facilities from adjacent property;

(C) No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property in such form or manner that they may be transferred off the property by any reasonably foreseeable natural causes or forces;

(D) Storage of heavy equipment will only be allowed subject to (A) and (C) above and the following standards:

1. The minimum lot size is five (5) acres and is not in a platted subdivision.
2. The equipment storage area is not placed any closer than 300 ft. from any existing residential dwelling.
3. All equipment storage will be enclosed in an area with screening at least eight (8) feet in height and obscured from view at the same elevation or lower. Screening may include berming, landscaping, sight obscuring fencing or a combination of any of these methods.
4. Any repair and maintenance activity requiring the use of equipment that will generate noise, odors or glare beyond the property boundaries will be conducted within a building or outdoors during the hours of 8 a.m. and 6 p.m.. Monday through Friday.
5. Loading and unloading of vehicles shall be conducted on private property and may not be conducted on any public right-of-way.

(E) **Any storage area for uses not associated with natural resources shall not exceed ten (10) acres in size.**

(F) **Any lighting of a storage area shall be printed downward and inward to the property center and shaded to prevent direct reflection on adjacent property.**

Recommendation:

The Planning Commission recommended APPROVAL of the proposed zone district text amendments at their October 8, 1997 meeting.

Commissioner Martin moved to close the Public Hearing; Commissioner McCown seconded; carried.

Commissioner Martin moved to approve the zone district text amendment as presented. Commissioner McCown seconded; carried.

PUBLIC HEARING: CONDITIONAL USE PERMIT - HOME OCCUPATION LOCATED ADJACENT TO CARBONDALE, OFF OF STATE HWY. 133. APPLICANT: KATHY ORTIZ

Don DeFord, Mark Bean and Kathy Ortiz was present.

Don determined that adequate notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Exhibit A - Proof of Publication; Exhibit B - returned receipts; Exhibit C - Application; Exhibit D - Staff Packet and Comments; and Exhibit E - a letter from Carbondale Town Water for her mobile business.

Chairman Smith admitted Exhibits A - E into the record.

Mark Bean presented the request for a Conditional Use Permit to allow a home occupation for Henry and Kathy Ortiz on a .41 acre parcel of land located two (2) miles south of Carbondale and off of State Highway 133.

The proposed home occupation is a commissary for a mobile food truck business owned by the applicants. The applicants propose to convert an existing garage into a commissary, meeting the building code and State Food Service licensing requirements. The food will be prepared between the hours of 5:30 a.m. and 8:15 a.m. and transferred to the truck used to deliver the food to construction sites in the Carbondale area. The applicants states that the business is a sole owner business with no employees and there is no intention to expand beyond the present level of service. Water is to be provided by the Town of Carbondale through the Nettle Creek water line and sewage will be disposed through the existing individual sewage disposal system. Access to the site is through a shared driveway with one neighbor, off of State Hwy. 133.

Recommendation:

APPROVAL, subject to the following conditions of approval:

1. All representations of the applicant, either contained in the application or stated in the public meetings, shall be considered conditions of approval unless otherwise stated.
2. There shall be no signage indicating the commercial use of the property.
3. Prior to the issuance of a conditional use permit, the applicant shall provide copies of the approval of the commissary and the license for the truck by the Colorado Department of Health and Environment, Consumer Protection Division. Additionally, the applicant shall obtain the appropriate building and ISDS permits and approvals from the Garfield County Building & Planning Department.

Kathy Ortiz - currently has a business. She currently rents a kitchen and wants to have her own.

Chairman Smith - inquired as to the number of customers Kathy has currently.

Kathy - 100 customers per day.

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

Commissioner Martin made a motion to approve the Conditional Use Permit for Henry and Kathy Ortiz with the additional recommendation in No. 3 "the applicant shall provide copies of the approval of the commissary and the license for the truck." Commissioner McCown seconded the motion; carried.

Levitt White Cloud - Extension - 30 Days - December 17

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a 30 day extension until December 17 for Levitt White Cloud; carried.

Boat - Riverbend Filing No. 5 - Extension - 90 Days - February 15, 1998

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a 90 day extension for Boat in Riverbend Filing No. 5 until February 15, 1998; carried.

PUBLIC HEARING: ZONE TEXT AMENDMENTS TO SECTION 4.0 (PUD REGULATIONS) OF GARFIELD COUNTY ZONING RESOLUTION. APPLICANT: BOARD OF COUNTY COMMISSIONERS

Don DeFord, Mark Bean and Eric McCafferty were present.

Chairman Smith sworn in the speakers.

Mark submitted the following Exhibits as part of the record: Exhibits A - Proof of Publication and Exhibit B - Application.

Chairman Smith - admitted Exhibits A and B into the record.

For the benefit of the press, Mark summarized that the Planning Commission had the Board's requests and made some of their own recommendations to the Board of County Commissioners regarding amendments to Section 4.0 of the Garfield County Zoning Resolution.

Mark summarized that the significant changes will allow for essentially a parallel and dual procedure that is not presently available in the regulations. It is an option in these proposed amendments that one may proceed forward through the PUD and the Subdivision for Preliminary Process at the same time. It is an either/or process, it does require that they go through both, but some people have expressed concern about having to go through both. Therefore, what they have tried to do is to create a process whereby there is enough encouragement here that people will use this parallel process, particularly the smaller PUD's perhaps. The larger ones have a tendency not to want the dual process many times. We have also included some different definitions within the regulations. This process also acknowledges that there are times and places where there may be a necessity for amending one or both the Garfield County Master Plan as a part of an application. We are trying to acknowledge that process can occur as part of the PUD re-zoning process. We feel as staff, and the County Commissioners concur, that this is a process that needs to be included in the regulations opposed to something that may be just an acknowledgment as part of the review

process. The staff felt that the Planning Commission acknowledge a change to their document as a part of any recommendation that they are going to approve a PUD that is not necessarily consistent with or found to be in general compliance with the Comprehensive Plan which is where the Statutory language is. Mark Bean and Eric McCafferty presented at their October regular meeting, the Planning Commission recommended approval of the following amendments to Section 4.00, Planned Unit Development. As with past proposals, the language in **bold type is the proposed new language** and anything in *italics is to be deleted* from the present regulations:

4.00 PLANNED UNIT DEVELOPMENTS

4.01 DEFINITIONS

As used in this Planned Unit Development Section (hereafter "section") the following definitions shall apply, unless the context otherwise requires:

4.01.01 Common Open Space. A parcel or parcels of land, or a combination of land and water within the site designated for a Planned Unit Development, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the Planned Unit Development. **Categories of open space are defined as follows:**

- (1) **Useable open space**: Any land retained in an open manner having average slope of 25% or less across the entire parcel or is an existing or proposed agricultural area;
- (2) **Recreational open space**: Any open space land to be developed into an area or areas for organized or unorganized recreational activities, examples would include, but are not limited to: soccer/football playing fields, parks, baseball/softball diamonds, or similar uses;
- (3) **Commercial open space**: Any open space land that would be developed into an area or areas of land, for which a fee would be charged for use. Examples would include, but not limited to: golf courses, water ski lakes, horse riding facilities, or similar uses;
- (4) **Limited use open space**: Any land to be retained as open space that has an average slope greater than 25%. Of the 25% open space requirement within no more than 40% of the 25% total required, shall be limited use open space, with the balance being retained as one or more of the remaining open space categories, listed above.

4.01.02 Plan. The provisions for development of a Planned Unit Development which may include, and need not be limited to easements, covenants and restrictions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, utilities, private and public streets, ways, roads, pedestrian areas and parking facilities, *Common Open Space* and other public facilities. "Provisions of the plan" means the written and graphic materials referred to in this definition.

4.01.03 Planned Unit Development. (*hereinafter a PUD*) *An area of land, controlled by one (1) or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing, the Plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations.*

Planned Unit Development: (*hereinafter, a PUD*): Shall mean a single parcel of land or contiguous parcels of land of a size sufficient to accommodate an integrally planned environment, controlled by a single landowner, or by a group of landowners to be developed as a single entity for a number of dwelling units, commercial, educational, recreational or industrial uses, or any combination of the foregoing. The Plan for which does not correspond in lot size, bulk or type of use, density, lot coverage, open space or other restriction to the existing land use regulations and zone district.

4.01.04 **Commencement of Development**: Approval of a Final Plat and commencement of construction as secured by a Subdivision Improvements Agreement.

4.01.05 **Contiguous**: When applied to parcels of land, shall mean the lands have a common border and adjoin each other on at least one common property boundary for a minimum of thirty (30) feet. For the purposes of this definition, a public right-of-way or easement shall be considered a common property boundary for properties separated only by the right-of-way or easement.

4.01.06 **Density**: The overall average residential density shall be calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area, expressed in acres, within the boundary of the PUD.

4.01.07 Fractional Ownership Interest: Any type of shared ownership or leaseback of a structure intended primarily for residential occupancy that results in occupancy shares being allotted for a designated period of time.

4.01.08 Ownership: Demonstration of ownership shall be constituted by current written proof of who or what entity holds title to all of the land(s) depicted on any plat or plan filed with the County, with the minimum proof of ownership consisting of a title report issued by a title company authorized to conduct business in the State of Colorado. The title report shall be issued not more than fifteen (15) days prior to the date of submittal of the PUD application. If the land is owned by a corporation or similar legal entity, that designates an individual or entity to act in the Corporation's or similar legal entity behalf, a proof of agency shall be required and consist of a Corporate Resolution or similar legal document designating the individual or entity to act as agent. The application must be signed by an officer of the Corporation or legal entity and certified by the Secretary of the Corporation or officer of a similar legal entity.

4.02 PURPOSES AND OBJECTIVES OF DEVELOPMENT

PUDs may be approved by the County Commissioners for the following purposes and to achieve the following objectives of development:

- (1) To provide for necessary commercial, recreational and educational facilities conveniently located to housing;*
- (2) To provide for well-located, clean, safe and pleasant industrial sites involving a minimum of strain on transportation facilities;*
- (3) To insure that the provisions of the zoning laws which direct the uniform treatment of dwelling type, bulk, density and open space within each zoning district will not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of the zoning laws;*
- (4) To encourage innovations in residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;*
- (5) To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes;*
- (6) To lessen the burden of traffic on streets and highways;*
- (7) To conserve the value of the land;*
- (8) To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; or*
- (9) To encourage integrated planning in order to achieve the above purposes and objectives of development.*

The purpose of a PUD is to permit greater design flexibility and, consequently, more creative and imaginative design for development than generally possible under conventional zoning and subdivision regulations. It is intended that PUDs shall be built to insure general conformity, both in substance and location, with the goals and objectives of the master/comprehensive plan through integrated development.

4.03 SCOPE Applications for Planned Unit Development zoning may be made for land located in any zoning district.

4.04 CONSISTENCY WITH THE GENERAL MASTER/COMPREHENSIVE PLAN

No PUD shall be approved unless it is found by the County Commissioners to be in general conformity with the County's Master/Comprehensive plan(s). **When appropriate, an application for an amendment to the Garfield County Master/Comprehensive Plan may be made as a part of a PUD application. Any application for Master/Comprehensive Plan amendment must be approved by the Planning Commission prior to its recommendation on the PUD application, and may occur at the same meeting. Applications for Comprehensive Plan amendment**

shall include justification for the amendment based upon criteria for establishing land use designations contained in the Master/Comprehensive Plan.

4.05 RELATIONSHIP TO ZONING AND SUBDIVISION

4.05.01 The Garfield County Subdivision Regulations, as the same may be from time to time amended, and the provisions of this Zoning Resolution, as the same may be from time to time amended, shall be applicable to PUDs insofar as said Regulations and Resolution are consistent with this section and with any specific zoning or subdivision requirements approved by the County Commissioners at the time of zoning or platting the PUD in question, but to the extent that said Regulations and Resolution are inconsistent herewith, they shall not be applicable and the provisions of this section shall control.

4.05.02 It is recognized that the uniqueness of each proposal for a PUD requires that the specifications, standards and requirements for various facilities, including but not limited to, streets, highways, alleys, utilities, curbs, gutters, sidewalks, street lights, parks, play-grounds, school grounds, storm drainage, water supply and distribution, and sewage collection and treatment, may be subject to modification from the specifications, standards, and requirements established in the Subdivision Regulations of Garfield County for like uses in other zone districts.

The County Commissioners may, therefore, *either* at the time of zoning as a PUD, *or subsequently upon final platting under the Subdivision Regulations*, waive or modify the specifications, standards and requirements which would be otherwise applicable, as requested by the applicant. **Any waiver or modification of specifications, standards and requirements will only be approved if it can be demonstrated that the proposed waiver(s) is consistent with “best engineering practices,” as recommended by an engineer retained by the County and is supported by contemporary techniques/theories used successfully in other jurisdictions.**

4.06 INTERNAL COMPATIBILITY OF PLANNED UNIT DEVELOPMENTS

It is recognized that certain individual land uses, regardless of their adherence to all the design elements provided for in this section, might not exist compatibly with one another. Therefore, a proposed PUD shall be considered from the point of view of the relationship and compatibility of the individual elements of the Plan, and no PUD shall be approved which contains incompatible elements.

4.07 STANDARDS AND REQUIREMENTS

4.07.01 The County Commissioners may approve a proposed PUD rezoning upon a finding that it will implement the purposes of this section and will meet the standards and requirements set forth in this section.

4.07.02 The number of off-street parking spaces for each use in each PUD shall not be less than the requirements for like uses in other zoning districts, except that the County Commissioners may increase or decrease the required number of off-street parking spaces in consideration of the following factors:

- (1) Estimated number of cars owned by occupants of dwellings in the PUD;
- (2) Parking needs of non-dwelling uses;
- (3) Varying time periods of use whenever joint use of common parking areas is proposed.

4.07.03 The PUD shall meet the following site plan criteria unless the applicant can demonstrate that one (1) or more of them is not applicable or that a practical solution has been otherwise achieved:

- (1) The PUD shall have an appropriate relationship to the surrounding area, with unreasonable adverse effects on the surrounding area being minimized.
- (2) The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience and access. Private internal streets may be permitted, provided that adequate access for police and fire protection is maintained. Bicycle traffic shall be provided for when the site is used for residential purposes.
- (3) The PUD shall provide parking areas adequate in terms of location, area, circulation, safety, convenience, separation and screening.
- (4) The PUD shall provide Common Open Space adequate in terms of location, area and type of Common Open Space, and in terms of the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.

(5) The PUD shall provide for variety in housing types and densities, other facilities and Common Open Space.

(6) The PUD shall provide adequate privacy between dwelling units.

(7) The PUD shall provide pedestrian ways adequate in terms of safety, separation, convenience, access to points of destination and attractiveness.

(8) If centralized water and/or wastewater facilities are proposed within the PUD, they shall be provided for in a separate utility zone district that shall contain its own performance standards. No land within any utility zone district shall apply toward any category of open space calculation or requirement. The PUD shall demonstrate how common water and wastewater facilities will be owned by the future owners within the PUD.

(9) At no time shall slopes in excess of 40% grade be disturbed by commercial or residential construction. Any disturbance of slopes in excess of 40% for infrastructure, shall be the minimum necessary to meet the development needs and have a revegetation and stabilization plan submitted with the PUD application.

(10) If community facilities are proposed to be contained or allowed in the PUD, the application shall discuss who or what entity shall be responsible for the provision of and payment for the proposed facilities. The facilities shall also be included within the common infrastructure of the PUD, including water, wastewater and parking requirements.

4.07.04 The maximum height of buildings may be increased above the maximum permitted for like buildings in other zone districts in relation to the following characteristics of the proposed building:

(1) Its geographical location;

(2) The probable effect on surrounding slopes and mountainous terrain;

(3) Unreasonable adverse visual effect on adjacent sites or other areas in the immediate vicinity;

(4) Potential problems for adjacent sites caused by shadows, loss of air circulation or loss of view;

(5) Influence on the general vicinity, with regard to extreme contrast, vistas and open space; and

(6) Uses within the proposed building.

4.07.05 The minimum lot areas and the minimum setback restrictions may be decreased below and the maximum lot coverages may be increased above those applicable to like buildings in other zone districts to accommodate specific building types with unusual orientation on the lot or relationship between buildings. The averaging of lot areas shall be permitted to provide flexibility in design and to relate lot size to topography, but each lot shall contain an acceptable building site. The clustering of development with usable common open areas shall be permitted to encourage provision for, and access to, common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings. Architectural style of buildings shall not be a basis for denying approval of a PUD application.

4.07.06 The overall residential density shall be no greater than *four (4) two (2)* dwelling units per **gross** acre within the PUD; provided, however, that the County Commissioners may allow an increase to a maximum of fifteen (15) dwelling units per gross acre in areas where public water and sewer systems, owned and operated by a municipal government or special district (as defined by Section 32-1-103(20), C.R.S.) are readily available and the prior zoning classification allowed residential densities greater than *four (4) two (2)* dwellings units per **gross** acre, such densities being determined by reference to the maximum lot coverage, minimum setback, maximum floor area ratio, maximum building height and parking standards of such prior zoning classification. The overall average residential density shall be calculated by summing

the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres within the boundary of the PUD. Averaging and

transferring of densities within the PUD shall be allowed upon a showing of conformance to the purposes of this section through appropriate utilization of the area within the PUD to achieve high standards of design and livability. The density of dwelling units in any particular area may be greater than the maximum permitted for a like use in other zone districts. (A. 83-93)

4.07.07 The minimum number of acres that may comprise a PUD is two (2) acres.

4.07.08 All uses which are permitted in *any other the underlying zone district and/or consistent with the land use designations in the Comprehensive Plan or approved as an amendment to the Comprehensive Plan* may be permitted in PUDs. *subject to the provisions of Section 4.06 hereof. Without limiting the generality of the foregoing, the following uses, separate or in combination, may be permitted in PUDs :*

- (1) *Single-family and multiple-family residential dwelling units in detached, semidetached, attached, groups of attached, clustered or multistoried structures, or any combination thereof;*
- (2) *Sale or rental of goods or services;*
- (3) *Recreational facilities;*
- (4) *Public and private offices;*
- (5) *Mobile home parks;*
- (6) *Convention facilities;*
- (7) *Restaurants;*
- (8) *Public utilities and facilities;*
- (9) *Lodging places, including motels, hotels, lodges and dormitories;*
- (10) *Schools and other educational institutions;*
- (11) *Churches and hospitals;*
- (12) *Business and commercial uses*
- (13) *Industrial uses.*

The uses which shall be permitted in any particular PUD shall be those permitted by the resolution zoning the particular area PUD.

4.07.09 Twenty-five percent (25%) of the total area within the boundary of any PUD shall be devoted to Common Open Space; and not more than *fifty percent (50%)* **twenty-five percent (25%)** of the Common Open Space is an area of water, **not classified as commercial open space**. Provided, however, that the County Commissioners may reduce such requirement if they find that such decrease is warranted by the design of, and the amenities and features incorporated into the Plan, and that the needs of the occupants of the PUD for Common Open Space can be met in the proposed PUD.

4.07.10 If any zone district within the PUD is proposed to contain time-share or fractional ownership units, or other similar interest in property, the provisions for such ownership shall be those that are approved by the Board of County Commissioners at the time the property is zoned PUD.

4.08 PUD PROCESSING

4.08.01 The approval of a PUD constitutes a Zone District Amendment. **An application for subdivision Preliminary Plan may be considered simultaneously with the PUD application; however, the PUD zoning decision shall be made prior to the subdivision Preliminary Plan decision.** A PUD is established by rezoning an area in an existing zone district to PUD pursuant to the provisions of this Zoning Resolution and **may include an application to subdivide the property,** consistent with all applicable provisions of Title 30, Article 28 and Title 24, Article 67, C.R.S. The County Commissioners are hereby declared to be the board authorized to review PUD applications pursuant to *Section 24-67-104(1)(c),* C.R.S. Each PUD application shall be reviewed and approved, disapproved or conditionally approved by the County Commissioners within one hundred twenty (120) days of its *initial filing determination of completeness and referral to the Planning Commission.* The approved PUD zoning and the approved PUD Plan are inseparable and a PUD shall not be established without the approval of the related PUD Plan. The approved PUD zoning and the approved PUD Plan together establish the uses permitted in lieu of the zone district regulations which were theretofore applicable. **If PUD and subdivision Preliminary Plan are considered simultaneously, the**

approved Preliminary Plan must include the
be phased, in accordance with the

entire PUD. Subsequent final plats may
approved phasing plan.

The above-referenced one hundred twenty (120) day period shall commence when the Planning Department determines the PUD application to be complete and referral of the application is made, by the Board, to the Planning Commission. The Planning Department has twenty-one (21) days from the date of initial submittal to determine completeness. If no response is drafted by the Planning Department, or its legal counsel, within the stated time period, the application shall be considered complete and the 120 day period shall commence on the twenty-second day after initial submittal. The Planning Department shall make every effort to review and notify the PUD applicant of any deficiency or additional requirement; however, all additional information submitted by the applicant shall be reviewed and be subject to the terms listed herein. The express intention of this section is to process only complete PUD applications; however, the Planning Department reserves the right to request additional, pertinent information throughout the PUD review process.

If an amendment to the Master/Comprehensive Plan is proposed as a part of the PUD application, then the Planning Commission shall take action on the proposed amendment to the Master/Comprehensive Plan prior to the PUD application. The Planning Commission's action on an amendment to the Master/Comprehensive Plan shall be after a public hearing, with at least fifteen (15) days notice, in at least one newspaper of general circulation in the County, and may be considered at the same meeting that the PUD application is considered.

4.08.02 An applicant *shall may* process their application for PUD zoning under this Zoning
Resolution separate from and in advance of their application or applications for
subdivision platting under the Garfield County Subdivision Regulations.

4.08.03 The plan shall show generally where within the PUD each type of use will be located
and shall indicate the total acreage which will be devoted to each use, **where no subdivision is**
proposed as a part of the PUD. The precise location of each use and the location of lots, blocks or
other parcels within each area devoted to each use shall be shown as that area is *thereafter*
subdivided and platted in accordance with the Garfield County Subdivision Regulations. (A. 79-
132)

4.08.04 The uses by right, conditional uses, minimum lot area, maximum lot coverage,
minimum setbacks, maximum height of buildings, and all other use and
occupancy restrictions applicable to any area zoned as PUD shall be those which
are approved by the County Commissioners at the time such area is so zoned.

4.08.05 **Where a Preliminary Plan application is included with a PUD application,** the
Subdivision Regulation requirements will supersede the following PUD requirements
where the same information or more detailed information is required as a part of a
subdivision application. The applicant shall include with the written request for PUD zoning which
does not include a subdivision **Preliminary Plan application the following information:**

- (1) A statement of the ownership interest in the property to be included in the PUD and the written consent of all of the owners;
- (2) A PUD Plan indicating the broad concept of the proposed development. Such Plan shall **clearly** indicate:
 - (A) The maximum number of dwelling units proposed within the overall area;
 - (B) The minimum acreage which will be dedicated to Common Open Space;
 - (C) The type of uses proposed and the acreage devoted to each use;
 - (D) Major internal circulation systems;
 - (E) The acreage which will be dedicated for school sites;
 - (F) The general nature and location of commercial and industrial uses, if any, to be located in the PUD;
 - (G) Provision for water, sewer, telephone, electricity, gas and cable television, if applicable; *and*
 - (H) Other restrictions proposed by the applicant such as building setbacks, height limits, access requirements and grade or slope restrictions to be applied to particular areas, **written in the form of a zone district text the same as, or in similar form to, the Garfield County Zoning Resolution; and**
 - (I) **If more than one phase is proposed, a phasing plan shall be included in the application that delineates the proposed phasing of the development.**

(3) A regional location map showing the relationship of the site to connecting roadways, public facilities, commercial and cultural facilities and surrounding land uses;

(4) A site map illustrating site boundaries, acreage, existing structures and the existing zoning;

(5) A site topographic map showing at least five-foot contour intervals, major vegetation elements, streams, rivers, ditches and areas subject to 100 Year flooding;

(6) A legal description of the area which the applicant wishes to include in the PUD;

(7) A written statement containing the following information:

(a) An explanation of the objectives to be achieved by the PUD;

(b) A development schedule indicating the approximate dates when construction of the various stages of the PUD can be expected to begin and be completed;

(c) Copies of any special covenants, conditions and restrictions, which will govern the use or occupancy of the PUD; provided, however, that the applicant may impose additional covenants, conditions and restrictions on any particular area in connection with the platting of such area;

(d) A list of the owners of properties located within **two hundred (200)** feet of the boundaries of the PUD and their addresses;

(e) A statement by a licensed engineer, **with supporting calculations and documentation**, which shall provide evidence of the following:

(i) The proposed water source **legally and physically** adequate to service the PUD;

(ii) The proposed method of sewage treatment **legally and physically adequate to service the PUD. If the PUD application proposes to utilize existing, central facilities, the application shall contain a letter from the district or provider that adequate excess capacity currently exists and will be devoted to accommodating the development, or that the capacity will be expanded to adequately accommodate the development.**

(iii) The *general* manner in which storm drainage will be handled, demonstrating that adjoining property owners would not be damaged by the development; and

(iv) The *general* manner in which provision will be made for any potential natural hazards in the area such as avalanche areas, landslide areas, flood plain areas, and unstable soils, **and the extent and mitigation of such hazard(s);**

(f) Easements showing vested legal access for ingress and egress from a public road to the PUD **and/or documentation demonstrating access will be acquired across a public right-of-way or easement within two (2) years of any PUD will be vested prior to final platting across the right-of-way; and approval and said access of any property subject to the easement**

(g) Evidence that the PUD has been designed with consideration of the natural environment of the site and the surrounding area and does not unreasonably destroy or displace wildlife, natural vegetation or unique natural or historical features.

The applicant may submit any other information or exhibits which he deems pertinent in evaluating his proposed PUD. (A. 79-132)

4.08.06

Notwithstanding the rezoning of an overall area as PUD, no portion thereof shall be used or occupied otherwise than as was permitted immediately prior to the approval of such rezoning until a final subdivision plat for said portion shall have been approved by the County Commissioners as if required by the Garfield County Subdivision Regulations.

- 4.08.07 *Notwithstanding the provisions of Section 4.08.02 above, an applicant may elect to have the public hearings required by Section 3.06 of the Garfield County Subdivision Regulations and Section 10.04.01 of the Garfield County Zoning Resolution held simultaneously. In this event, notice of the time and place of such hearing shall be given in the manner prescribed by C.R.S. 1973, Sections 30-28-110 and 24-67-104 (1) (e). The Planning Commission and County Commissioners shall render their separate decisions as required by said Sections 3.06 and 10.04.01 respectively.*
- 4.09 DEVELOPMENT IN STAGES
- 4.09.01 The applicant must begin development of the PUD within one (1) year from the time of its final zone change approval; provided, however, that the PUD may be developed in stages **and the Board may approve the commencement of development activity beyond one (1) year consistent with 4.08.05 (7)(F) of this resolution.** The applicant must complete the development of each stage and of the PUD as a whole in substantial compliance with the development schedule approved by the County Commissioners. **In no case shall commencement of development of a PUD be extended beyond two (2) years from the original date of approval by the Board of County Commissioners.**
- 4.09.02 If the applicant does not comply with the time limits imposed by the preceding subsection, the County Commissioners shall review the PUD in a **public hearing noticed as required in Section 10.04.01,** and may revoke approval for the uncompleted portion of the PUD, or require that the PUD be amended, or extend the time for completion of the PUD **one (1) time, for a period not to exceed one (1) year from the expiration of the original time limit.**
- 2184.09.03 Each stage within a PUD shall be so planned and so related to existing surrounding and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PUD or its surroundings.
- 4.09.04 If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the County Commissioners find that such phasing is consistent with sound principles of ordered development and will have no substantial adverse effect on the quality or character of the PUD.
- 4.09.05 The development and construction of and within all PUDs shall be done in such manner and fashion that minimizes disturbance to adjacent land uses and owners. Access for all construction equipment shall be designated within the PUD proposal and shall bear a logical relationship to any proposed phasing of development.**
- 4.10 MAINTENANCE OF COMMON OPEN SPACE
The Common Open Space of a PUD may be owned and maintained by the property owners within the PUD or by an organizations chosen therefrom or thereby. In the event that the organization established to own and maintain Common Open Space, or any successor organization, shall at any time after establishment of the PUD fail to maintain the Common Open Space in reasonable order and condition in accordance with the Plan, the County Commissioners may serve written notice upon such organization or upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the Common Open Space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the County Commissioners may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within said 30 days or any extension granted, the County Commissioners, in order to preserve the taxable values of the properties within the PUD and to prevent the Common Open Space from becoming a public nuisance, may enter upon said Common Open Space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the Common Open Space except when the same has been voluntarily dedicated to the public by the owners. Before the expiration of said year, the County Commissioners shall, upon their initiative or upon the written request of the organization theretofore responsible for the maintenance of the Common Open Space, call a public hearing upon notice to such organization, or to the residents of the PUD, to be held by the County Commissioners, at which hearing such organization or the residents of the PUD shall show cause why such maintenance by the County Commissioners shall not, at the election of the County Commissioners, continue for a succeeding year. If the County Commissioners shall determine that such organization is ready and able to maintain said Common Open Space in reasonable condition, the County Commissioners shall cease to maintain such Common Open Space at the end of said year. If the County Commissioners shall determine such organization is not ready and able to maintain said Common Open Space in a reasonable condition, the County Commissioners may, in their discretion, continue to maintain said Common Open Space during

the next succeeding year, and subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the County Commissioners shall be assessed to and paid by the owners of properties within the PUD that have a right of enjoyment of the Common Open Space, and any unpaid assessments shall become a tax lien on said properties. The County Commissioners shall file a notice of such lien in the office of the Garfield County Clerk and Recorder upon the properties affected by such lien within the PUD and shall certify such unpaid assessments for collection, enforcement, and remittance in the manner provided by law for the collection, enforcement, and remittance of general property taxes.

4.11 FEE

The County Commissioners may establish a fee schedule for PUD applications to cover the costs of processing and review in addition to the fee required for processing other Zone District Amendments.

4.12 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF THE PLAN

4.12.01 The provisions of the Plan relating to the use of land and the location of Common Open Space shall run in favor of the County and shall be enforceable in law or in equity by the County without limitation on any powers or regulation otherwise granted by law.

4.12.02 All provisions of the Plan shall run in favor of the residents, occupants and owners of the PUD, but only to the extent expressly provided in the Plan and in accordance with the terms of the Plan, and, to that extent, said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the Plan to act on their behalf.

- 04.12.03 All those provisions of the Plan authorized to be enforced by the County may be modified, removed or released by the County, subject to the following:
- (1) No modification, removal or release of the provisions of the Plan by the County shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity; and
 - (2) No substantial modifications, removal or release of the provisions of the Plan by the County shall be permitted except upon a finding by the County, following a public hearing called and held in accordance with the provisions of Section 24-67-104, C.R.S., that the modification, removal or release is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.
 - (3) **If time-share or fractional ownership units or other similar interest in property are proposed after PUD zoning is granted by the Board of County Commissioners, an application for such designation shall contain unanimous approval of all owners of real property within the PUD.**

4.12.04 Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the Plan, modify, remove or release their rights to enforce the provisions of the Plan, but no such action shall affect the right of the County to enforce the provisions of the Plan.

4.12.05 PROVISION FOR INDEPENDENT OR OUTSIDE LEGAL AND/OR TECHNICAL EXPERTISE

The County Commissioners acknowledge and find that, from time to time, the County may be required to obtain independent or outside legal and technical counsel and/or opinions concerning PUD proposals. The County Commissioners shall have the authority to retain these experts or expertise at the sole cost of the PUD applicant(s). After referral, the Board may retain assistance if requested by the Planning Commission, or to address any unforeseen technical or legal issue, not previously foreseen. At such time of retention of outside expertise, the PUD applicant shall be advised of the nature of the outside expert review and a payment schedule shall be established.

Members in the audience who provided input into the discussion during the Public Hearing included: Attorney Larry Green; Buckley Arbaney; Tim Thulson, George Hanlon and Jay Harkins.

Larry Green - commented what if we have 1,000 acres proposed for a PUD. Does this mean that the old uses that would be allowed within that PUD are those uses that are presently allowed within the underlined district for that 1,000 acres prior to the PUD? Are these 1,000 acres as presently designated in the Comprehensive Plan? It seems to me like takes the statutory requirement that a Master Plan or Comprehensive Plan be advisory only and turns it into an obligatory document. Unless you go through and amend that obligatory document prior to...

Don - I think you are right per this specific element - it does make it a obligatory document - I think the Board can do that if they wish.

Mark - and the regulations in the statute themselves basically give the Comprehensive Plan a lot more weight and authority by statute. The language - the general compliance requirement of the PUD - for the local Comprehensive Plan is statutory language.

Larry - I don't think that is 30-28-106 3D...

Don - in the land use designation it goes beyond general conformities specifically. On this particular type of issue, that is the underlying use. For underlying usage that are permitted on a specific piece of property -

it goes beyond the general conformity to the statute requirements the finding to specific - the specific conformity to what it in the Comprehensive Plan. If the Board wants to do it, they can do it.

Larry - I am not going to argue that they don't have the authority to do it, I don't think the status of State law is clear whether you have the authority to do it, but I'm raising the point because I think you need to understand that this is what is happening as a result of this change. And I'm not so sure in fairness to members of the public that this is the way the Comprehensive Plan was adopted and sold. You look at the Comprehensive Plan and it's repleved with references to the fact that this is an advisory document. Now it seems to me by virtue of this change in the PUD regulation you are changing the nature of that publicly adopted document that was advisory to mandatory and I don't know if that's prudent or imprudent frankly as far as the result is and I not here for any particular clients so I don't have any particular proposal or project in mind. It just seems to me, if the County adopted the Comprehensive plan as advisory and that was the nature of it, then until some public process which changes that nature of that document from obligatory - maybe this is the public process - but

Don - first of all, it is the public process and secondly this only relates to PUD's where somebody's requesting a higher density that is otherwise permitted by

Chairman Smith - it says may, it doesn't say shall be permitted - you didn't read the whole thing. You see, after Comprehensive Plan, may be permitted in PUD's.

Discussion - too many talking at once

Larry - I agree somewhat, the Master Plan designation for Sunlight is recreation does not define what recreation is but one could argue that a restaurant or a ski rental shop is not allowed in a recreation district - maybe a video arcade is a better example. Does that mean we have to come in and amend the Master Plan before we can submit a PUD application for Sunlight that proposes a video game center - Commercial Use? You go back to that whole desire of what a PUD is - it is a desire to provide flexibility and a carrot, if you will, to the developer to be creative and come up with concepts projects that are not presently out there. Again, if you restrict them to what the underlying zoning is for the property or what the Master Plan designations, you are basically saying, don't be creative. The only thing you can do is - you can change that residentially zoned property to different residential uses.

Don - no, you can go to the Planning Commission and present the plan of why they should change what is residential to commercial and what your project has to offer that would cause them to make that change.

Mark - just one point I need to make, the Comprehensive Plan is not this Board's document. It is the Planning Commission's guide to the Board. The Board can give it as much authority as they chose to including regulations.

Chairman Smith - Larry would rather see it left like it is - the 4.07.08?

Larry - yes

Eric - the zone district for Ski Sunlight I believe is commercial/residential. That commercial/residential zoning allows just about anything you want to do with a PUD. The other land around there might be more in question, but it says the underlying zone district. You have all these uses allowed in a zone district Commercial Limited so I don't see 40 - 60 acres could ever be or would be excluded.

Chairman Smith - I'm looking a public utilities/facilities..

Larry - that's why I hesitate to use specific examples because... The Master Plan is the P & Z's document, not this Board's document? By this language, aren't you making it this Board's document?

Mark - it becomes their interpretation.

Don - yes, I agree with Larry.

Mark - I would add one point, the Comp Plan when it was originally written was based upon different statutes and different precedents. And as I said at that time, in terms of what legally a Comprehensive Plan can do, there have been certain precedents that would indicate that in fact - the statue I refer to is the Legislature - adopted in April 1997.

Don - the language that would have prohibited this Board from adopting any specific standards has been specifically deleted by the final passage of that bill.

Larry - that's why I say we can argue the authority of the Board. I just want the Board to understand what is happening with this suggestion.

Eric - the whole philosophical reason for that in a legal and planning perspective is that the Board has to make finding of general conformity to the Comprehensive Plan. What the Comprehensive Plan says, "residential - residential only" - I don't care the density - how the heck do you find general conformity if someone says we're going to do commercial or we're going to do some recreation, or we're going to do light

industrial. That really is the intent is to try and decide what actually is the process and not trying to every time we review an application.

Commissioner McCown - what is the Comprehensive Plan view the Sunlight areas - 40 acres up there commercial? what about residential?

Mark - our Comprehensive Plan designated those lands are recreationally. That is an undefined recreational. It doesn't necessarily preclude housing from a recreationally area.

Discussion

Eric - in reviewing the Comprehensive Plan, although it makes a number of designations difficult to implement, that is a very good example of why it is difficult.

Mark - there is no contiguity between the two documents.

Commissioner McCown I'm not sure this is answering my question either.

Mark - this is acknowledging that we are trying to create the bridge between them. You're basic philosophy is intended to be the basis for your land use regulations and your development rules and this is trying to create some contiguity at least in this process between the two and allowing also and acknowledging also that there my situations that were not thought of or circumstances have changed to allow for changes both in Comp Plan as well as in Zoning itself, which is what a PUD does.

Commissioner McCown - Mark and I have discussions on the Comp Plan and as long as that last word is on there, that's what it should be - a Plan.

Mark - and direction

Commissioner McCown and regardless of what some court upheld somewhere, it's still a plan - if it's not going to be a plan, then let's change the name of it. Let's say Comprehensive Building Planning Ordinance.

Mark - but that's my point, a plan is the basis for the regulations in terms of being able to implement it. It only has authority because of your zoning and because of your Subdivision Regulations and because of your PUD Regulations. That's the only way it has any authority. At that point it is meant to be a method by which you are trying to advise be it either the developer or the individual buying a house - what they can expect in the future of the land use in their area.

George Hanlon - I struggled with this a lot when we were going through the process of the PUD. I come from a State in Florida where the Comprehensive Plan became pretty much a guideline but there were set procedures and we talked about this, that was with having zoning modify the Comp Plan. So what they did was, they established a Comp Plan and then they had every 6 months, you could modify and it was a specific meeting for any request to modify the Comp Plan. And what it did was created two processes: you had to go through the Comp Plan Process, and then the re-zoning process and with the direction that P & Z is taking, I think they were trying to make a distinction and begin to facilitate a method by which the Comprehensive Plan became more of a working plan versus we'll look at it every 5 years if we have staff or if we can get to it. And it was for that reason and that reason only that I guess I was willing to accept - is it in my favor? I agree with Larry, because it is supposed to be advisory, I mean the statute came out and was very, very clear about that. And I think that the question's going to end up being, and we may be with Sanders Ranch one of the first ones approved under this process and we've been working along those lines to try and prepare our Comp Plan amendment as part of our application. I hope that what we all are trying to gain out of this is a better process and facilitate, not the attitude that we just won't make it totally impossible for anyone to come in and develop but more of an attitude of let's do it right if we're going to do it. And so, that's what I've tried to embrace with staff and I think that's kind of where we are. I would say, I think what Larry has brought up is dead right - right on point. But I also think there is an opportunity now to try and facilitate what the staff and the P&Z is planning to implement and see if it works. And one of the things that you ought to do is come back if it's implemented and it's not working or if you find that a lot of people are really having a problem with it. But I do think it begins to establish a process of, we'll evaluate it - that's what the Comp Plan is all about. And I'm not telling you anything, I believe as the County that's the direction I think that Mark and staff is headed. Get that Comp Plan up-to-date and up to speed. Cause I think it's lacking in some area too and it needs to be addressed. So those are my two cents. I don't know that I'm throwing the vote for Larry, but what I am saying is, I'm willing to embrace this concept that P & Z and staff have presented with the intent of let's hope we have a better product out of it. And it kind of creates a little bit of double jeopardy because there's two processes, although we've allowed the provisions so that it can be simultaneous. And going in from of the public process more than once is something I don't really embrace but that's part of it. Those are my comments.

Chairman Smith called for further comments.

Discussion

Chairman Smith commented the reason the Board is looking at this is to make it easier to understand, easier to work with and really address the issues that people have been concerned about. I think if there's some modification and changes made to have it easier to understand..... does this 4.07.08 make it easier?

Mark - this is a bridge between the proposed designations in the Comp Plan and PUD process and proposal that is acknowledging that people may and can come in with proposals that are different, providing a process for it, but to try and keep some consistency in how a Comp Plan to use as a document to make recommendations both to the Planning Commission and to you, the Board, is difficult if there is no contiguity between the two. If we come in and someone has a project completely inconsistent with the Comprehensive Plan, and we come back to you and say there is no contiguity between the two and even though we may think it makes some sense and there's no provision to allow in the Comprehensive Plan and the general conformity language, if we end up with a project that we recommend denial because they are not in compliance with the Comp Plan.

Mark added that anybody can come in and do an amendment to the Comp Plan but before they submit for a PUD - George's argument when we went through the whole process, are you telling me I have to come in and do my amendments to the Comp Plan, then come in with a PUD application? What we are trying to acknowledge is, and give him the benefit of the doubt, is to acknowledge to him that as part of the PUD process, you can request that amendment at the same time. The distinction is that the Planning Commission will actually make a finding at a meeting, at a hearing in terms of both of the PUD and Comprehensive Plan compliance or change in the Comprehensive Plan if they're going to amend it. So there is a process that is more definitive. Like now, the process doesn't allow the two to occur at the same time essentially. You end up with someone coming in to request an amendment, good example Sunlight View, they came in and actually amended the Comp Plan before any proposal came in for PUD. You had a real generic discussion of the Comprehensive Plan, in terms of whether or not it was appropriate for certain types of density and uses in the area without a particular plan. George's idea and I think it has some validity, this way you have both a plan proposed so the Board and Planning and Commission are looking at the plan and the language in the Comp Plan to determine if they make some sense together.

Commissioner McCown - but the Comprehensive Plan has to take place first.

Mark - yes. There's a hearing and a recommendation and then there is arguably a second decision on the PUD at the same time. They make a recommendation on the Comprehensive Plan Amendment and the PUD at the same Public Hearing - it's just that they are notified of both at the same time. That is basically the distinction.

George - But the decision on the Comp Plan and that approval would be before the decision on the PUD.

Mark - now we are defining the PUD, which can occur on the same evening at the same meeting, based on general compliance's found in the Comprehensive Plan.

Commissioner McCown and then that information would be sent to us at another Public Hearing.

Mark - that's correct

Discussion continued

George Hanlon - I think one of the things we have talked about is that the Comp Plan and that whole process is an evolutionary process and as certain sectors of certain corridors are developed and then that will begin to determine what is going to be in compliance with that which is adjacent. Essentially, Mark is very aware of the staff issuance and he shoved it on my shoulders and Jay's shoulders and other developers and we are going to be helping in the process. And I think as long as there is the understanding that it's advisory and there is an understanding that we have got to come in and address what is happening in a particular area and does this meet the needs of that area, then there ought to be a basis for adjusting the Comp Plan. The Comp Plan is nothing more than you said, Larry, it's a plan. And in 20 years it is going to be different than what it is today.

Commissioner McCown - I see it as a plan but I don't perceive it as lawful and it's being interpreted as law. If you cannot do anything without first changing the plan, it's law. I don't care how you color it, it's a rule, it's a law - it precedes whatever else goes on. You've got to change than plan before you can go forward. It's a law.

Larry Green - and that's exactly the point - I think the development community welcomes the process that staff is trying to get to, to allow an ability to amend the Comprehensive Plan even simultaneously with the PUD application. It's that statement in 4.07.08 that I think, my interpretation of it and a correct one, is those are the only usage that could ever be allowed within the PUD without first changing the Comprehensive Plan. The utility district - if a developer wanted to put in a waste water treatment plant there's no provision in there in here to say the waste water treatment plant has to be in its own separate

utility district and yet I don't think there's a zone district in Garfield County that allows waste water treatment plants.

Discussion and Comments

Larry continued I don't think you should have to amend the Comprehensive Plan to put in a waste water treatment plant.

Don DeFord summarized - you already have in your regulations and have a State Law requirement - which is law - generally conformity and what Eric is talking about simply clarifies this. Mark is describing what occurs all the time. The staff is faced with the dilemma - does it conform generally or not and they have to write a yes or no and the Board has to decide yes or no - this does nothing more than put some specificity into that language. But it already is law. And it is now law regarding Subdivision as well as PUD.

Chairman Smith - thanks.

Eric - when we are talking about amending the Comprehensive Plan for this end of the valley, we are talking about amending the colors on this map. If you don't have the right color, then basically you should amend it. So we can articulate what is being required. Now in trying to determine conformity with the Comprehensive Plan, we're really not had the guideline or check list so to speak, so from a review level, how much weight do we give this map? 50%, 10% and then use the goals and objectives as the other portion the other 50% of perhaps 90% in reviewing the development plan and trying to conform or define conformity with the Comprehensive Plan - that's really the issue we have from a review standpoint. How much weight is given to the map? How much weight is given to the goals and objectives? If we do that evenly, 50% and 50% obviously you come in and you're missing 50% then you probably can't find general conformity.

Chairman Smith - the one question I've got, we sit here, we have people come in and say how can you allow such and such to go on in our area or we didn't know we didn't own the surface rights - all this kinds of stuff for the general public and when somebody buys one of your lots in a PUD, how are they going know what is going to go in by them? This is disclosed to the public no matter how we change the wording to this on 4.07.08.

Larry - that would not change at all.

Mark - what we run into is the person who is not in the PUD. They say how can you allow this to occur on property adjacent to mine when I had no idea that this was going to occur. This will have a very negative effect on my lifestyle and what I bought my property for - that's what part of the Comprehensive Plan is intended to do also.

Chairman Smith - when you go down the list of the things we've deleted, it's just about anything you want to as long as it shows up in your PUD finals.

Mark - that's correct. The PUD, as the language presently allows, says you can put in anything you want. We're suggesting that we try and get to some tie into the Comprehensive Plan language and the intent to develop certain types of growth or make uses of certain areas consistent with the Comprehensive Plan also consistent with your regulations. If there's an argument, that we've suggested that be changed and that argument is presented in a public forum before the Planning Commission, and the Planning Commission in turns takes the action that would allow people to come in and speak their argument whether or not that's an appropriate use. Ultimately, you get a recommendation from the Planning Commission, that's consistent with their Comprehensive Plan that they are obligated or statutorily obligated to adopt and also consistent with the regulations that you are mandated or you actually make decision on in terms of the final legislative action that occurs in terms of what re-zoning action. That's what it is trying to do, give everybody the opportunity to speak their peace in terms of what is or what isn't appropriate of land use in the area.

Larry - Doesn't it just convert the political question from shall we grant the PUD, to shall we grant an amendment to the Comp Plan - aren't you asking the same question in a different context? The words are different.

Mark - I think arguably it becomes enforceable by legislative action of the Board through the PUD.

Larry - I think the Comprehensive Plan is intended to be advisory and it becomes converted from advisory to something more.

Mark - let's carry the word "advisory" a step further. The Comprehensive Plan is intended to be the Planning Commission's document to advise the Board of County Commissioners of the appropriate legislative action for land use planning to Garfield County. They use this as a basis for making their recommendations, which also, going back to old planning periods, you develop regulations consistent with the Comprehensive Plan so it's implemented. Where there is inconsistencies between the two, you amend the appropriate document, be it Comp Plan and/or the Zoning Subdivision Regulations. That is what the

advisory nature of the Comp Plan has always been there for anyway. There's always been what the advice was trying to be. This is trying to create a little different tie to the two, acknowledging that if we can get some of the advisory documents into some decisions that will allow them to make a more consistent decision between their Comprehensive Plan be it the existing one or with the amendment as it comes in as they feel it's appropriate.

Mark clarified that the Board will not see a request for an amendment to the Comp Plan. All the Board will see is the PUD as recommended to us and a finding a general compliance in the Comp Plan. If appropriate, an amendment to the Comp Plan made during the PUD review, by the Planning Commission.

Commissioner McCown clarified that the Planning Commission can and does amend and is the only entity that amends the Comp Plan.

Commissioner Martin - we can make recommendations, and the public can make recommendations, but they have to make the ultimate decision.

Commissioner McCown - the article or the implement by which we're doing everything? It supersedes zoning?

Mark - no, it is the basis for zoning. It doesn't supersede zoning, it is the basis for zoning and has always been what the Comp Plan was intended to be - it is also intended to be the basis for all your land use decisions.

Commissioner McCown - if one conflicts with the other one, which one takes precedence?

Mark - right now the zoning.

Larry - if that's changed it will be the PUD and

Don there is one issue being addressed here - as Eric pointed out there is page after page of goals and objectives in the Comp Plan. We're talking about land use recommendations set forth on that map. It's really not the entire Comprehensive Plan.

Larry - I think Larry that you put your finger on what bothers me - this is that if the developer can't get the Comp Plan modified; then the elected officials, the people who we vote for, will never see that application.

Commissioner Martin - that goes on with this process Larry.

Larry - that says we can't apply for a PUD, unless it's

Don - you can apply, but you probably wouldn't get approved, I agree with that. You still could apply, but you probably would be in violation of the building regulations. If that part is correct, then that's really the decision you're making or not going to make tonight as the case may be. Are you going to give it that much force? or are you not going to give that particular section of the Comp Plan that much force and that's the decision? If you make the decision to adopt as drafted, in terms of land uses, yes practically, if not actually, the Comp Plan would have to be amended on the land uses. It doesn't mean that you will never see that issue because if you don't adopt this language, you're still going to see the same problem, because the Planning staff is still going to have address this issue of conformity of the Comp Plan to do zoning.

Larry - the public has no recourse.

George Hanlon - my experience on the Comp Plan was that it just forced long-range planning and that's where the ultimate was open because developers, when they were going into an area that wasn't the necessarily the right color, they probably wouldn't go in there if there wasn't already infrastructure or other things to support the modification. But what it really pressed on the County or the municipalities is the beginning of better long range planning to what would be envisioned in that area or could be or to develop into or what color it should have and that's where it falls on your shoulders.

Mark - we're putting some of the burden, where staff can't be, to make some of these changes.

Chairman Smith asked for any other comments.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing.

Recommendation

The Planning Commission recommended APPROVAL of the proposed zone district text amendments at their October 8, 1997 meeting.

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

A motion was made by Commissioner Martin and seconded by Commissioner Martin to go ahead and adopt the Comprehensive Plan with the changes submitted and adopt the memorandum to the changes in the Planned Unit Development admendments.

Chairman Smith commented if we want to amend this we go through the same process again.

Vote - motion carried.

Executive Session - Litigation and Personnel

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

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

Recess

Recess until 7:30 A.M. - November 18, 1997 for the City Council/County Commissioners Joint Meeting

DECEMBER 1, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 1, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

Chairman Smith called the meeting to order at 8:02 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented two fixed asset deletion sheets stating these were transfers of equipment to the Rifle Police Department.

Workman's Compensation

Chuck asked for comments and suggestions. Direction was given for Chuck to do an RRP.

Audit Bids

Chuck indicated that the bids were received. There were 5 responses:

Yanari, Watson and Lyons were the second to lowest at \$18,000.

Discussion.

The Board wanted time to review the bids.

Chuck is to schedule an award for next meeting.

PAYMENT OF BILLS

Chuck submitted the bills for the 1st run of November and payroll for November for the Commissioners' review.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills and payroll as submitted; carried.

Budget

Chuck stated he would be under tight publication deadline and needed some figures by the 8th of December.

Social Services, Sheriff's, Road and Bridge and District Attorney's budgets were discussed at length.

Title From District Attorney

Mildred presented titles to vehicles from the District Attorney for a 1978 Ford Galaxy and a 1978 Chevy Caprice. These were vehicles obtained out of forfeiture and they will have an auction on December 13.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the titles as presented; carried.

JAIL DISCUSSION

Al Maggard was present.

Commissioner Martin gave the jail report.

Jail Count

Total in jail: 115; 37 main jail; 45 Work Release; 7 females; 10 other jails; 6 Home Detention; no Day Reporting; 1 State Hospital and 3 DOC.

Jail Discussion

Al Maggard, Dale Hancock, Don DeFord, Chuck Deschenes and Dave Sturgis were present. The following landowner of property to be considered as a possibly for the site for a jail was present. Tom Hartert for Robert McGregor, who was out of town, represented Glenwood Land Partners

Tom said there was no set piece of property ready to go. He submitted maps and photographs and said the majority of the property is developable. Commissioner McCown stated the County is looking for 20 acres of buildable land and this fits the bill. Tom said that Mr. McGregor commented that he could make the offer competitive. All the various options were discussed.

CMI

Dale Hancock mentioned the Spacemaster Building has a December 3 drop dead date. Discussion was held.

A general consensus was made to chalk this up as a real bad experience, use it for a learning experience and go on.

A motion was made to sever any further ties with Spacemaster and notify them of the Board of County Commissioner's intentions and advise CMI the same. Commissioner McCown seconded; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Don DeFord, Chuck Deschenes, and King Lloyd were present.

Tony Baron - 746 County Road 170 had questions concerning a Real Estate sign on County Road easements.

Don commented that the County treats any placement of signs subject to permit.

King added that the County does not allow signs in their easements.

The sign is to be removed in conjunction with the County Sheriff and the Road Department.

Tony indicated the other landowner had threatened him.

Don suggested that Tony contact the property owner's attorney - Neil Karbank from Basalt and relay to him that it is unlawful to put a sign on a County Road. The options would be to remove it or proceed with an injunctive action against him.

Tony said his argument is that it is public property when it is a controlled public right away.

Discussion.

A decision was made that a letter be sent to Neil Karbank and ask him to have the sign removed.

COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Sheryl Meyers was acknowledged as the Employee of the Month for December 1997.

Barbara Brown was in attendance.

LIQUOR LICENSE RENEWAL - RIFLE FIRESIDE LANES/SKI SUNLIGHT, INC.

Rifle Fireside Lanes

Mildred Alsdorf submitted the renewal for Rifle Fireside Lanes and Ski Sunlight, Inc.

Commissioner McCown did not participate due to a conflict of interest. She stated there were no adverse reports.

Commissioner Martin made a motion and Chairman Smith stepped down as Chair to second the motion to approve the Rifle Fireside Lanes renewal license; carried.

Ski Sunlight, Inc.

Mildred submitted the reports and verified there were no negative reports.

She added that she did not have the criminal history report and asked the Board to approve the renewal contingent upon the criminal history report.

Commissioner Martin moved to approve the renewal license for Ski Sunlight, Inc. with the contingency that Valerie Swanson has a positive report. Commissioner McCown seconded; carried.

DEPARTMENT HEADS

Barbara Ramirez and Mildred Alsdorf reported from the Personnel Committee and submitted the recommendations for the Board to consider adopting.

Mildred stated what Barbara and she will bring before you is the result of the Personnel Meeting the other day. We have a recommendation to you as a Board. We had a long discussion and John and Marian were there. Minutes have not been transcribed yet so I'll be giving you this from notes. Primarily the recommendation to you is that we do a longevity increase as of the first of the year but that all employees would be evaluated in December and given a pro-ration of how they would come out on a pay for performance - i.e. say if they came out with a rating of 5% of say 4% even, and their anniversary date would be February, they would get a percentage of what they would get for the year out of that, off of the 4% or 5%.

Another example - say March, they would get 3%

Commissioner McCown - on the longevity portion?

Mildred - no, on the evaluation paper - pay for performance; and that everybody that has longevity from 2 - 5 years would get 2% - 5 - 9 = 3%; 9 plus = 4% increase this year. And that would be the end of the longevity. And from then on, it would be pay for performance and we felt if we went through the year and gave the percentage, say when their anniversary date was, even if some of the were hired in the 11th month, they would only get 1/12th and next year it would be all on anniversary date and there would be no more longevity. If you decided during the budget cycle, you wanted to give a cost of living or something, that would be on top of pay for performance, but primarily this is the recommendation that the Committee decided to bring to you and if anybody was hired after June of 1997, they would not be evaluated or there would be no longevity, they would be evaluated in June of 1998.

Commissioner McCown asked if it was going to be semi-annual evaluation?

Mildred stated we were looking at the fact of yearly evaluations with review in 6 months to see if there are accomplishment of things that need to be accomplished on their annual review.

Commissioner McCown and on the evaluations, are they going to be a calendar year or an anniversary year.

Mildred - it would be anniversary after the first year, so we'd know that all through the year there will be evaluations instead of everybody having to evaluate in December for the next year.

Commissioner McCown - what is this going to do to our budget cycle.

Mildred - from the first year we're going to be - in fact Jim Stevens is supposed to be putting us a chart that's going to tell us the percentage of a person - of say if they were January through December what percentage they would get if they were in this 5 1/2; 4 1/2; or what they would get and that'll give us an idea by hopefully next week we can give you an idea of what costs would be for this next year and then from then on it would be where we would evaluate on anniversary and we should be able to come up with the same type of spread sheet and figure that pretty close.

Commissioner McCown - so we're looking at the possibility of a range from 2% to 9.5%.

Commissioner Martin - yes.

Mildred - yes.

Commissioner Martin - again let's go back to how well you've trained your managers on evaluations. What it amounts to also, is that the administration of this program which would be us, will have to participate and have to see what's going on. If we have departments that has nothing but people that "walk on water" we have a problem or else we have the best employees in the whole world and we need everyone to be like them. We need to know....

Mildred - if you'll note on the top of the form, that was passed out to you, primarily, we feel if we have an employee that's below standard, that's rated from 200 to 101 and 100 - satisfactory, that there would be no pay for performance - they would probably be evaluated but they'd be told these are the things you need to do.

Chairman Smith - they'd like to do longevity this year but not....

Commissioner McCown - I guess next year there'll be no longevity?

Mildred - correct

Commissioner McCown - so we're taking a 4% possibility or a 4% guarantee for an employee for over 9 years away from them. We're not plugging it in here on the performance side.

Commissioner Martin - no and the Reason they looked at longevity, is going ahead and separating the people that have been here for those period of times versus the person that are getting the same wages that have been here only a short period of time. That's the whole idea of the longevity. Now people that are

hard workers, are going to pass those that are not. And it doesn't matter if they're going to be here 10 years or two, they have the possibility of earning up past these people.

Commissioner McCown - that's the goal we were looking for.

Commissioner Martin - that is the goal you are looking for. Longevity was thrown in there to help those that have been here a long time. That's basically....

Mildred - and the people who have come in the last year, are making the same as the people that have been here 9 years.

Commissioner McCown - and I guess my question is, this year we're looking at a maximum of 9 1/2% for your outstanding employee that's been here over 9 years. Or your very exceptional employee that's been over 9 years.

Mildred - it's going to determine when they were hired as to what percentage they will get because even if they "walk on water" like you say and get 5 1/2 and get 4, if they were not hired until July, they will not get the full 5 1/2.

Commissioner McCown - until July?

Commissioner Martin - correct.

Commissioner McCown - but back to my original question, we're not doing anything next year. The most anyone can expect is 5 1/2%?

Commissioner Martin - unless you put a cost of living

Commissioner McCown and then you're back rewarding longevity again because everybody would get that no matter what they did.

Mildred - we need to review each and probably in June and each year we need to look at market and see where we're at because probably the scale we're working with right now is below market even.

Commissioner McCown - I take it you've done well and it's a good starting point.

Mildred - we have about 4 hours in discussing this.

Chuck - one thing I would request is - I can only think of one instance here where it may be applicable that - I think there should be some discretion on department managers in regards to longevity, for instance, I can think of a recent disciplinary thing that we did that this would complete reverse - for instance - so I'm not sure.

Commissioner McCown - I'm not following that,

Chuck - we have a disciplinary thing where we did a reduction in pay, okay, so if that person happens to be a long time employee, basically, you know,

Commissioner McCown - he's going to get his 4% raise is what you're saying.

Discussion

Chuck - we hold department heads accountable for - if the department head decided to do it, it would work.

Commissioner Martin - this is how you go on the other side of the chart - he may get that 4% longevity but nothing on pay for performance. This will be up to the department head or foreman.

Chuck questioned the validity of this individual getting raises. It's a marginal employee, the department head should have some discretion of how to manager.

Commissioners Martin stated he understands Chuck's side of the argument, and we need to look at this in the whole thing for longevity and not just take out one individual.

Chuck again stated we are implementing something that department heads have not had time to weed out marginal employees or educate them...

Chairman Smith stated this is the first year and we all know there are things we will need to look at on this.

Commissioner Martin - we also have the next year for reviewing.

Chuck - the other thing he wanted to bring out is on the pay for performance. He stated he thinks in the smaller departments you are going to see a concentration towards the upper end of the scales because in the smaller departments, there is no place to hide and you would have gotten rid of the marginal employee.

Commissioner Martin - that's the place where the justification of that department head through the format we've got now.

Chuck stated as long as they were aware of this because he had heard this from other department,

Mildred stated that Barbara did a real good job with her workshop that she had on the evaluations and thinks we are all going to have to look at other things...

Chuck - the third thing he has to say is that longevity was primarily addressed at compaction issues and I can still see some fairly long-team employees - your difference between you years are only 1% and if you

have somebody who's been in a position for 15 years versus for somebody who's been in there 6 years, and there's already disparity, I don't see that making a lot of inroads between the compaction issues.

Mildred stated Chuck you look at the salary scale where you have your 12 1/5 and 25%, this is where that employee who's been here a long time, the department head has the right to move that person up

Chuck - in addition to this

Mildred - yes

Chairman Smith - that's how they plan to take care of this

Chuck - I still someone between 6 years and 15 years, if they're both top performers and one's a long way from the range and the other is at half the mid-point, I don't see that addressing that compaction issue.

Commissioner Martin - you're correct, by itself, but there is some lead way for the department head separate from in one way or another, he's going to have to justify that within the budget within his working confines.

Chuck - okay

Mildred - after just starting this, we're going to find a lot of things we will want to change so we feel we will have to review it and look at it as we go through it but we've come a long way from when we first started - all the years we've been working on it and at the present time, everyone's in agreement with what came out. Hopefully by next week we have all the charts and everything so you will have a better idea what this will do budget wise. After our meeting last Tuesday, it was too quick to get information to everybody and also, as far as longevity it was on the fact that as long as a person had worked in their position.

Chuck - since we don't know where the money's coming from, I guess I will ask the Board if they want to adopt the concept and them....

Mildred - stated we would like the adoption of the concept.

Commissioner Martin stated longevity was brought up to be around \$3000.

Mildred - it was when we were doing 1, 2, 3 but when they moved it up to 2,3,4 it's probably going to make a difference, but until we get all those figures.

Commissioner McCown - I'd like to personally, since I don't sit in on that, commend the Personnel Committee. I think you guys have made, I know there has been a lot of long discussions and

Mildred - well we do not always get along.

Commissioner McCown - that's only normal and you have a starting point. I still see it as something that has been needed and from an employee's standpoint I hope they appreciate that at least there is something there now they can see a reward for performance and I hope it is still going to boil down to these evaluations and how well the foremen, department heads or whoever - how well they do them and how objective they are. But you can't just stop at that evaluation, it's got to be a training process for those that don't score well on the evaluation.

Mildred - that's why we felt like we'd do the evaluation and then review the evaluation and see if the things that came out for improvement had been accomplished, if not at that time, well then, we may have to review it again before your other evaluation.

Commissioner McCown - Barbara how are you getting along with your master files from all the County employees? Have you been able to get those - what's the hang up.

Barbara Ramirez - I don't know. Some have said they will get back to me.

Discussion regarding the personnel files.

The Board stated they want a central file to be located in Barbara's office and if the elected officials want to keep a duplicate file, that's okay, but for Don and legal purposes, every employee needs to have a Personnel File located in the Personnel Department. Originals of the evaluations will be kept there.

Motion

Commissioner McCown moved to approve the Personnel Committee's recommendation for raises on pay for performance and longevity in concept using the numbers from 2% to 5 1/2% on pay for performance and 2 - 4% on longevity.

Chuck stated when you start specifying numbers you are going beyond "concept." This can go into the record but we may not be able to do this all at once.

Mildred - we're going to hope you can.

Commissioner McCown said, we have to start somewhere.

Chuck - if it that's important, you can adopt the whole thing with the numbers included and just make the commitment that wherever the cuts come - you're going to do it.

Mildred - well if they can adopt in concept the fact of the chart that was handed out to them, and if we have to go back to amending it, because that will give us something then to work with.

Commissioner McCown - so moved.

Commissioner Martin - I'll second that in concept.

Don - a couple of questions - on the longevity increases, are you directing the department heads to submit amended budgets to Chuck, or how are you.

Commissioner Martin - that's the only way we're going to get numbers. They will need to take this formula and come up with the adjusted budget on salary so we can see if we can support it or not.

Don - first on the longevity then, are - when we look at the longevity to determine if someone's eligible or entitled to an increase, are we fixing the first of January for the time of service or if someone during the course of the year, say May or June reaches one of those

Mildred - it will be determined on where they are the first of January.

Don - so if someone goes over 5 years during the course of 1998, they don't get any more longevity increase.

Mildred - it's just where they are the first of January.

Don - Okay. Secondly, on the merit increases, we talked in the Personnel Committee of May taking a 4% or something, is this what the Board wants us to do.

Mildred - Jim Stevens should have the spread sheet that will give us the percentage it will be for each 2% to 5 1/2% for each month when their anniversary date comes up.

Chairman Smith - back to your comment Don, I think that Barbara raised the point that most of them will average out about 4%.

Vote

Smith - aye; McCown - aye; Martin - aye.

Weed Management Report

Gary Janieck submitted his report verbally.

He said he has had meetings in Glenwood with the various supply company.

The other meeting is a national meeting to be held in Fort Collins Tuesday and Wednesday the 9th and 10th.

Gary said he is continuing the mapping and getting an idea of where the problem areas. He is also color coding the maps.

Weed Board

Gary said he has starting working on the Weed Board. Chuck has the names of interested parties.

Community Operations

Dale Hancock gave his report on TV Licenses.

TV Translators - Licenses

Dale submitted 47 applications for the Chairman's signature for the Federal Communication Commission for the re-issuance of television translator licenses for a 5 year time-frame.

Commissioner McCown so moved; Commissioner Martin seconded; carried.

EMS Plan

Dale said that the EMS Plan was approved for 1998 and funding for the rural subsidize program was \$14,000.

KRMA

Dale once again discussed the offer from KRMA for \$15,000 for equipment and licenses on 5 different sites that would basically replace the coverage that KKBD now is doing off of Sunlight, Lookout, Coal Ridge, Doghead and Anvil Points.

Commissioner Martin felt this was a good opportunity.

Dale explained the maintenance as part of the negotiation. He also said that Pitkin County wants to buy license 52 and license 54 on Sunlight.

Road and Bridge - Executive Session - Personnel and Settlement of Claims

King Lloyd, Barbara Ramirez and Don DeFord participated in a personnel action for Road and Bridge. A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of an Executive Session.

A motion was made by Commissioner McCown that this Board accept the waiver of 3 days pay in lieu of 3 days suspension and striking the probationary period in the letter of recommendation.

Commissioner Martin seconded; carried.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 1/2 MILE NORTH OF SILT ALONG COUNTY ROAD 231. APPLICANT: ELW LAND COMPANY

Mark Bean, Don DeFord and Sheila Wills of ELW Land Company were present.

Don determined that notification was adequate and timely and advised the Board they were entitled to proceed.

Mark Bean submitted for Eric McCafferty that this is an exemption from the definition of subdivision on a 92.264 acre tract of land located approximately 0.5 miles northwest of Silt along County Road 231.

The subject tract is located on a dissected alluvial deposit which generally slopes gently toward the south. The northwestern corner of the tract slopes toward the west, at steeper angles, ending in an intermittent drainage. The majority of the tract is irrigated pasture with an existing single family dwelling, garage and a few outbuildings located in the northeaster corner.

The applicant proposed to subdivide, by exemption, the tract into four parcels of 3.4, 7.9, 7.9 and 73.0 acres each. The smaller parcel would contain the existing structures and the two 7.9 parcels would each be developed with single family residences. At present, the remaining 73 acre tract is not proposed for further development and would retain its agricultural uses.

James C. Roark -6303 County Road 233, Silt submitted a letter stating he was confused on the plat and this needs to be clarified.

Recommendations:

Staff recommends approval of the application, pursuant to the following conditions:

1. That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.
2. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.
3. That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.
4. That the applicant shall submit \$600.00 in School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.
5. That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.
6. That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD System. (AutoCad Release 12).
7. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.
8. Prior to final approval the Division of Water Resources shall issue the appropriate well permits, which shall be submitted to the Planning Department for review.
9. The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permits, prior to final approval.

10. That the proposed building envelopes for Lots 2 & 3 shall be redesigned to exclude development on the steeply-sloped and low-lying proportions of these proposed lots. These building envelopes should adhere to, and be located above the draw.
11. That the following plat notes shall be included on the exemption plat:
 - "The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - "The individual lot owners shall be responsible for the control of noxious weeds."
 - "One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."
 - "No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."
 - "All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."
 - "There shall be no more exemptions from definition of subdivision allowed on either parcel created by this approval."

Commissioner Martin moved to approve the application with recommendations and directions throughout the conversations (included above); Commissioner McCown seconded; carried.

Road and Bridge

Sutank Bridge

Dennis had put a report together. Pete Nichols is interested to see what could be done with the historical society to keep as a foot/bicycle bridge.

He said the report was mailed to Peter Nichols.

Chairman Smith stated the State Historical Bridge has funds.

Commissioner Martin suggested checking into the wood bridge funds as well.

BLM and Grand Junction - Purchase of Landfill

King stated the record of the decision will be mailed out today. The documents will be prepared for review and the Board will need to take action. King added that he will need the check for \$2,595.75. A letter of indemnification will be included. The oil and gas mineral rights will remain with BLM.

PUBLIC HEARING - PEAKS AT ASPEN GLEN LOCATED WITHIN THE ASPEN GLEN PUD, NORTH OF CARBONDALE OFF OF STATE HIGHWAY 82. APPLICANTS: ASPEN GLEN GOLF COMPANY, SM PARTNERS, LLC.

Larry Green, Mark Bean and Tim Whitsitt were present.

Don determined that notification was adequate. Mr. Tim Whitsitt clarified the Aspen Post Office used the wrong date stamp as his office mailed the notices on November 7 not October 7. Don advised the Board they were entitled to proceed.

Mark submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipt; Exhibit C - Application; Exhibit D - Project Information and Staff Report; Exhibit E - letter from the Department of Wildlife; Exhibit F - Letter from Bill Gavette, Fire Marshal - Carbondale & Rural Fire Protection District; Exhibit G - letter from Colorado Geological Survey dated October 7, 1997; Exhibit H - letter from the Office of the State Engineer; Exhibit I - letter from Mount Sopris Conservation District dated 9/15/97; Exhibit J - letter dated October 2, 1997 from Roaring Fork School District RE-1;

and Exhibit K memo from Tim Whitsitt regarding the Peaks at Aspen Glen - Preliminary Approval regarding the school acquisition fee dated 11/24/97.

Chairman Smith admitted Exhibits A - K into the record.

Mark continued his presentation saying this is a Preliminary Plan for The Peaks at Aspen Glen for a 10.455 acre parcel to be split into 44 multi-family dwelling units.

Recommendations:

Approval with the following conditions:

1. All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.
2. The applicant shall pay \$200.00 per lot in School Site Acquisition Fees prior to the approval of any Final Plat or consistent with the legal authority contained in the adopted Subdivision Regulations.
3. The applicant shall provide documentation from the Carbondale and Rural Fire Protection District approving the interior road design and fire protection plan prior to the submittal of a Final Plat.
4. All roads proposed shall be designed and constructed in accordance with minimum standards established in Resolution No. 92-056, Revised Zone District text, D. (1), Street Design. Additionally, all lots shall meet the separation requirement of six (6) inches from the curb line.
5. The following plat notes shall be included on any Final Plat:
 - "Certain building locations may be subject to geologic and hydrologic hazards. All structures shall require the submittal of an engineering report addressing soils and geology conditions, foundation design and drainage prepared by a registered professional engineer. All site development, including building construction, shall be conducted in accordance with engineer's stipulations."
 - "No open hearth solid-fuel burning fireplaces will be allowed anywhere within Aspen Glen."
 - "All dwelling units will be allowed unrestricted number of natural gas-burning fireplaces or appliances."
 - "All dwelling units will be allowed no more than one new wood-burning stove as defined by C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder."
 - "Only one dog is allowed for each dwelling unit."

"Each "Bldg" lot may be re-subdivided into three (3) separate lots of at least 2200 sq. ft. each, after the construction of the triplex to have lot lines consistent with the as built construction and the Preliminary Plan approval."

Larry Green made a commitment to provide a letter that Aspen Glen will provide sewer and water. Don and Mark have had conversations of some certainty that the District has the physical ability to provide service to at least 300 lots based on their current capacity and perhaps more. The Board has approved 280 lots in Aspen Glen. So at this point the Board will have approved development that can receive actual physical service from the plant tomorrow if all of the lots came in. Future subdivisions could present another problem.

Commissioner Martin added this is why he is bringing this up because the Board is going to be committed to approve development that say we have the agreement in place. I understand that technically he can say that Aspen Glen can supply another 300 homes because they are not delivering service, it'll take a certain amount of years to get there.

Don there is a different issue for this Board versus what the Department of Health requires and said the Board may soon be faced with the problem of having a different requirement for the State Department of Health.

Larry Green - there is physically capacity out there today existing for something over 350 lots as well with other subdivisions outside of Aspen Glen. In fact with future filings within Aspen Glen, that go beyond that 350 lot actual service availability, the district will come to the Board and say you are now contemplating approving a project that is going to take capacity in the sanitation district.

Don said once Aspen Glen has reached a certain capacity, the County when asked to approve either Preliminary Plat or Final Plat for lots that will exceed the capacity of the plant, would Larry Green then be stating the Aspen Glen Sanitation District is at the point where you need security?

Chairman Smith requested from Larry Green a copy of the service plan that the Board has already approved.

Commissioner McCown moved to close the Public Hearing. Commissioner Martin seconded; carried. A motion was made by Commissioner McCown to approve the preliminary plan with staff recommendations for The Peaks at Aspen Glen with modifications discussed (included in the recommendations); carried.

Resolution -Amendment of Section 4.00 - PUD

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with amending the Garfield County Zoning Resolution of 1978 by the amendment of Section 4.00 of the Resolution related to planned unit development (PUD); carried.

Resolution - Zone District Amendment - Chimento/Cattle Creek PUD

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a zone district amendment from planned unit development (PUD) to agricultural/residential/rural development (A/RRD) request by Robert Chimento, et. al. (Cattle Creek PUD); carried.

Engineering Expertise - Water/Waste Water/Soils - Los Amigos

Mark said he needed to engage an engineer to provide information on water/waste water/soils for 174 units in Los Amigos.

Wright Water Engineering was suggested and approval given to engage their services.

County Engineer's Position

The job description was discussed with Barbara Ramirez. The breakdown will be 80% Building and Planning; 20% Road and Bridge.

Barbara indicated the notice is now in the Grand Junction papers, professional publications and the Glenwood Post.

Eva Bowles - Silt Canal Easement

Mark said he wanted to make the Board aware that there is actually nothing the County can do in this particular instance. The original property owners mis-identified a right of way.

The Board asked Mark to advise Ms. Bowles and tell her the recourse is through the Title companies.

Adjourn 12:15 P.M.

Commissioner Martin moved to adjourn; Commissioner McCown seconded; carried.

Attest:

Chairman of the Board

DECEMBER 8, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 8, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes presented his report.

Commissioner Martin mentioned that Bob Mosten from the Colorado Department of Transportation would like to meet to discuss access on Hwy. 82. This involves requests that come in for access on Hwy. 82 that could possibly cause congestion.

Discussion was held whether or not the Board has a right.

Commissioner Martin stated that he would be willing to meet with him and get the details of what is involved in details.

Credit Cards

Chuck stated he would clarify the credit card information to the correct entities and attempt to clear the matter.

Fairgrounds Contract

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an agreement with Bob Johnson for a tool auction to be held on December 12 and 13, 1997; carried.

Resolutions for Credit Card Limits

A motion was made by Commissioner McCown to authorize the Chair to sign the Credit Cards Authorization with the limits established. Commissioner Martin seconded; carried.

A motion was made by Commissioner Martin to sign a resolution that authorizes changes to be made on the Credit Cards. Commissioner McCown seconded the motion; carried.

Meeting with Fairgrounds and Extension Office Regarding Fairgrounds Improvements

Lee Moss, Pat McCarthy, Carol McNeel and Chuck Deschenes were present for this discussion.

Discussion was centered around the possibility of building a covered arena.

Carol presented the prices that were involved with the plan.

Commissioner McCown summarized what he felt was discussed at the meeting saying the County has \$100,000 from the Conservation Trust Fund coming in this year. We don't know what it will cost to do the grading which is the number one priority. We're talking a lot larger scale than he ever envisioned. When he left the Fairgrounds after the meeting, he envisioned getting the drainage problem cured, looking at the possibility of getting someone to take the barn down free to eliminate that cost to bear and enlarging the one area. Now we're talking about a full blown indoor arena, relocating three barns, the infrastructure and about a \$600,000 project by the time you do all these things.

Commissioner Martin indicated that he liked the plan.

Chairman Smith asked if any discussion was held regarding placing a new structure away from the current barns and structures.

This was discussed and involved the obstruction of view for the neighbors and possible complains that may be given and the water lines.

Commissioner McCown liked the location shown on the proposed plan the group submitted; he added an RFP on the drainage plan would need to be the first step before proceeding on any remodeling.

Carol stated the Aspen Foundation was a consideration for assistance with the facility and possibly use the Conservation Funds as matching funds.

Commissioner Martin suggested looking into the Great Colorado Outdoors.

Chairman Smith stated they only meet quarterly so there would be a need to have an application in by January for assistance by the Aspen Foundation.

Fairground Contracts

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Fairground Contracts for Bob Jolinson for a tool auction; carried.

Conversion of Fire Truck

Chuck stated the rough estimate on the conversion of the fire truck is between \$5,000 to \$6,000 to convert to a injected foam system.

The Board gave Chuck the go-ahead to pursue the conversion of the fire truck for the Airport.

Airport - BLM Update

Chuck said the commitment total with the grants and excluding County money is \$160,000 in capital for the Airport. This would have to come out of capital.

JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Chuck Deschenes and Al Maggard were present.

Jail Count

Total in Jail - 119; 3 State Hospital; 40 main jail; 40 Work Release; 8 females; 8 other jails; 6 Home Detention; 0 Day Reporting; 11 Workenders; and of the 8 in other jails - 3 are DOC.

The Workenders and Home Detention Programs are the safety valve.

Tom said he had a meeting with Lake County and A. J. Johnson has proposed that rather than expand his jail, he wanted to start soliciting other Sheriffs to see if they are interested in building a long-term County holding facility which would house both prisoners for a year or two sentences and keep the 6 months at the present facilities. A. J. and Tom do not agree on every point because Tom would see this being privately run. The reason for Lake County was their cost for the property and a need for economic development. A.J. had discussed this with Chaffee County and they were not interested in participating. The notion would be that those Counties would do a transport system. This would keep local jails small and be a long-term holding facility. This was a two hour discussion and nothing was decided. Garfield County has 20% that are beyond 6 months that would be eligible for this type of program.

Al Maggard announced the regular Board meeting would be held Thursday at noon.

Community Development

Dale Hancock reported on the Workender Diversion program. He said there is a possibility of some Federal user fees that could be used as a match for a van and another staff person to run this. The Workender program is full all the time and Dale's idea is not having a waiting period. This is a pay as you go basis as far as budget.

Tom -added that the court may get frustrated and not place them in the Workenders if there is such a long waiting list.

Dale said he would be taking this to the Jail Advisory Committee as well as discussing having non-residential alternatives including what kinds of systems are out there in management, the kind of buildings

but in the early days of the Jail Advisory Committee they were more involved in taking pressure off of who is going into the jail. The pre-trial folks are the biggest Chuck of those in the jail. This discussion could mean getting into the old Bond Commissioner Program or a diversion program out of the DA's office. There is a number of different alternatives that can be discussed to take pressure off of the jail. Dale said he had a discussion last week with the Division of Local Governments on the technical assistance and he wanted to explore it. That is to use the Colorado School of Mines to do geotechnical review for free on properties the Board is contemplating.

Don DeFord said that the Board had asked him to have some discussions with Judge Ossola concerning the potential relocation of the jail and he did last week. The Judge is firm that he will try to facility any relocation of the jail to Rifle. He has spoken to both County Judges about this potential and the potential to reorganize the case load. If we put a full blown jail facility in Rifle, the Rifle Court would become a full time Court, handle a substantial number of initial filings, advisements, and anticipate trying to reduce some of the initial case involvement transport. District Court would remain as it is. He thinks that he could reduce some of the initial filings in District Court by having the County Court deal with those and by having initial direct filings rather than going through the grand jury indictments but this needs to be worked out with the District Attorney.

Dale and Don discussed last week that this would possibly add some additional capital cost; the Judge thinks that the current facility would not be adequate to deal with what he needs and may require an full time clerk or a least a part time person and would need to relocate a portion of the probation department to Rifle. Right now they are going to be adding a new probation officer at the first of the year and the Judge feels there is a need for a probation officer in Rifle now. So if you increase the load it would mean a full fledged probation office in Rifle.

Don added that Judge Ossola had a couple of requests - if the Commissioners anticipate going in the Rifle area he needs to know by the first of July 1998 so he can get in for the 98-99 cycle for furnishing for his court from the State Judicial Department. Also, to become involved with he and the State Judicial Department on the court sq. footage needs if you intend to put a Court Facility with a jail facility, which will include the clerk and probation department. They did not discuss the Public Defender. The Judge is not adverse to having this facility as part of the jail structure so long as it is visibly identifiable as a separate Court and different to the Sheriff and jail.

Discussion

The Court must be in the City limits.

Video advisements

Judge is still not sold on this but will look at it. He is not happy with that system and prefers in-person advisements.

Dale was asked to first meet with the Judge then to meet with State Judicial on the requirements.

Department Heads

Dale had some discussions with the KRMA offer and commented that they needed to be more specific with equipment and sites.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Cindy Crandall - Colorado Animal Rescue

Cindy provided the Board with an update.

Discussion centered around not being able to take the animals during the holiday periods; contact with Carbondale; letters of support for an animal shelter; property still being considered; the Rifle pound and upgrades; a need to focus on a long-term program and not a band-aid approach and finally a request for County support with funding.

DEPARTMENT HEADS

COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Comp Plan

Victoria Giannola and Mark Bean gave an update on the Comprehensive Plan.

They met with the Planning Commission to being the Study Area II in New Castle, Silt and Study Area III in Rifle and Parachute. They will hold two meetings in each town.

Commissioner McCown said the Cattlemen's and Farm Bureau need to be involved and know of the Comp Plan.

Commissioner Martin suggested they put announcements in the post office and each municipality also grocery stores, etc.

They also suggested to have the first meeting in Battlement Mesa.

Monthly Report

Mark submitted the monthly report for review.

Garfield in the fastest growing County and LaPlata County is the slowest.

Mark summarized the activities scheduled for the month of December and January.

Building is continuing and in terms of comparing the department is down slightly from 1996. 1996 put Garfield County into the fastest growing of local Counties.

Wright Waters and Los Amigos - Contract

Mark presented the contract for Michael Erion of Wright Water Engineers to assist in review of Los Amigos.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Agreement; carried.

Resolution and Plat - SB-35 Exemption - Flood

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision regulations for William and Nancy Flood; carried.

Amended Plat - 20 Acre Site - Lot 62 - Stewarts

Mark stated Attorney John Savage had previously presented this amended plat for Kim and Doug Stewart and a motion had been passed. He needed the Chair's signature.

Plat Annexation - County Road 214 - Eldridge/Silt

Mark presented the annexation on a portion of County Road 214 for the Eagle Ridge Subdivision in Silt. Building and Planning requested they annex part of the Road.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go ahead and approve this annexation; carried.

Resolution - Garfield County Amendments - Storage in A/A/RD

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with amending the Garfield County Zoning Resolution of 1978 by the amendment of Sections of the Resolution related to Storage in the A/R/RD Zone District, carried.

IGA with Eagle - Fox Run Subdivision

Mark presented four copies of an IGA with Eagle County on the Fox Run Meadows Subdivision that is off of the common County Road line. This IGA states that Eagle County will be approving the Subdivision review process and no development will occur within Garfield County in terms of building permits, etc. Don has reviewed the agreement and approved it legally.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the agreement; carried.

USGS for Gauging Stations - Annual Contract

Mark presented the USGS annual contract for the gauging stations in the Colorado River near DeBeque, East Elk Creek, New Castle Main Creek, and West Elk Creek to provide data to oil companies and Garfield County is the pass through agency for this money. Garfield charges a 5% charge for administration.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the agreement; carried.

DEPARTMENT HEADS

Personnel Committee

Barbara Ramirez, Jim Stevens and Mildred Alsdorf were present.

Mildred stated this was in connection with the forms on salary as requested by the Board.

Barbara explained the longevity proposed for 2, 3, & 4% fees with 2 to 5 years being 2%; 5 - 9 years being 3% and 9 plus years being 4%. The total costs included FICA, Retirement and Disability = \$90,333.03. Social Services was not added in.

Information regarding Pay for Performance was submitted and Jim Stevens explained the concept. This would place everyone on their anniversary month evaluation. Discussion was held as to the manner in which to transition between 1998 and 1999. Jim presented several schedules for discussion. Mildred indicated that a lot of work was done by Jim, Barbara and Georgia.

This gives an overview of what it will cost and how each dept. head needs to go through and determine what it would cost for their department.

Further it was determined that the pay for performance evaluations would be due the 19th of December. For general budget discussion purposes, it was recommended that a 4% increase in the budget be considered for personnel wage increases.

Weed Management

Gary Janicek presented a handout explaining his activities.

Weed Board Commission

Gary submitted a list of names of those interested in the Weed Board Commission; Bucky Arbaney would like to be included on the Four Mile area. Gary said he hasn't contacted anyone else, but does have the back-up names.

1998 Management Plan

Gary reported he was working on the 1998 management plan.

Chairman Smith said that Dave Gallagher is working on it also and will have \$13,500 worth of grants available on IGA's.

Leafy Spurge and Russian Knapweed Grant Applications

Gary said he has two grant applications due in Denver on December 15 for the Leafy Spurge Project in Wallace Creek and Russian Knapweed Project in Dry Hollow. Gary stated he would submit these grant proposals to the Board for review prior to submitting them.

Training in Fort Collins

Gary stated he was leaving today for the training to be held in Fort Collins.

Personnel Director

Barbara Ramirez requested assistance of the Board in judging a Christmas decorating contest.

She said she needed judges for December 23 at 11:00 A.M.

Commissioner Martin and Chairman Smith agreed to be judges.

Birthday Letters

Barbara advised the Board that she would be sending birthday letters to the employees and publishing a list for the month to be inserted into the paychecks. She added that along with the letter of congratulations, she will be reminding the employee that an annual physical is due.

AMENDED PLAT - LOTS A10 AND A11 - ASPEN GLEN, FILING 1. APPLICANT: JOSEPH T. DOCKER

Mark Bean said these lots were purchased by Joseph T. Docker and desires to combine Lots A10 and A11 into one lot for building purposes. The Homeowners Association has agreed to this. It is a matter of erasing lines and no motion is necessary.

AMENDED PLAT - LOTS 16 & 17 - ELK CREEK DEVELOPMENT. APPLICANT: DANIEL MAKUFKE

Mark submitted this is a combined lot in the Elk Creek Development North of New Castle. It is a very small lot and is used to prevent variance setbacks. There is no problem and no motion needed.

Mark indicated both of these will come back to the Board with appropriate plats at which time you can make a motion for signature of the Chair.

AUDIT PROPOSAL DISCUSSION - POSSIBLE AWARD

Chuck Deschenes was present for the award.

Marian stated she did go through these and Chuck summarized the proposals and added that price is just one of the factors to consider.

Chuck stated the proposals he had received.

Commissioner McCown made a motion to accept the bid submitted by Yarnai and Watson. Commissioner Martin seconded. Motion carried.

PUBLIC MEETING - SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 3 MILES NORTHEAST OF RIFLE ALONG COUNTY ROAD 259. APPLICANTS: JAMES AND SANDRA JEWELL

Don DeFord, Mark Bean and James and Sandra Jewell were present.

Don determined that posting and notification were adequate and advised the Board they were entitled to proceed.

This is an exemption from the definition of subdivision for James and Sandra Jewell for a 37.0 acre tract of land located approximately three miles northeast of Rifle off of County Road 259. The applicants are proposing to split the tract into two parcels of approximately 32.0 and 5.0 acres in size.

Recommendation:

Staff can recommend approval of the proposed split, subject to the following conditions of approval:

1. All representations of the applicant shall be considered conditions of approval unless otherwise stated by the applicant.
2. The applicant shall have 120 days to complete the required conditions of approval. Extensions of 120 days may be granted by the Board for a period of up to one (1) year.
3. The applicant shall submit \$200 in School Site Acquisition Fee, prior to the signing of an exemption plat.
4. A final exemption plat will be submitted, indicating the legal description of the property, dimension and area of all proposed lots or separate interests to be created, access to a public right-of-way, and any proposed easements for drainage, irrigation, access and utilities and the following plat notes:
 - "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
 - "The soils on this site indicated that there are severer limitations to the use of individual sewage disposal systems due to slow percolation and it may be necessary for an engineer to design the individual sewage disposal system." "On site investigations by a geotechnical engineer or geologist is recommended to establish the appropriate design and construction of residential structures." "Control of noxious weeds is the responsibility of the property owner."
 - "One dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."
 - "No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling units. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."
 - "The subdivision shall have covenants requiring that all exterior lighting be the minimum amount

necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

5. Proof of a physical supply of water for the proposed well.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the request for an exemption from the definition of subdivision for James and Sandra Jewell with all 5 of the recommendations as listed above; carried.

Garfield County Communications Authority

Commissioner McCown reported the authority would need a 30 - 90 day extension.

DISCUSSION WITH BARRETT OIL AND GAS

Don DeFord, King Lloyd, Ted Brown, petroleum engineer, Dwain Zavadil, and Meryl Leavers, and Owen Phillips from University of Wyoming were present.

The plans for 1998 were explained in detail.

Barrett Resources submitted a graph and chart showing the production taxes through the years of 1993 and projections to the year 2000.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign all the necessary documents as presented; carried.

ROAD AND BRIDGE DISCUSSION

Brush & CD Waste Grinding

King Lloyd, Mark Bangle and Joe Kracum were present.

King reported that he had contacted Robert Flur about doing some grinding at the West Garfield County Landfill. He gave the prices per hour and the Board held a discussion.

A motion was made by Commissioner McCown to authorize Don DeFord to draw up a contract not to exceed \$20,000 for a cubic price for the finished product of \$3.50 cy. Commissioner Martin seconded. Motion carried.

Nelson - Four Mile Revegetation Project

King reported he had received proposals from various contractors: West Canyon Tree Farm, M & G Landscaping and the Ground Crew.

King estimated the total project to cost approximately \$5,000. He expressed that Mr. Nelson wanted to hear from the County today and indicated that he was not willing to settle for a cash settlement.

Direction given to King:

See if West Glenwood will stay with the \$3.22 sq. footage and to tell Mr. Nelson.

Met with Con-Sy and Schmeusser and determine that they will pay for their portion of the repairs and have recognized some responsibility on their part.

Joe stated they are willing to participate \$5000 total from the two of them and perhaps do some of the work. Still talking to them. Participation should be based on the lowest cost.

Commissioner Martin suggested that each of the parties pay 1/3 each.

Contractor's responsibilities going outside the boundaries.

One position was they could go from fence line to fence line.

King stated the drawings gave them the documented fence line, the right-of-way and clearly shows the fence line is not the right-of-way.

A final suggestion was to have the parties come in and meet with the Board.

PUBLIC HEARING: ZONE DISTRICT AMENDMENT MODIFICATION FOR THE PERSHANA FARM PUD LOCATED 3 MILES EAST OF CARBONDALE ALONG COUNTY ROAD 100. APPLICANTS: HENRY AND LANA TRETTIN; BRUCE ROSS

Don DeFord, Eric McCafferty, Ron Liston and Bruce Ross were present.
Don DeFord determined that adequate notification and advised the Board they were entitled to proceed.
Chairman Smith swore in the speakers.
Ron Liston reported a dispute arose with the Trettins and requested a tabling until January 5, 1998 as well as answering a question regarding a sewer line.
There is a 120 days time period to be reviewed from initial filing.
Eric stated that January 5 would be within the 120 day period.
Don stated that All parties should be aware - if the nature of the application is changed it will require a new submittal.
Ron Liston was not hired to speak on the Trettin's behalf.
Don added that the Board will need to make this determination to continue.
Eric stated that Mr. Ross is designated as the owner's agent until January 6.

Continuance granted

Commissioner McCown made a motion finding Mr. Ross is the agent and based upon Ron Liston's request, to continue until January 5 at 3:45.

**PUBLIC HEARING: CERTIFICATE DESIGNATION - SOUTH CANYON LANDFILL.
APPLICANT: CITY OF GLENWOOD SPRINGS**

Tim Danner, Robin Milyard, King Lloyd, Mark Bean and Don DeFord were present.
Don DeFord determined proper notification was adequate and timely stating this was published notification only. He advised the Commissioners they were entitled to proceed.
Chairman Smith sworn in the speakers.
Mark entered the following exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Application; Exhibit C - Project Information and Staff Comments which includes various attachments back and forth from the State Department of Health to the technically the City of Glenwood Springs who are the actual owners of the property.
Chairman Smith - Exhibits A - C will be admitted into the record.

Mark - This is a process obviously that we do not go through very often, but the request here is for a Certificate of Designation for the South Canyon Landfill. The applicant I noted is technically the City of Glenwood Springs and the representative for the City is TADCO Disposal Systems, Inc. The engineers for the project and the application itself is Robert Kirstin. Basically what's occurring here is the proposed to continue the operation of the South Canyon Landfill on approximately 30 acres that's included in the ownership of over 500 acres by the City in the South Canyon area. TADCO Disposal Systems, Inc. is the proposed operator of the facility and has been through with agreements with the City and the operator since August 1982. The present application was originally submitted to the County in October of 1994 to demonstrate compliance with the Federal Subtitle D Regulations. In May of 1995, the Colorado Department of Public Health and Environment responded to the initial application with a letter noting a number of deficiencies in the initial application. That's included in pages 5 - 7. The County has received a copy of the letter from Glenn Mallory and Donna Stoner, Colorado Department of Public Health subsequently that states that the facility can comply with the Act and Regulations if the facility is constructed and operated as detailed in the submitted plan and its subsequent amendments and with the requirements of the Division as stated in the letter. That letter is included under pages 8 and 9. The letter further states that the County may approve the proposed facility based on the Act and Regulations and local criteria. The application submitted does indicate that the majority of the landfill activities are occurring in two separate areas. I've included a good portion of the application but I didn't give you all the various engineering calculations, etc. but I thought this was a fairly good summary on the application pages 10 through 47 of the staff report here. The Municipal Solid Waste area takes up the largest area of the disposal site and is projected to cover a surface area of just over 30 acres, with an estimated life of 41.2 years. The estimated life of the facility is based on a daily intake of 90 tons per day, but in 1993 the annual aggregate average of waste received was less than 70 tons per day, in other words there may be perhaps a long life of this unless this averages out to 90 tons per day at projected life may extend a little longer. The area will be filled in phases with each phase covering the previous area in the canyon noted on the plan. There's another smaller area designated for construction and debris waste at this time. Once that area is built to the

elevation designated in the plan it will be reclaimed and all subsequent construction and debris waste will be included in a portion of the municipal solid waste area that's the larger area for the remainder of the life of the disposal site. In addition to both of those waste, the applicants note that they do have accept sewage sludge and septic tank pumping and re-cycables. The areas are noted on the maps and included in the application. Efforts have been made to eliminate all other waste streams from the site such as whole tires and white goods. As of 1992 the facility no longer accepts whole tires and animal bodies are not accepted and a local scrap metal dealer is handling the white goods themselves. The site has three full time personnel that opt to operate the landfill - an operating manager, gate attendant, and an equipment operator. There are three structures on the property - one being the attendant's trailer of the gate house, the storage garage and a parts storage trailer.

The State Statutes basically define the perimeters by which the County approve a certificate of designation and in this case Garfield County is the governing body having jurisdiction to approve or deny an application for certificate of designation. I've included the Statutes for your reference there. The applicant is required to obtain a recommendation of approval or disapproval from the Colorado Department of Public Health and Environment and in the process of the County considering it, the application for a proposed solid waste disposal site facility the governing body is to take into account a number of different issues here. I've gone through that briefly. If you want me to I'd be glad to discuss or continue that discussion but if you don't want me to I'd not go through those responses for the time being. It is up to you how you want me to treat this.

Chairman Smith - I think we've all got it in front of us.

Mark - from the staff's point of view we're recommending approval of the Certificate of Designation for the South Canyon Solid Waste Disposal site with the stipulation that the Board may revoke the approval by October 1, 1998 if all improvements required to remedy the violations noted in the Notice of Violation from the Colorado Department of Public Health and Environment dated March 26, 1997 have not been completed. Further that the Board receive a copy of a letter from the Colorado Department of Public Health and Environment stating that the applicants have installed the improvements necessary to remedy the violations noted by October 1, 1998.

Discussion was held and a full and complete transcribe of the public hearing are in the South Canyon Landfill file for future reference.

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

Commissioner Martin made a motion to go ahead and tentatively approve this until October 1, 1998 to meet with all the noted changes and recommendations by the State of Colorado and staff.

Mark Bean suggested that the letters of March 26, April 30 and the May 25 be included.

Commissioner Martin continued with the motion -- giving the time line to the operator and the City to go ahead and meet the requirements and specifically that note in reference to the composting, it needs to cease. Chairman Smith asked Robin if he would send word to cease until they have an addendum.

Robin agreed he would.

Commissioner McCown seconded the motion.

Vote - Smith - aye; McCown - aye; Martin - aye.

Executive Session - Contracts with County Employees

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the various contracts with county employees; carried.

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

CONTINUED DISCUSSION: JAIL STATUS

Sheriff Tom Dalessandri, Dale Hancock, Jan Kaufman and Al Maggard were present.

Continued delay with the new jail; identified deficiencies in the current jail; and discussion regarding holding off on the improvements in the existing jail were discussed. With crowding, efficiency and safety as primary concerns, it is urgent that a decision be made as to where and what will be in a new jail. Jan, Al, Jim Sears, Dan Hall and Kasampas put together an overview to render some of the existing problems. A study with suggested solutions was submitted.

Riverbend Subdivision Plat

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Riverbend Subdivision Plat; carried.

Recess 5:20 P.M.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to recess until 8:00 A.M. December 9, 1998; carried.

DECEMBER 9, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, December 9, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes; and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

The meeting was called to order by Chairman Smith at 8:00 A.M.

**PUBLIC HEARING - PRELIMINARY PLAN APPROVAL FOR VANHOOSE SUBDIVISION
LOCATED 2 MILES WEST OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 127.
APPLICANTS: DON AND EVA VANHOOSE**

This is a Preliminary Plan review for the VanHoose Subdivision for Donald and Eva VanHoose for a 38.403 acre tract of land located approximately two miles west of Glenwood Springs. The applicants propose to subdivide the tract into two parcels of 15.075 and 23.328 acres each. Due to the limited access during the winter months, the applicants envision the construction of a summer cabin on the proposed parcel.

Recommendations:

Based on the analysis by staff, the Planning Commission, with a vote of 7 - 0 recommends approval of the subdivision preliminary plan application, pursuant to the following conditions:

1. That all representations of the applicant shall be considered conditions of approval unless otherwise stated by the applicant.
2. A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, water supply, drainage, irrigation ditches, access, utilities, etc.
3. The applicant shall prepare and submit a Subdivision Improvements Agreement addressing all on-site improvements, prior to the submittal of a final plat.
4. The applicant shall submit \$200 in School Site Acquisition Fee, prior to the signing of an exemption plat.
5. That the following plat notes shall be included on the final plat:
"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."
"Soil conditions on the site will require engineered septic systems and may require engineered building foundations."
"Control of noxious weeds is the responsibility of the property owner."
"Lot 2 of this subdivision shall be required to be developed with an in-house fire suppression system capable of delivering no less than 35 gallons per minute for a period of no less than 15 minutes. This system shall be designed by a competent individual and the system design shall be submitted at time of building permit application."
6. That the final plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD System.
7. That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.

8. The water rights associated with the well, together with the well permit shall be transferred by the developer to a homeowner's association which shall have the power and the duty to enforce compliance by lot owners with the terms and conditions of the well permit. Appropriate Protective Covenants shall further require compliance with the terms and conditions of the well permit.
9. That the following provisions be included in the protective covenants governing the subdivision:
"One dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."
"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling units. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."
"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."
10. Due to the fire protection requirements, the subdivision water supply shall have a minimum amount of storage of 1000 gallons.

JAIL DISCUSSION/PROPERTY OWNERS

Additional discussion was held regarding potential of purchasing the Rifle property owned by Howard.

CONTINUED PUBLIC HEARING: CAPITOL IMPROVEMENTS ROAD IMPACT FEE

Tim Thulson submitted a hand delivered letter dated December 9, 1997 that addressed consideration of the Board of Resolution concerned with the adoption of the portion of the Garfield County Capital Improvements Program establishing road impact districts and the associated cost of road improvements referencing the meeting of December 9, 1997.

He added that by this letter Los Amigos Ranch Partnership states its standing objection to the application by Garfield County to the Los Amigos Ranch PUD of any road impact fee formula/calculation different from that contained within the Development Plan.

Adjourn:

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn until December 15, 1997.

Attest:

Chairman of the Board

DECEMBER 15, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 P.M. on Monday, December 15, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

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

COUNTY ADMINISTRATOR

Chuck Deschenes reported on the budget hearings.

Mineral Leasing Offset

A motion was made by Commissioner McCown and Commissioner Martin to have the Chair authorized to sign the documents associated with the mineral leasing offset program and the associated grant; carried.

Library Roof Problem

Chuck reported the Glenwood Springs Branch Library was having some roof problems and consequently some water damage. Mike is checking on this.

Audit Engagement Letter

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the audit engagement letter; carried.

PAYMENT OF BILLS

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bills as submitted; carried.

REGIONAL COMMUNICATIONS AUTHORITY - EXTENSION TO IGA EMERGENCY COMMUNICATION SERVICES AGREEMENT

James Mason - Director of Glenwood Springs Emergency Services - 0525 Creekside Court - Glenwood Springs was present representing the Regional Communications Authority. He presented the Extension Agreement that basically provides for an extension of the current agreement for a period of no less than 30 days pass the first of the year to no more than 90 days. Jim anticipated about 60 days to take care of the loose ends.

Don DeFord recommended to the Board that bids not exceed the budget amount and no pay increases.

Commissioner McCown made a motion to authorize the Chairman to sign the continuation agreement after budget adoption on December 19th. Commissioner Martin seconded; carried.

JAIL DISCUSSION

Al Maggard, Dale Hancock and Dave Sturges were present.

Jail Count

Chairman Smith read the jail count into the record:

Total in Jail: 109. 36 main jail; Work Release - 42; Women's Work Release - 6; Total in other jails - 8; Home Detention - 6; no Day Reporting; 8 Workenders; 3 at State Hospital; 3 DOC. 6 in Clear Creek; 1 Rio Blanco and 1 in Grand Mesa Youth.

Jail Medical Contract

Tom submitted the jail medical contract and stated it would be increased. The off facility allowance increased from \$16,000 to \$24,000.

Don requested a copy of this and requested that the Chair be authorized to execute the contract at the time of budget adoption.
Discussion was held.

Jail Site Location - Discussion

Sheriff Dalessandri and Deputy Jim Sears were present for the discussion that was held on the jail site location.

Dave Sturges gave his concerns for the delay in selecting a site and building the jail. He stated that people are frustrated and he felt the Commissioners needed to have the guts to put their political and personal reputation on the line, renew effort and find a solution.

Tom voiced his concerns in the location as to the impact on his operation and prisoner movement.

COUNTY BUSINESS

Temporary Designation Certificate - Landfill

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Conditional Certificate of Designation for the South Canyon Landfill extending this until October 1, 1999; carried.

Resolution - Peaks at Aspen Glen Subdivision

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution for the approval of a preliminary plan for the Peaks at Aspen Glen Subdivision; carried.

Resolution - Conditional Use Permit - Ortiz

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution for approval of a Conditional Use Permit for Henry and Kathy Ortiz; carried.

Resolution - Plat - Petts Home Subdivision

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a plat for Petts Home Subdivision; carried.

Resolution - Exemption - Weldon

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution for approval of an exemption from the Garfield County Subdivision regulations for Cary E. Weldon; carried.

Resolution - Preliminary Plan - VanHoose

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution for approval of a preliminary plan for the VanHoose Subdivision; carried.

Referral to Planning Commission - Huer

A motion was made to refer the request from Mitch Huer for a floodplain Special Use Permit to the Planning Commission by Commissioner Martin and seconded by Commissioner McCown; carried.

Set for Public Hearing - Mahan

A decision was made to have Mark Bean set for a Public Hearing for the home occupation for an arts studio for Jim Mahan.

EMERGENCY MANAGEMENT DISCUSSION - GUY MEYER

Guy Meyer reported he had submitted a grant to the State for \$2900 and received approval.

Fire Truck

Morgan County deeded the fire truck to the County for \$1.00.

Hazardous Assessment Plan

There is a meeting Thursday with the Environmental Protection Association to discuss the major investment study for the I-70 corridor.

DEPARTMENT HEADS

Community Operations - Television

Dale Hancock reported that he sold the TV individuals, Rocky Mountain Public Broadcasting Network, Inc. (RMPBN) on the site at CRMS in Carbondale which added another \$1500 onto the offer.

KRMJ-TV Grand Junction is Channel 14 instead of KRMA-TV Denver Channel 6. The difference is that some local programming is available out of Grand Junction that would otherwise be local programming out of Denver such as interviews, round table discussions, etc.

Commissioner Martin made a motion to go ahead and accept the offer contingent on the contract receiving approval from the County Attorney's Office to the particulars on site lease, utility, access and maintenance agreements to RMPBN, Inc.

Commissioner Martin amended his motion to put \$16,500 into the motion and Dale said this includes the sites at Sunlight, Lookout, Coal Ridge, Anvil Points, Doghead and Carbondale.

Commissioner McCown stated he wanted to see what the Board was agreeing to before he approved the Chair signing this agreement. The motion died for a lack of a second due to not having a firm dollar amount.

County Attorney

Don presented a discussion he had with Mrs. Baron regarding a real estate sign on the County right-of-way. The survey has already been discussed with the Board and he did speak to a realtor. Don said he had also spoken to Ms. Carbank who own the property for sale and they are in a dispute with the Barons about the location of the realty sign. Don asked the Board for direction as to whether or not to take injunctive action or not. Don suggested to have the sign taken out as long as it is on our property, but do not destroy it; rather to preserve the sign, phone the realty company that they could pick it up; and inform them not to replace it back on County property.

Commissioner McCown made a motion to instruct Road and Bridge to remove the sign that is in the vicinity of the Baron Property but is actually placed on the County's right-of-way and to use caution not to damage the realty's property. Commissioner Martin seconded; carried.

HUMAN SERVICES COMMISSION

Margaret Long, Debbie Stewart, RSVP; Sue Maisch, Bruce Christenson, Mountain Valley Development; Kay Valeskasis with Garfield RE-2 School Districts and Carol McNeel were present to discuss the grant process.

Sue Maisch said she was on the Board as the Citizen at Large. She reviewed the programs included in the 1998 program.

Debbie Stewart commented on the new spread sheet that would be reviewed at the January meeting that shows a trend analysis.

Debbie stated the attached Human Services Grant Review Committee submitted a list of recommendations for the 1998 Human Services funding. All agencies requesting funding do have needs. Total amount recommended includes \$152,000 plus carryover amounts of \$1500 and \$4000 for a total of \$157,500.

The list included:

Parents Supporting Parents - -0-

Grand River Hospital District - 0-

Advocate Safehouse Project - \$6,300

Cooper Corner Club - \$2,000

Regional Home Services Project - \$2,000

CMC Senior and Disabled Transportation Program - \$15,500

Family Visitor Program - \$17,500

Garfield Legal Services - \$5,000

Garfield Adult Literacy - \$6,700

Asistencia para Latinos - \$4,500

Senior Nutrition Project - \$2,500

CMC RSVP - \$10,000

Coloardo West Regional Mental Health - \$24,500

Garfield Youth Services - \$14,500
Mountain Valley Developmental Services - \$22,000
Colorado West Recovery Center - \$24,500

Commissioner Martin made a motion to approve the recommendations for the grants by the Human Services Commission. Commissioner McCown seconded; carried.
Chairman Smith complimented the group for their effort in putting together the list of recommendations to the Board.

SOCIAL SERVICES

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

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

ROAD & BRIDGE DISCUSSION - BATTLEMENT RESERVOIR ROAD DISCUSSION - LEE HAYWOOD/FOREST SERVICE

Lee Haywood, King Lloyd, Gary Osier, Don DeFord, Chuck Deschenes and Craig Hayworth by phone had a lengthy discussion.

King stated that Craig had contacted him several months ago about some questions relative to the work that the Department of Energy (DOE) had contracted for upon the Battlement Roads. An issue that came up at that time was that the DOE contractor had not done an adequate job of restoring the road and there were some questions as far as maintenance that arose out of that conversation. It appeared that there was a need for clarification with regard to maintenance questions and where the line was drawn for the various entities. Therefore, it was decided to get the County Attorney, Craig's folks, the Forest Service and everyone that was originally involved in the agreements in 1994 to do a follow-up.

Discussion was held.

Gary Osier stated the United States Forest Service actually owns the right-of-way and the thing they agreed to do was to enter into a maintenance agreement with Garfield County. This was done.

King clarified it was both a construction agreement and a maintenance agreement.

Gary agreed that this was their standard maintenance agreement was signed in 1994 and the Battlement Road was added to the Schedule A which is part of that agreement. A new one has just been signed in June of 1996; however, the Battlement Road is not on there. But the nice thing is that with the Schedule A Agreements they can be amended real easy. In January or February of each year the Forest Service (Jack) sits down with King and they go over the next year's agreements and Gary recommended for them to be sure to add the Battlement Road.

King asked where the right-of-way starts.

Gary said what they originally set up would have been to the cattle guard just above Weldons. Gary said they did make some improvements on the road and put a trail in on Savages when they gave the Forest Service the easement to accomplish this. This can be negotiated with the County if they want to add it to Schedule A Agreement. If there is a maintenance agreement with the County then the County is responsible for maintenance. At the present time, this road was left off the maintenance agreement. Gary said when King turns in his Highway Users Report he can include the roads that are under the Schedule A Agreement; then what occurs, the County receives through that fund for X amount of dollars per mile for maintaining.

Decisions

Part of the County's responsibility is to ensure the Agreements are renewed yearly as well as the Forest Service Supervisor. Chairman Smith mentioned they will put it on the Agenda and have it discussed.

Craig stated what he would like to hear is a consensus of opinion to this Agreement to restore the road to the condition it was before the Department of Energy. Maintenance can be discussed but he felt they needed to be more specific in terms of additional rock that needed to be put on that road.

Chairman Smith asked Gary if he could contact BLM for the rock.

Gary said they can get free rock - this is not a problem. The problem is not getting it; it is putting it on.

Commissioner McCown mentioned that the original condition was shale.

King said from Forest Service's lower gate down was shale but from the gate on up was rock.

Gary said he couldn't commit dollars that he didn't have, but he would commit that the Forest Service will take a look at it this Spring; do the best he can with his maintenance dollars; it may take 2 - 3 years to do it; but they will go after it. However, he cannot guarantee that he will restore that road to the condition it was prior to DOE unless he goes to DOE and receives help from that department. Gary will contact the Department of Energy.

TeKeKi

King stated in the past he had been contacted to give driveway permits but he has not issued any. Don stated there was current litigation pending in which a new request for a drive-way permit may be generated. Don stated if they make the request again, for King to defer issuance until he speaks to the Board and Don about the appropriateness of issuance.

BOARD OF HEALTH

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

Wanda Berryman, Sandra Barnett, Dr. James O'Donnel, Mary Meiser and Margaret Long were present and said they intended to use the entire half-hour to go over *Healthy Beginnings*.

Margaret gave a review saying the project started in 1989 and Chairman Smith was a part of this. It took approximate 22 months to develop and Dr. O'Donnel played a big role and without him it wouldn't have happened.

Wanda prepared a history and basic information regarding the program.

Dr. O'Donnel spoke on how it was before and how it is since the inception of *Healthy Beginnings*. Dr. O'Donnel said he started in Glenwood in 1980 and basically with the boom and bust problems in 1980's there was a lot of ups and downs but it became obvious in the mid-80's that we did have a lot of people that basically were either left over from Exxon or were brought in by the tourist industry that could not provide themselves with health care. People were showing up pregnant on the door of the hospital and in his office with major medical complications without having had any pre-natal care whatsoever. The problems were magnified by the fact that at that point and time even with some help from the Federal Government pushing the medicaid rates up, it still became financially non-feasible for physicians to see these women because of the medicaid reimbursement did not even cover their overhead expenses. Physicians were resistant totally to providing the care; patients were coming in with major problems that put a drain on the hospitals resources; and when some of these problems continue they put a drain on the community's resources as well. When *Healthy Beginnings* was developed the State obviously saw its benefit to help the program out as much as possible because a big part of what was being prevented was medicaid dollars being drained out in taking care of premature and sick premature infants. The problem with a lot of those premature infants was that a lot came back to the community with handicaps. For every one of the sick baby cases that is prevented basically the program can be paid for. With the inception of the program, there are two key elements: 1) Margaret and Marian obviously saw the benefit to this very early and the core group looked around to see who could provide these services initially. The hospital anted up the entire in-hospital care portion for indigent care including the reimbursement of mid-wives to do deliveries in the hospital and reimbursement for physicians for awhile (the only doctors doing deliveries include Dr. O'Donnel and his partner, Dr. Mason, and two mid-wives). Basically, the major fact that made the system go was seeing that the only one who had a broad interest across the communities was the County. Therefore, with the Commissioners' help, the *Healthy Beginnings Clinic* was formulated as a non-profit entity; and 2) Dr. O'Donnel hired a couple of mid-wives for the clinic to make the system go. Dr. O'Donnel said his personal commitment is basically providing what physician back-up that he can to the mid-wives.

Dr. O'Donnel added that *Healthy Beginnings (HB)* if extremely value to the community and the people are not going to go away as long as the economic situation stays like it is in this area.

Wanda Berryman added that until recently the family practice physicians would go monthly and donate their time to review the *HB* charts and make recommendations. Each time they would come, they would leave totally amazed at how the staff accomplishes the things they do. The women are very complex and many are becoming higher risks. Dr. O'Donnel and Dr. Binkley donate their time and that is hundreds of

hours per year consultation. Dr. Binkley is reviewing all of the charts to assure quality assurance which involves several hours per month.

Demographics - Hispanic Women

Margaret mentioned during the two year period of time in the development of the program (1) there was an expansion of dollars available through medicaid for pre-natal care and some State public health dollars; (2) at the very same time, the County's demographics were changing in terms of the Amnesty Act that brought in a lot of Latino in the area and the community was changing to the tourist based economy; and (3) the medical economics were changing and the doctors were working harder for less money and becoming less receptive to taking care of the indigent pre-natal.

Dr. O'Donnel confirmed that the medical community was shying away from taking indigent care more and more and the hospital is actively looking at other mechanisms for looking at providing some out-patient care to help implement what is going on at mid-valley but again this takes time to develop. The medical option for the majority of these people are even less than they used to be. The demographics show about 15% - 20% come from the west and for a while a clinic was attempting to be provided in Rifle but this didn't get off the ground due to the lack of intermediate care as provided by the mid-wives to make it work. This re-emphasises the fact that this is a County thing and not one hospital's particular problem.

Commissioner McCown inquired of the 65% Hispanic, how many are documented and undocumented? Wanda stated a rough figure would be 50% are undocumented.

Commissioner McCown asked about the entire Department of Health (DOH) and not just Healthy Beginnings, but everything that is involved putting a drain on the DOH, what percent of those are we looking at that undocumented? He asked for a ballpark figure.

Margaret responded that this is difficult to quantify. Public Health - there are two different things going on. Mary stated for the WIC caseload in Glenwood they were up to 60% Hispanic and 40% non-Hispanic.

Sandra Barnett responded to Commissioner McCown's concern of the number of undocumented by saying that WIC will not allow that question to be asked.

Wanda said the only reason they know in Healthy Beginnings is that undocumented cases will not qualify for medicaid. She did state however that when these babies are born and their mother is undocumented, the baby is born a U. S. Citizen. Many of the fathers are documented, it is the family members that are not.

Dr. O'Donnel complimented the staff of Healthy Beginnings by saying they are trying to find out what is going in the families. Some of the family members leave at 5:00 A.M. in the morning and do not arrive back home until 9:00 P.M. and the whole system is driven by Aspen when you get to the bottom line.

Pitkin County is running about 40% indigent deliveries at Aspen Valley Hospital but they only do approximately 200 deliveries per year. Valley View is doing 35% indigent deliveries out of 600 deliveries per year. The drain on community resources is very high. The point is that most of these people are decent working folks and do the best they can.

Wanda confirmed most of the clients fall into the category of the "working poor." She added that rarely going into a home does she see less than three families living together.

Commissioner Martin said the babies are the ones being taken care of by this program and that is where the focus should be.

Margaret added again that once the babies are born in this Country, they are U. S. Citizens and so if the income is low enough they could be getting Temporary Assistance Payments (TANF). Janice George has reported that there are only 10 - 15 on cash assistance payments and therefore these families do come under the heading of "working poor," and are asking for medical assistance but not welfare payments for these children.

Wanda stated for the women who do not qualify for medicaid, there are patient fees. This amounts to \$7,000 per year and the program may have to increase those fees to increase revenue.

Margaret stated those fees are currently at \$135.

Wanda said one of the demographics that she did not include for the annual income was 45% have no income; 25% have \$3,000 to \$6,000 of income per year. However, she estimated the majority were at an income level of \$6,000 to \$9,000 per year. She added that during the pregnancy, the staff gets to know the families and which ones are juggling the numbers and which are not and it becomes evident to them which ones are not able to feed their families.

Commissioner Martin added that the nature of the beast is the more we provide, the more they come. He doesn't see an end to the problem.

Wanda said she was going to apply to Pitkin County next year for funds.

Commissioner Martin agreed with the statistics and by showing employment records, this would be a good effort.

Dr. O'Donnel stated that Vail is beginning to provide medicaid services whereas before the indigent pregnant women would be denied services at Vail and come to Valley View Hospital for delivery.

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

CONTINUED REVIEW: SPECIAL USE PERMIT FOR A KENNEL LOCATED 3 MILES EAST OF BATTLEMENT MESA ON COUNTY ROAD 301. APPLICANTS: MONTE & LINDA O'NEIL

Eric McCafferty and Don DeFord were present. Neither Monte nor Linda O'Neil were present. Eric stated that this Special Use Permit was originally approved back in June of 1996 and amended in October of 1996. One of the main issues was whether or not the applicant's well permit could be or would be amended to "commercial use." Since that time nothing has happened. Eric stated he has checked with the Division of Water Resources. Therefore, Eric recommended to the Board that they recind the conditional approval and deny the permitting request.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to deny the Special Use Permit for a kennel located 3 miles east of Battlement Mesa on County Road 301 for Monte and Linda O'Neil; carried.

Executive Session - Legal Matters regarding the Budget

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss budget issues; carried.

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

PUBLIC HEARING: EXTENSION OF PRELIMINARY PLAN APPROVAL FOR THE MAMM CREEK INDUSTRIAL PARK LOCATED SOUTH OF THE RIFLE AIRPORT. APPLICANT: BOB HOWARD

Mark Bean, Don DeFord and Larry Green were present.

Larry Green stated Mr. Howard was called out of the State on Thursday afternoon, so he asked me to come and appear in his behalf. At that time he indicated that he had done the posting and the publication and everything and would bring it to Mark Bean.

Don DeFord stated the publication was timely and the mailing are timely and he has represented in his letter that it was mailed to all property owners within 200 feet of the subject property including all mineral owners and lessees of record. The accomplishment of those in the time frame meets your regulations.

There is not a representation ...

Mark stated there should be an affidavit.

Don - yes.

Chairman Smith swore in the speakers.

Mark Bean submitted a request for the extension of Preliminary Plan approval given for the Mamm Creek Industrial Park for Resolution No. 81-186. This is the Airport Land Partners Limited. The tract itself is a 250 acre tract that proposed to have central water and sewer and access off County Road 352. It is zoned within the Airport Industrial Park PUD and has been zoned that way since basically the late to middle 70's roughly. The project the applicants are again requesting extension allowed to submittal of a final plat for the Mamm Creek Industrial Park originally approved in 1981 by Resolution 81-196. The original owners have requested a number of extensions in order to meet the conditions of approval on the property.

Subsequently the properties have been sold to another group in the last year doing further market research and request an extension of the approval given in 1981 to complete the project. I've included a copy of the letter in the application. If I could back up very quickly, I would like to submit some exhibits. Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - The Letter requesting the Extension of Approval and by attachment or reference would be the Original Application itself; and Exhibit D - Project Report and Staff Comments.

Chairman Smith entered Exhibits A - D into the record.

Mark Bean stated he noted here that basically the Subdivision Regulations allow the Board to grant a one-year extension to Preliminary Plat approval outside of the normal Public Hearing Process. One year is given as part of the original approval. Since the last request for an extension was granted by Public Hearing two years ago, to request this one it is required that we come back to the Public Hearing to have the opportunity to comment. They have made this request prior to the expiration of approval of the last extension so we don't have an automatic argument that this has been validated. The proposed Industrial Park is located in an area that staff considers to be appropriate for industrial use providing conditions of approval as contained in the original Resolution are met. Particular concern with where we are with central water and sewer to the development, the City of Rifle has water service out to the area and is available to the project if they were to choose to develop the project from that point of view. At this time, there are no sewer lines that have been extended to the area. Along the interchange there has been developed on I-70 to support the Airport, County Road 346 is not approved at the level consistent with industrial demands right now though. Basically, we have no particular problems with maintaining the Preliminary Plan as it was originally approved providing the one condition of approval that all original conditions of approval in the Resolution 81-186 be maintained in place.

Chairman Smith inquired if Mark knows, because in the original Resolution 81-186, one of the other, you know we've been talking about the Fire Station/Dormitory BLM and all, and according to this there is to be a single lot within the Subdivision designated as a site for a fire station. And I don't know if that's a single lot or - do you know? Chuck is not in here to ask, so I was just curious since we have been talking about that.

Commissioner McCown - from what I've gathered it is.

Commissioner Martin - No, I think that's going to be treated as a training facility.

Commissioner McCown - it's a designation as a fire station. Rifle Fire Protection District is going to put vehicles out there.

Chairman Smith - I didn't know if that was the same one and then Larry pointed it out and I was just curious about it. Do you have any questions? This is a public hearing and while I don't think any of you are here for this item, I'm not sure, so if there's anyone that would have any comments on this extension of preliminary plan approval for the Mamm Creek Industrial Park now is the time to say something, but you'll have to be sworn in. Okay.

Mark - there is one

Chairman Smith swore in the speaker.

Ms. Amaya - 0052 County Road 342, Rifle and I live right next to the place and I was just wondering if they had any idea if - what they were going to put there?

Chairman Smith - I think this is actually just using the old PUD plan.

Mark Bean - yes it is.

Chairman Smith - so if you know what was originally planned with this in 1981 next to your property, it hasn't changed, it's just an extension of the plan.

Mark Bean - there were a number of lots that were a part of the Subdivision's approval. The lots are zoned within the Planned Unit Development to allow for commercial and industrial development. But they are required to have central water and sewer available to them which I believe has been one of the biggest stumbling blocks to anybody completing this plan.

Ms. Amaya - because I heard you was going to or thinking about....

Mark - for the jail

Ms. Amaya - for the jail

Chairman Smith - were you worried about that?

Ms. Amaya - yes, cause I live right next to the thing. That's all I wanted to know.

Chairman Smith - okay, anyone else.

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

A motion was made by Commissioner McCown and seconded by Commissioner Martin to grant the extension of Preliminary Plan to December 15, 1998 that the applicants comply with all the conditions of approval contained in Resolution 81-186 in the terms of the extension.

Chairman Smith - do you want findings as part of that or

Mark - I quote throughout the Resolution what those findings were.

Mildred Alsdorf - you can not make it December 15th, that's a Tuesday.

Mark - Oh they will just have to submit before then.....

Chairman Smith called for the vote - Smith, aye; Martin, aye; McCown, aye.

PUBLIC MEETING: VACATION PORTION OF COUNTY ROAD 266

King Lloyd, Don DeFord and Mike Mellow were present.

Don indicated he needed to ask some statutory questions and asked Mr. Mello to identify himself.

Mike Mello - 0896 CR 266 - Silt

Don determined that notice was provided to the property owners and asked Mike Mello to describe the process he followed to provide notice.

Mike said aside from the 4 people who had signed the request, he mailed them just regular mail, the other people he mailed certified.

Don stated he had certified receipts for Roger and Jackie Call; Silt Water Conservancy and Paul and Charleen Bagley and this constitutes notice to everyone adjoining the roadway Mike was asking to be vacated. Don asked if there was a petition to vacate the road?

Mike said he had it but didn't bring it.

Don confirmed that yes, the County had that which was pursuant to this request that the Public Meeting was set. He also asked if Mike at his request, have prepared deeds to the transfer of private easements to adjoining property owners and asked to see them. Don circulated these deeds for the Board saying it is the original deed and did not read the substance of it into the record. He summarized that it is a deed between Mike Mello, Wendy Mello, Mark Drudge, Cheryl Drudge, Robert Davis, April Davis, Richard Maddox and Janet Maddox as grantors to the same parties and additionally the Farmers Irrigation Company and irrigators at head gate no. 32 and Farmers Irrigation Ditch and this would convey perpetual non-exclusive easement for access and utility purposes over and across that certain driveway presently in place and use as described as follows. Don said there was a legal description for the easement and it runs with the land in a prudent benefit of the successors of the grantees and it is fully executed - it is an original deed.

Don stated he asked Mr. Mello to prepare or have prepared this deed, the reason is, by Statute, the Board is prohibited from vacating a road if it leaves any property - read "any landowner without either a public road or a private access easement that would connect that property to a public road." And therefore, if the Board wants to proceed and vacate a portion of County Road 266 that is being requested today, certain properties would be left without access without this easement. What Don indicated to Mr. Mello is that if the Board elects to go ahead and vacate the road upon recording of a vacating resolution you would need to record this easement. So Mike Mello has done as Don requested and brought the deed and entered it.

Chairman Smith asked Don to identify what "non-exclusive easement is."

Don explained that "non-exclusive" means it is available not only to the people it's conveyed to but to anyone who is a successor in interest and it is not limited in the extent of the use - that is it can be used by any member of the public who wishes to access that specific piece of property which is the beneficiary of the non-exclusive easement. Don also asked if Mike brought a plat or a depiction of the roadway they are asking to vacate?

Mike Mello said yes, two of them. Mike explained this to the Board.

The history of this was given as:

Paul Bagley said the lines were re-drawn on the Antler's Orchard Development Plats and pointed out where he got his easement going into the back lots. The lot he sold to Roger Call was also noted on the plats and Paul stated they have used this road since 1959 and dead-set about and will not give up his County Road as he wants the services the County provides. Most people want it and can't understand why this is brought up.

Chuck Becker pointed out and asked if a specific road had not been deeded to the County?

Paul said no, just what he called the Antler's Orchard.

Chuck Becker when you amended it, it came under the County's jurisdiction.

Paul - no

Chuck Becker because otherwise it is Antler's Orchards only for an easement.

Paul said no, this is the road that we agreed and signed over to let the County take over and if the County is going to discontinue it, I want half of it back. I'll make my own road up through there.

Chuck Becker said all you dedicated was a vary narrow sliver because the original property lines were off. Paul showed another plat showing the old road. Someone built a house in the County Road so then he had to.

Chuck Becker asked Paul if the property lines sits back about 5' -

Paul - no, it's about a foot from

Mark Drudge Rainbow Drive - asked for a point of reference, where his lot would be particular to this discussion. He owns the old Johnson place.

Paul Bagley showed the amended plat of the Asgard Subdivision, the County Road was to go to here and then reduces down though Maddox's at 20 foot right-of-way until he gets to here and it's a 50 foot radius turn around which was there but it's gone now. Somebody's taken it out the last few years.

Chairman Smith stated the County would have to have 25'.

Paul reiterated it was this much of an easement then goes to 25'.

Mr. Maddox said okay Paul, but that's just an easement, because my property is...

Paul said all it says is it's a right-of-way through Mr. Maddox property and it says it's 25' wide to the end, then it goes to 50' - it's a 50 feet quarter of a turn for people that turn around and I don't know if you took it out, but somebody took it out cause it was there was quite a few years. I've been here since 1959.

Mr. Maddox argued that it hasn't been there for 13 years. Right there is where the rural box and head gate Paul argued this is where it used to turn around cause that's where it was before. I have that access into this property, well since 1959 and then I moved that access through the County to right here to get to the ditch off of that County Road. It used to go in (and pointed out where). We moved it to the end of this lot - 30' ditch access for the ditch people. Everybody comes up this road to get to that ditch.

Mike Mello said back to his original question, Paul - this and this which goes over basically to head gate 34, have you not dedicated that to the County?

Paul - pointed out where they dedicated all this down the road....

Mike - no, he was talking about in February of 1997....

Paul - no he didn't dedicate that to the County.

Mike - that's what it says over here.

Mike - all roads became County property.

Paul - you mean we dedicated all of this right-of-way to the County?

Heather Meadows - is a land owner on 266 along with a few other people here and the ditch rider is not the only person that goes to the head gate. We all participate in cleaning the ditch out and we need to get through that property if you want to give everyone of us keys, great.

Chairman Smith - that's why we are asking

Heather Meadows - pointed out where.

Mildred asked for only one person to speak at a time.

Heather Meadows - and this is where you want to get rid of the County Road - I drive up this County Road and get into his road that he's given everybody access to - to get to the gate - and we clean it out because we find trash in that gate.

Mike Mello said - let's see what Mr. DeFord thinks of this plat and if it's the way I think, we've got an access and you also have an access by going around here on Oden Drive and going

Heather - why do I have to go around on Oden Drive? He doesn't go around Oden Drive, he goes straight up once a week. We go everyday of the week cause we clean it out because we need the pressure on our water - I grow hay and sell it.

?? - What's the difference?

Heather - 130 seconds, I don't think so, I live right down here on the corner, I go right up here.

Mike - let's see what Mr. DeFord says about this road that should be going across the river.

Roger Call - has property at the very end. Lot 46 - how am I supposed to get at over that ditch? There is a road on this side that I believe has been dedicated to the County.

Heather - an old ranch road? Now who's going to make that into a usable road? You?

Mike - it says either the seller or the buyer according to Mr. Bagley.

Paul said he has used that road since 1959 to that end and I know the road has been there since the turn of the century, and I'm not about to let you have my road just so you can get a little bit of dust down on your

side of the road. I can't help the wind blows that way. You're a lot owner with 4 damn acres trying to tell all of us other guys what to do.

Chairman Smith said that's why we are all here, to see what the issues are.

Mike - some guy that wants to sell off all this land in pieces is trying to tell us

Paul - that's the whole damn reason... and that's why

Chairman Smith reiterated that it was not possible to pick everyone up when more than one is talking. We have to keep a tape of this and Mildred can't pick it up if everyone talks at once.

Richard Bradley 0350 Rainbow Drive and live on lot 13 and take water from head gate 32 and put a pipeline in up to this point and intended to have a County permit to put it in all the way up and I want to be able to do that cause I have so much water loss just coming down this way - the ditch is not big enough to handle - we have a lot of problems - flooding goes over the middle, then off to Maddox's entry way there.

Mr. Maddox - see Dick, you are going to have to come across my property.

Richard Bradley - there's an easement here though, this easement's in a place

Mr. Maddox - that's my property

Richard Bradley - that's a road easement. It's a right-of-way. It's a road easement, access to irrigation ditch.

Mr. Maddox - it's my property

Don suggested if everyone has seen the plat maybe it would be easier if we all sat down...

Chairman Smith - and then we could take comments as you come to them.

Don - a smaller issue - we have an amended final plat that has been recorded, better make a record on this - portions of tract 46 - 51- 52- 61 and 62 of Antler's Orchard - on this plat, the original Antler's Orchard plat were not executed by the County Commissioners, so there are dedications shown on those plats that have not been accepted as public rights-of-way over the use by people in the Subdivision, but on the amended plat it was done pursuant to our current code and there are both access and utility easements that are dedicated to the public and have been accepted by the Commissioners on this plat that are not part of this road. Both of the peripheral of the Subdivision between the heavy and dark line and the dotted line, you can see down here it is a right-of-way on dedication statements and it sets apart streets and roads for use of the public and down below there is an acceptance on those right-of-way by the Board. We have to be careful - we're talking about rights-of-way whether there is a physical road in place or not, he has no idea. ___ - there is nothing. Just a 100 year old fence is all that's left.

Mike - say something about the buyer and seller being responsible for the road?

Don - yes, that's part of the acceptance by the Board and is fairly typical.

___ you can see the right-of-way coming in from these back lots. That's a 30 foot easement for utilities and comes into that culdesac and turns and that's services all three of these back lots, the two lots next to the County Road, they can either come off of that road, or they can come off the County Road if we can get a driveway permit which is all straight away. And I left that south one in there in case I want to get to some more of my property in there eventually over the years.

The Board examined the plats.

___ said that's his land south of there. I own both sides of that.

___ these are shown, they are shown as roads.

Chairman Smith - yeah, you've shown those as roads.

___ yeah but they're on my property and I own both sides of that.

Commissioner McCown - it's vacated.

Chairman Smith - between 46 and 51 that's vacated.

Don - no I don't know that this is the case.

___ I think it's one that comes in at an angle to mine.

Don - at an angle Y. This is shown as a road here on this plat, and I mean that's the way it's described.

Commissioner McCown - the right-of-way between tracts 46....

Don - Mark was asked to come up.

Commissioner McCown - read again - the right-of way between tracts 46 and 51...

Don asked Mark if originally there was a right-of-way between those two lots?

Mark said it actually went thought something like that.....and that's the reason it was extended forward.

Don - said he should point out one thing for the Board, a vacation of a road is totally discretionary - you are never required to vacate a road right-of-way, so the Board may want to keep that in mind.

___ what Mr. DeFord just said, we on the road are requesting that if this is not vacated that it be widened, chip and sealed and brought up to County standards because you can see from the amount of people here

there's traffic - you stop the chip and seal about 1460 - 1470 feet and basically you have 9 lots on all of County Road 266 that are available for building and 7 of those 9 are on parts that are not chip and sealed. So we would like it widened and brought up to specs if this Board determines they are not going to vacate it.

___ well beings you going to do that, I've got another road 260 that it's graveled, it was oiled for 25 years and now it's back to gravel, well I want mine chip and sealed too.

Chairman Smith - well we haven't made any decision

___ well I know that, I'm just kidding. I don't think we can pressure you into chip and sealing it.

Chairman Smith - this filing says that "approval in no ways obligates Garfield County from financing or constructing improvements on land, streets, or easements dedicated to the public." It is very definitely

Commissioner Martin said the cost will go to the buyer.

___ but you did do the first 3/4 mile about 6 weeks ago.

Paul - this road's been graded by Marvin Stephens the last 25 years for snow grading plum up to Maddox and past Maddox entrance through his property - Sonny Keithley told me he graded it for all the time he worked there.

___ well, I tell you I kept track last year and it was snow plowed one time.

Paul - but it didn't hardly snow last winter...

___ and the year before it was twice and this past week it was once when they had time in the afternoon; they did the chip and seal part in the morning, but they didn't do the gravel part.

Paul - I think on grading these County Roads on south slopes like we all are, if there's not very much snow you are better off leaving them alone because that's what happened to our road - it was ruined and we got pictures of it where all the shoulders were graded off them roads and eventually the pavement was gone. This road is the same way, you'll find that gravel laying in the bar ditch where they graded it the other day with that couple inches of snow.

___ I disagree, that gravel was swept in the bar ditch by a street sweeper when they were done chipping and sealing.

Chairman Smith - well, we've heard from two but there are a lot of people here.

Jim Larson - Lot 21 - Bottom of Road 266 - which is quite a ways away but I've been there for - I took water for the first three years I was there out of head gate 32 which is on Mr. Maddox's property or near his property; for the last 18 - 19 years I've taken water out of head gate 34. Head gate 34 is the one that is further towards you or towards the west the way that map is setting on Mr. Bagley's property way over there (pointing to the plat). The point is that there are several people on head gate 34 as well as people on head gate 32 all of whom use that road to get to one head gate or the other - either on foot or ATV or with motor vehicle or horseback I suppose from time to time. And this has been going on for many years, probably before I went up there and I've been up there for 22 years going on 23. Also, as I understand it, I don't ride horses, but I think a lot of people do up in that area and they have ridden for many years north of Road 266 right in front of Mr. Maddox and Mr. Mello's houses and probably will continue to do so. People walk up there for reason than to access the ditches and to enforce their water rights and to clean out the head gate as Ms. Meadows was talking about a few moments ago. The point is I think that the Board needs to understand that we are not talking about a road out in the country that does not exist - that exists only on paper - this road has been there for umpteen number of years and has been used by people for years and years before Mr. Mello ever moved up there and before Mr. Maddox moved up there. Now I sympathize with their feelings regarding wanting to minimize traffic - I'd love to minimize traffic in front of my road as well, but sometimes you have to take the burdens along with the benefits of the property when you buy it and this is one of the burdens he has. I did not hear the deed that Mr. DeFord referred to that there was any ability for us on head gate 34 to go up there and to continue to enforce our water rights - he mentioned head gate 32 users I believe. But this illustrates my point, this road has been used for so darn many years and is very important for all of us that are up there, if there's a problem with traffic that shouldn't be up there then I think it's up to the owners adversely affected to look to law enforcement - if they're having a problem with the roads not getting fully cared for in terms of chip and seal like they think should be done, then they need to go to the County Road Department like the rest of us on Road 266 have done for many years and finally they were gracious enough to do that this last year. So I think when you talk about vacating a road, you're not talking about a road that has not been in existence. This thing has been around for a long time. Many people would be adversely impacted if this were to happen. I don't know as a practical matter how it would be enforced anyway. And let me mention one more thing and that is at the very top near Mr. Bagley's lot 46 where there is a road easement instead of an existing road, that road easement next to Larry Spencer

there, that is something as far as I know, your Board has nothing to do with. You can't take any action today that would affect a private road easement. That's been there for years and will continue to be there. Don - no they can't take any action on private property.

Jim Larson that's exactly right. So I don't know what you're accomplishing by giving up an existing road that affords public access when you can't affect what's at the top of that roadway on the ground by your action anyway.

Mr. Mello - Let me ask you a question, since that says, road easement for access to irrigation ditch, all right, now what if Mr. Maddox legally can put a gate across through his property line, what happens to your access to gate 34.

Jim Larson - I don't think he can put a gate across there. I think usage has established, pass usage has established a right for us to go up there without anybody interfering with that for whatever we've done for the past several years.

Mr. Mello - I'd like to ask another question about a statement you made. You said all of you fought to get that chip and sealed for years - I mean we know some people that dug holes in the road to slow traffic down, but whether or not some people oppose to chipping and sealing that road and somebody finally won and somebody lost in the end.

Jim - don't know - nobody showed up to object to the chip and seal when I was here to have to advocate it. Chairman Smith - we actually did a - I think Michael went around and sort of took an informal survey and found that there were more that wanted the chip and seal than didn't.

Paul who wouldn't want something like that?

Chairman Smith - I'm just telling you Michael did it and you can talk to him afterwards. I'm going to blame him.

Paul - well I don't want to lose my County services. That's the reason I'm here period. One of these days they'll run natural gas up that road and I wouldn't doubt if they don't run water lines up there to service all these houses and I don't want to lose what I got, what I've had for - since 1959 myself.

Dick Maddox - I live in Lot 3 the one that everybody's been discussing and I have a little different situation than anybody else. My property line goes clear across that road, both my property stakes are (shown on map) and I don't have any problem with anybody going across my driveway - what I consider my driveway - to check their head gate; what I do have problems with is the motorcycles that run down that road at 65 mpr - the people that are riding horses up and down that road and ride through my front yard - that's it. If I could close off that portion of the road, I would do it and I would give anybody with either head gate access to that road. But it's the rest of the public that disturbs me - it's not the water users - but it's motorcycles and the horseback riders and you know you've had the same problem over at your place Paul.

Paul - this ditch right-of-way on the Farmers Irrigation Ditch, the way I understand it is for water users - it's not for the public. It's for water users so that at the end of that County Road, where it ends right now the Northwest corner of Dick Meadows stops right there. But you're on the right-of-way so that gives the people that's got business up there - there's no reasons why you couldn't put a gate there and stop them from going on past. Cause I've got a deal right there to get some of the ditch right there. But at the end of that road, there's an easement and it's recorded and that gets them on the road right there and you could block that off and close it.

Chairman Smith asked Paul to point out his access to get to this road.

Paul pointed out on the map where his driveway comes.

Mr. Maddox said - It says right there for access to irrigation ditch, it doesn't say for riding motorcycles, riding horses.

Chairman Smith - noted that it says "road easement" and this says "irrigation ditch easement" and it's 25 foot - this is the point I'm trying to make. Someplace it is 25' access onto a road for you to build.

_____ that means for irrigation purposes, right?

Chairman Smith - well, no

Commissioner Martin the way this is defined is 25' minimum size for a road and that's a road access.

Chairman Smith - and we require that, that's State - that access that they've got to built, they have to have an access to a public road, right?

Don DeFord - yes.

_____ that was the original house up there. And originally that whole 266 Road was driveway to that house, but the way (it was probably 2 tracks back in 1900).

Mr. Maddox - but the way I feel about it is if the County wants to make that a County Road, I feel they should either buy that stretch of property from me and make it a County Road or close it.

Chairman Smith - well then you won't have a legal access for your property.

Mr. Maddox - well if it's a County Road I will.

Chairman Smith - well it's a Public Road.

___ you know the reason it went to 25' right-of-way to start with, because there is a row of cottonwood trees that's really big and they didn't want to have to remove them so they went to 25'.

___ if you calling that a 25' public road, it doesn't meet the County specs, does it.

___ - no.

___ - you've been grading it.

___ neither does part of that old portion

Mr. Maddox well how can that be a County Road if my property line goes across the County Road?

Chairman Smith - well I will tell you something interesting, my property, when I bought it went to the center of Grand Avenue. So you know it's just over the years they take them. It's four lane now on Grand Avenue.

___ if this is County Road then you decide not to vacate it, let's bring it up to specs. You've got 7 buildable lots at that end of the road on the section that is not presently chipped or sealed or even have much gravel on it. In the Spring, it's usually a mud hole and in the winter - in the Summer a dust bowl - I know Paul said don't get the dust because the wind usually blows from the West, but I think if you recall Mr. Larson's complaints over the past 5 - 10 - 15 years whatever it's been, it's been speed and dust.

Chairman Smith - if we go up and post some speed signs, because we have had complaints about it, well I know if you don't have enforcement.

___ it takes 45 minutes to get a Sheriff up there.

___ you know when he was giving these easements to the ditch users, I didn't hear anything for me if it was vacated. What am I supposed to do - me and Roger Call - what's he supposed to do.

___ he's got the road dedicated to the County.

___ yeah, but you're going to want to take it and make it a private road, heck I don't

Norm Hunt - 5597 233 Road - I'm representing the Silt Water Conservancy District. We have used that road for at least 50 years and longer than that actually. So we feel like we have a vested interest there. Our Board has discussed it and we would prefer to see things left just as they are. But I have a question. In the event that you did vacate the road, does that deed that you were talking about, does that include the Silt Water Conservancy District.

ANS. - Water Irrigation

Norm - well, maybe we should include both entities really.

Don DeFord - is that Farmers Irrigation Company - users of Head Gate 32?

Norm - it also accents the Silt Water Conservancy District is actually the operator of that canal - we would - it would really need to be deeded to the Silt Water Conservancy District as well. And would our attorney have an opportunity to read this deed before it was executed?

Don DeFord - it is up to the Board how they will proceed on this.

Mike Orion - 0392 - County Road 266 - Lot 18. I'm a user of head gate 32 and two issues or concerns that he would have with respect to vacating the County Road would be access to the head gate one and number two is also I think someone else had mentioned that as we're looking at different pipe line routes, or piping the ditch especially for those of us in the lower section of the subdivision further down we have quite a bit of ditch loss due to seepage and evaporation all the inherent problems being down at the lower end of the ditch, and it does not appear that there's any interest on the upper end of the ditch simply because they're on the upper end to pipe it, so the pipeline location would not go in the same location as the existing ditch which means that we need to find some other location and having the public right-of-way affords us that opportunity to find another location and if this were vacated, we're not sure that we have a position or an ability to do our pipeline project. We have that SCS or the NRCS has come out and surveyed and prepared plans and we are working on a financing plan with CWCB on doing this project and we may do it here this Spring, but those are two concerns. I know several of the other property owners also have those same concerns.

Commissioner McCown asked Mike if he was assuming that he has access to a County Road to put a water line down?

Mike Orion - no, within the right-of-way; or either in a barrow ditch.

Commissioner McCown asked Mike if thought that was a God-given right?

Mike said he didn't think it was unavailable, and I think

Commissioner McCown said if Mike was going ahead with plans for Spring, that we as a Board hadn't heard anything about this and there's been pipelines put in that have taken 6 - 8 months to get approved; and with major re-construction of the road in granting that approval, so Mike - sure, we understand but we wouldn't be looking at any sort of major impact on the road and I understand that it requires a permit.

___ about three years ago one of the individuals on this ditch out of head gate 34 did put a pipeline down that road, whether they had a permit or not I don't know, but if he did, the County surely didn't require him to put it back to the condition of what it was before he dug the ditch down through there.

Commissioner McCown pleaded innocent, it was before his time.

Chairman Smith - I was here but I didn't

Commissioner McCown asked King if he knew anything about it.

Chairman Smith - Mark, did you?

___ it just made a muddy mess until recently when you chipped and sealed on that one side of the road.

___ if you vacate a County Road, who gets the property?

Don DeFord - by law it goes to the adjoining property owners.

Paul - okay, would I get half of the road?

Don DeFord - if your property adjoins it - yes.

Paul - I own the west half so I would get that right-of-way and I could put a fence right up the middle of that road that's there right now, right?

Don DeFord - yes

Paul - cause I am a property owner, I own it and it's paid for free and clear.

Don DeFord - said if you adjoin it.

Paul - If you guys want it I'll just put my own road on my side.

___ would it not go back to how much road was in the dedication

Don - no, unless it can be proven that it came from one Subdivision or another, then it would go to the adjoining property owners.

Paul - this deal we signed was in 1971 to turn that over to the County so that's been 26 years ago and I think if this would take place I want my half the road and I'm going to close it - I'm going to fence the middle of it too.

Chairman Smith said we are running way into the next item on the agenda - do you want to make a decision today?

Mr. Mello - Marian, could I ask one - is King still here? I was going to ask him to give us his comments on what he feels about that end of the road.

Richard Bradley - like to just reiterate that I do have a permit going up that County Road and I intend to put a line up there.

Chairman Smith asked if he had a permit from Road and Bridge?

Richard Bradley - yes I do.

Chairman Smith - have you got

Richard Bradley - well I've got 1/2 of it in already, all I have to do

Chairman Smith - a building permit no matter how far a water line goes up? okay

Richard Bradley - I intend to do that this Spring. The other thing like it says, that road has been there since - well for 50 - 60 years - I lived in that place when I was 8 years old - where Dick Maddox lives and it was a road to access that property at that time so I agree and think like everybody else thinks that should not be vacated because it's an existing road that's been there a long time and many people use that.

Commissioner Martin said he would like to go ahead and make a decision. We've heard both sides of the argument and I understand both of them, but I'm going to make a motion to leave it as it is, due to the historical use, due to the documented easements and say that we need a much more in-depth and formal request to go any farther. Leave it as it is.

Chairman Smith - John, I think we've got everything - we've got the formal request. I think it was.

Commissioner Martin - well, that's fine, I'm just going to make a motion to leave it as it is and to deny the request for vacation.

Commissioner McCown - second. King - Mr. Bradley said he did have a permit from Road and Bridge to put that pipeline down the road.

King - okay.

Chairman Smith - he's already started.

King - we issue hundred's of permits and I don't have knowledge of everyone that goes on, sometimes there's some incidental ones that don't get my attention. This is potentially one of those.

Chairman Smith - any further comments?

Commissioner Martin - my comment is that I understand Mr. Mello's problem but I think we are creating more problems than we are solving. That's why I made that motion.

Mr. Mello - then you need to take a look at bringing that whole road up to specifications.

Chairman Smith - it will be on our list when we do our Road Tour, we will look at it. It's back to the Board now.

All those in favor of the motion - carried.

_____ how far did you say that is County Road?

Commissioner McCown - right to the edge of your property.

Chairman Smith - we have a legal description.

Don DeFord said that really the County Surveyor would have the answer to that question.

Commissioner McCown - that was my interpretation though, right to the end of your property.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 4 MILES NORTHWEST OF CARBONDALE ALONG COUNTY ROAD 103. APPLICANT: SANDRA SMITH

Eric McCafferty, Bob Emerson and Don DeFord were present.

Bob Emerson said that Sandy came before the Board with a preliminary application some time ago - he did not represent her at that time. After the preliminary plat approval was given she basically decided to put that plan on hold. About a year ago, Sandy was approached by a man who wanted to buy all of the ranch except for the piece where her house is which is the 10 acre piece that we are discussing today. At that time, Bob began to have some discussions with the Planning Department on doing this exemption. That buyer did not work out and the application was never filed. Then this Fall, another gentlemen came along and wanted the same thing. He proposed that the Board go ahead and approve this as there is 120 day period in which to record the plat or approval becomes ineffective and in that period of time Sandy will make a decision about how she wants to proceed. If she wants to proceed with the subdivision, she can come back in and ask for an extension and the Board can re-consider issues that may have changed; (and not ever record a plat for this subdivision exemption which would make it void if the Board gives this approval and makes it exempt in the subdivision) or she could go ahead and record the subdivision but still come to the Board and say, I would like to have an extension and an amendment to the preliminary plat to take this one lot out and deal with the rest of it now; or she could simply say, I recognize a long time has gone by and I'm not going to pursue this and the next guy that comes along, is on his own. Bob asked for the flexibility to do that on her behalf. Bob suggested the Board give them a deadline of when they could take action on the subdivision at some point down the road. Six months is probably sufficient.

Eric stated in regard to the exemption itself, procedurally it can't go forward with a recorded subdivision plat - it would be in violation. Now in regard to what Mr. Emerson has suggested, if they want to figure out what she wants to do with the subdivision first, and then decide whether to proceed with the exemption, Eric said he would be amenable to that but this needs to have a very certain time frame. This would require a Public Hearing similar to the Mamm Creek Project with Bob Howard whereas the Board would have to formally allot a certain amount of time for extensions. Since this has not occurred since 1991, when it was formally adopted, you could supposedly take the position that this request has died due to lack of interest cause we have not heard about for the last 6 - 7 years.

Commissioner McCown - we would still have to go back to formal Public Hearing to vacate.

Eric - yes.

Don DeFord stated that a subdivision is subject to being to the Board's action at any time regardless of what happens with the exemption because it's in violation of your Subdivision Regulations.

Commissioner McCown said as far as the application is concerned, he would like to continue it until March 16 and at that time he would ask the applicant to come in with a determination on whether they want to go forward with this subdivision or if they are going to pursue the exemption and at that time the Board will rule on the exemption and take action on setting a public hearing for taking action for the subdivision.

Bob asked for a much quicker date than that.

Commissioner McCown made a motion and Commissioner Martin seconded to extend this Public Meeting until January 12, 1998 at 3:00 P.M.; carried.

Extension - Peggy McCune

Eric mentioned that he received a phone call from Peggy McCune whose family has been involved in a subdivision exemption northeast of Silt. They received conditional approval and their fiscal year expires today and is requesting the Board allow additional time due to the death of her father and the estate is in probate and they haven't been able to get a personal representative at this time.

Eric stated if the Board does grant this, that a note should be made that this was due to special circumstances and would not necessarily be done on a regular basis.

Commissioner McCown made a motion and Commissioner Martin seconded to grant an extension of 120 days with the showing of due diligence; carried.

Tracking of Subdivisions

Commissioner McCown asked if there was a provision in place that tracks these subdivisions that hang out in perpetuity?

Eric said - no

Commissioner McCown asked Eric if he would work at getting a handle on this.

Discussion

Eric said that the issue really is that the applicant, landowner, whomever, looks at this as any kind of earlier approval, be it PUD, Subdivision or whatever has some kind of vested right that they can come in at any time and say I want to get going again. What may have been approved 5 - 10 years ago based on certain circumstances, may not be something the Board would be amenable to approving today.

Vested Rights

Don said this was not too complicated in this State and that it comes in either of two ways: either common law vested where they improve the Subdivision and actually go and start building. (A plan is not vested unless by Statute which it can be - this discussion has been held before. A time for vesting can be put into the regulations. This means it can vest at the time the developer asks the Board to vest.)

Eric stated he could make a list of what is out there.

Commissioner Martin stated he would like to move ahead with a specific time frame of when they could continue or when it was invalid and they would need to start all over again.

Don stated this can be handled in a Public Hearing and consider revocation of PUD's, have a series of public hearings both in front of the Planning Commission and the Board. The Board then considers the circumstances involved and decides.

The Board wants to consider Revocation at a Public Hearing with a date and definite time frame.

CONTINUED DISCUSSION ON PURCHASING POLICY

This was continued.

Recess until 9:00 A.M. on December 16, 1997.

DECEMBER 16, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 9:00 P.M. on Tuesday, December 16, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

BUDGET HEARINGS

The following department heads and elected officials presented amended budgets or discussed their budgets with the Board of County Commissioners:

Healthy Beginnings - Wanda Berryman
Social Services - Margaret Long
County Attorney - Don DeFord
Sheriff - Tom Dalessandri
Jail - Tom Dalessandri
Search and Rescue - Tom Dalessandri
Treasurer - Georgia Chamberlain
Nurse - Mary Meisner

Recess until December 17, 1997 at 7:00 A.M. for City County/Board of Commissioners.

DECEMBER 17, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners with Contract Employees began at 9:00 P.M. on Wednesday, December 17, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

Those contract employees interviewed included:

Mark Bean, Margaret Long, Chuck Deschenes, Dale Hancock, Sheriff Tom Dalessandri, Dale Hancock, Gary Janicek, King Lloyd, Don DeFord and Carolyn Dahlgren.

Decision on Salary Increases

Chuck asked if the Board had discussed the pay increase made a decision one way or the other.

Chuck stated there was two components - the longevity

Chairman Smith stated the 2,3, 4 and the pay for performance.

Commissioner McCown stated for his information with respect to the former contract employees there would be considerable expense hit at the first of the year.

This was discussed further.

Commissioner Martin stated he would like to go with the pay for performance. We've talked it and everything and would like to plug that in and you would need a motion.

Commissioner McCown and you are saying not adopt the longevity?

Commissioner Martin stated there is a lot in pay for performance and we need to debate that. He's like to take one step at a time.

Commissioner McCown the one step on longevity.

Commissioner Martin stated he was wavering right now due the overall expense, thinks they need to look at the budget and see how each one feels, is it going to be beneficial, is it really going to take care of the problem that we have, or is it that it will be looked at like an automatic raise for some.

Commissioner McCown yes it is and there's no way to get around that if we approve the longevity. The only reason that the longevity was recommended is to help with some of the compaction. He stated he got that from Mildred.

Commissioner Martin the compaction affects about 25 employees in the County. Is this what we want to do to take care of that compaction?

Chuck you still have the problem because some will have the same longevity so it doesn't erase that difference. I'll be specific because Mildred has problems in her office, but one of his problems is Sheryl Meyers and Jean Richardson in the Treasurer's Office. Sheryl's been here 18 years and is paid considerably less than Jean - Jean's been here 8 - 10 years so you can see the longevity will not make much difference. I attended to bring them up to you and face that problem head on. Mildred's office may have different problems. So if you do....

Mildred - another fact for instance is Ruth. Ruth is paid higher than some of the others and she hasn't been here as long. For one instance, the only thing the committee felt was that the longevity was the one time and would benefit employees who have been here for a long time and it was this one year and then do away with longevity. From then on, everybody though the pay for performance would place everybody in the same atmosphere - they are evaluated and go that way.

Commissioner McCown stated the only problem, your people that are making the most money are the ones that get the most in a raise. Your high end employees are most likely and there may be a very few cases, Ruth may be one of them, but go to Road and Bridge, your operator II's have most likely got the 9 years and are making the most money now. They're going to get a 4% longevity increase. Then they come over to their evaluation, you're going to create a lot bigger spread between them and the people that have been here 2 years but are working their tails off. And the best they are going to get on the evaluation, walking

on water which is one out of whatever the odds were, I think we're rewarding people because they've been here for a long time, not necessarily because they are doing anything.

Commissioner Martin - if this is what we want to do, that is what longevity is and it has some value.

Chairman Smith - yes, you're not having to re-train.

Commissioner McCown - wasn't saying he is against rewarding loyalty but along with that loyalty, to me there needs to be some - and I know there was a long time spent studying this, but there needs to be tie in of this. I think if you've got an employee over 9 years that comes in below a 400 on his evaluation he shouldn't get his longevity raise.

Commissioner Martin is that because of his performance this year or is that the 8 years prior.

Commissioner McCown - no this year.

Commissioner Martin - again it's a debate and that's why I opened it up because I do want an exchange. I'm on the fence with this to tell you the truth.

Commissioner McCown - the longevity will cost just as much as the pay for performance.

Chairman Smith - and I think the longevity is the very issue you raised may be in one place that somebody that isn't going to get much of a raise will get it but I agree.....

Commissioner McCown we've got the situation of the dump truck - that individual got a cut in pay this year for poor performance is not likely to get a pay for performance increase but will get a 4% increase just because he's been with the County.

Commissioner Martin - that's the other factor.

Agreed.

Commissioner Martin - that's my argument.

Commissioner McCown - yeah, but should he get it.

Chairman Smith - arguments are there on both sides - that training somebody takes time and longevity means there's less training that has to go into making that

Commissioner Martin - let's put it this way, we did a cost of living for 1997, is that correct.

Chairman Smith - we have never called them cost of living, I don't like that term.

Commissioner Martin - we did an adjustment and then we did a mid-year adjustment.

Commissioner McCown that was just bring people up to the minimum.

Commissioner Martin - certain ones not....

Chuck - but one of the problems is that creates the compaction issue and we talked about that at the time.

Longevity is not going to cure the compaction issues so whatever you want to do if fine with me.

Chairman Smith - I think a lot of departments - you know we talk about it - but I think a lot of them have plugged it into their wage line item, averaging out a 4 figuring the longevity so I think the dollars are in....

Commissioner McCown stated longevity 4 and this pay for performance at 4 - that's 8% and the cost of living this year was 3.2%.

Mildred - and the cost of living is higher than that in some places, she's seen on TV where it's up to 5%.

Commissioner McCown - said Colorado's Cost of Living this year for 3.2% - State average.

Chairman Smith - Larry I'm not going to argue with you on this at all.

Commissioner McCown it goes back to your higher paid people with an 8% increase will be making a whole heck of a lot more money than those busting their butt trying to make it with nothing on longevity and maybe 3% of the pay for performance.

Mildred - what you are doing on pay for performance, are you going to give an increase when it comes time this year then for their merit or when you do your evaluation on them, like July or August, otherwise, is percentage for that length of time to their evaluation - pro-rating it out.

Chairman Smith - anytime you start working with these things, it creates a problem during the year unless you hire everybody on the same day.

Commissioner McCown and then the biggest step

Chairman Smith - this year will be the most difficult in a lot of different ways.

Commissioner McCown - so an individual hired in August, been here 10 years, but his anniversary date is August, the evaluation is done by Jan. 15 to go into the system. He or she gets the percentage of that increase until August and then he's evaluated again.

Mildred - from what you said you would not give more money this year.

Commissioner McCown - but they're evaluated again.

Mildred - they're evaluated

Commissioner McCown - then that will take place January 1

Mildred - no, it would be on their anniversary date.

Commissioner McCown but how are you going to backload that difference from December
Mildred - not from what they recommended, there would be no increases in the beginning of the year....
a lot of overtalk
Mildred - on their anniversary date you're going to percentage it from January to August and then in August
if you evaluate are you going to give them an increase up to next August.
Commissioner Martin - that's why you don't want to give the longevity raise.
Mildred - this is not what we've talked about all this time.
Chairman Smith - Mildred I don't have -
Commissioner Martin - the way it figured out for pay for performance, I had no problem, it as built in there
with a pro-rated....
Chairman Smith - did you have longevity at the City? Personnel came on really just as she was leaving the
City.
Commissioner Martin - there were certain people that had it because they were grand-fathered in and then
they did away with it for the new hires which was a 1988 - anybody after that did not have it.
Chairman Smith - her concern is that we've sat here and talked about it and I'm sure that Dept. Heads, even
though we've said not to, Mildred stressed time after time, we know how the rumor mill files and I know
that's it's been talked about.
Commissioner Martin - at length
Commissioner McCown - I don't see how we can get out of this, we're prematurely evaluating them in
January just to get them through till their anniversary date.
Chairman Smith - some have an anniversary date....
Commissioner McCown - that's fine, but then if you're re-evaluating and we're still basing this on a pay for
performance, if you cannot give them a raise on their anniversary date, there's not need to have this pay for
performance in effect.
Commissioner Martin - word of mouth is what they did was to go ahead and rate them and then take their
anniversary date and that portion of the year, percentage of rating
Chairman Smith suggesting getting Barbara in on this.
Commissioner McCown said that we were giving no more raises in 1998.
Chuck - you need to structure it however they feel is equitable.
Commissioner McCown - so theoretically, an individual can get 9% starting January 1 and on his
anniversary date in August, and get a another 4 percent. He could get a 13% increase this year
Commissioner Martin - no he can only get 9% for that entire year and it is pro-rated out monthly until his
anniversary date.
-----more in-depth discussion about when employees would receive their increases-----

Commissioner McCown - if you would approve the longevity effective January 1 everyone would get that,
then you would get
Mildred - then let's evaluate them on their anniversary date and give the raise
Commissioner McCown - starting at that point.
Mildred - that's fine with me.
Chuck - give the longevity for the transition.
Commissioner McCown - would that make more sense?
Mildred - someday or another we've got to get it
Chairman Smith stated she had the graph they put together. This is the percentage they get.
Commissioner McCown - okay I'll
Chairman Smith - they don't get the full percentage until their anniversary, they figured it out how many
months it is until their anniversary date.
Commissioner Martin and that's why
Chairman Smith reviewed the graph and figures - showing the percentages. They have 30 there and then
come up to the 80 for the other nine months.
Commissioner McCown - looking at this evaluation that we've all got to have done by January 1, then new
hires, an individual who's anniversary date is April, they don't get an evaluation until the following April of
99.
Chairman Smith - that's why they were trying to have everybody's done this January and some will run
longer before the next evaluation.

Commissioner Martin - but they get it on the front end of a percentage basis until they reach their maximum and then they're good for a year.

Chairman Smith - stated they've used March, May, October and November.

The Board did an extensive review of the information relayed by the Personnel Committee.

They took several examples of individuals as to how it would work with a 4% longevity and time of evaluations.

Chairman Smith stated the Personnel Committee was talking 2 evaluations per year.

Mildred stated an evaluation and a review.

Commissioner McCown couldn't see an employee going 2 years without a pay raise.

Commissioner Martin stated well that employee hired in December received a 4% in January.

Mildred clarified that Commissioner Martin was saying, we give them a raise pro-rated out, when they are evaluated on their anniversary date, say May, you evaluate January and it's pro-rated until May, okay, they don't get another increase until Mildred evaluates....

Commissioner Martin - they get the balance on their May anniversary date.

Mildred - when we talked about them getting increases, we said no increases during the year.

Chairman Smith - no increases beyond...overtalk

Commissioner Martin - they have that pro-rated till May = anniversary date. On anniversary date they get the rest or bulk of their evaluation date, then the following year, they are evaluated again in May if the following year, they get their full amount. They are being raised already for a year, and the it will be one-year five months before they receive anything. This is being done to adjust to their anniversary dates. We are looking at the overall costs for that year.

Commissioner McCown stated the ones hired in October, November are getting screwed.

Commissioner Martin - they are getting a larger portion up-front.

Chairman Smith - it's rated differently for them.

This concept was further discussed using different scenarios of hired date and amounts/percentages.

Chairman Smith commented there is a lot who were hired later in the year.

Commissioner Martin added that's why the overall costs is there. But the overall cost is broken down to the increase per month per employee. The dollars are going to be the same and in 1999 until their anniversary date, they are still getting the same rate as in 1998.

Commissioner McCown stated then the majority of employees were hired late in the year, then they....
overtalk

Chuck stated he understood the concept, however he wished it were simpler because he felt the employees were going to have trouble understanding it.

Commissioner Martin reiterated the employee will have a pay increase on their anniversary date and it will be the same for one year.

Commissioner McCown asked what will he get next year?

Commissioner Martin stated next year you'll get pay for performance.

Commissioner McCown stated he wanted to be evaluated by January 15 and I'm one of these hired in May - I'll get a portion of my increase and that's going to step up in May but then, I'm going to be locked in at that number until May of 1999 until I'm evaluated again. Okay, then at that point, is the raise going to kick in immediately in May of 1999?

Chairman Smith - yes, but it will be staggered throughout the year.

Commissioner McCown - so I'm looking at 17 months in my case without a raise.

Commissioner Martin - well, you got a raise all the way through - you got a raise January 1

Commissioner McCown - yeah, but it was only pro-rated - I only got part of it - I didn't get the rest of it until May and then I go another year on that increase total. So, I'm looking at 17 months on one raise.

Agreed.

Commissioner Martin - you are buying into the anniversary date versus

Chairman Smith - everyone getting evaluated January 1/

Chuck - this is hard to explain

Commissioner McCown stated that he would more inclined to do - I would be more inclined to disregard January 1 evaluations, go with the overall longevity increase January 1 and then as your anniversary date comes up, be it March, August, whatever, you are evaluated and a raise was allocated at that time rather than this pro-rating.

Chairman Smith - that's another way of doing it, yeah.

Commissioner Martin - you'd get more immediately. But if you look at it that way you....

Mildred - but if you're under two years

Commissioner McCown - then I wouldn't get anything until my anniversary date. And they're the ones that will get hit.

Mildred added these were higher anyway

Chuck - yeah, they are closer to the market rates.

Commissioner Martin - then I'd say let's go ahead and do it that way. We'll probably be unpopular, we've changed the recommendation, but we'll go ahead.

Chairman Smith - what else's is new?

Commissioner McCown - I'm getting used to being unpopular here. You guys were all active on the Personnel Committee, how do you think that will be received?

Chairman Smith - Actually, I've got to tell you Larry, nobody seemed to have any real problem with this pro-rated, it passed unanimously from all of the people on the Committee.

Commissioner McCown - you know what, all of those people that attended where the department heads or elected officials. You get that down to the working class truck drivers, clerk and you explain that it's going to be 17 months before you may get a raise or an evaluation, and you're going to get a portion of it....

Chairman Smith - I was trying to think how we figured that we would work back into that anniversary date.

Chuck - well I know how it is, but I think there is going to be an understanding problem but of course you know my old saying, the tail of a horse is divided by a committee, so you know.

Discussion on how this will be taken by the Personnel Committee

Mildred - it sounded real good while discussing it at the Personnel Committee.

Chairman Smith - there were some real interesting comments

Commissioner McCown - who presented it at the time? Susan?

Chairman Smith - well actually Georgia and Jim Stevens and Colette - they are all on that.

Commissioner Martin - okay, it's time to make a decision.

Chairman Smith - how does anyone actually implement any changes in this whole thing.

Commissioner McCown - sometimes you have to pay me now or pay me later, and with this longevity you're paying them later. You're stringing the employee a long with this pro-rated thing and then another full year before you're giving them a raise.

Chuck - I just want something they'll understand.

Agreed.

Mildred asked Mark to come in and talk about longevity

Mark came in -

Chairman Smith stated they were getting stir crazy with numbers.

Overtalk

Chairman Smith - the confusion is this year, you know we got those graph on pro-rating, but the concern is that next year, 1999, somebody in October if we go anniversary dates, will not get any pay raise for 17 months. Are we interpreting this thing.

Mark - no from my understanding is, you'll get the initial pro-rated rate in the beginning of the year and in October you'll get the difference that will make up for the ensuing years, so it will only be a 12 month wait.

Mildred - what'll you'll get in October will be just to the end of the year.

Mark - I understand what you are saying.

Commissioner Martin - and the answer is, if you re-evaluate them in October, do they get another raise or do they wait another 12 months before they get a raise?

Mark - I was under the impression they would get the appropriate raise at the beginning of the year based on that evaluation

Commissioner Martin to that anniversary date which they would get the bulk. Now, it's time for an anniversary review - this pay for performance is done on the anniversary, am I going to get another raise after that anniversary evaluation?

Mark - I understand. They wouldn't - they are essentially getting - for lack of a better description - their annual review for this January's pay raise what will normally be in next year's budget I guess January 1 pro-rated and then we start each of our annuals from that point on every 12 months you go through the performance review and would have.....

Chairman Smith - so let's say you Mark were hired in October - we pro-rate that percent - you pro-rate it back to from January 1 to October, as of October you get the full amount of the raise. The way this graph shows, you get the full amount of the raise at the end of the year but does that carry on into the next year?

Commissioner McCown - and then you get another raise?

Mark - this is my understanding, I was sort of under the impression that in October I would be getting what theoretically what I would have gotten last October on January 1 from what the performance and then in October I would have a performance review that would occur that would be for the subsequent year.

Chairman Smith - so in essence you could have, with longevity, if we adopt longevity, for this one year, you could longevity, a raise in January and then you could also have another raise in October for the next anniversary year so you could have say 12% increase in those two months before the next year? Is that what you're....

Mark - theoretically that could occur, yes. and then there would be nothing more until October of the next year. It would only be 12% for the last three months.

Commissioner McCown suggested - how does this read - if we were to implement a longevity recommended increase effective January 1, 1998 for all employees - all those affected employees, then an evaluation would be done on their anniversary date in 1998 and they would receive whatever their evaluation showed.

Mark - that was one of the options that I think was discussed during that meeting and

Commissioner McCown - what was the negative side of that, do you remember?

Mark - for the person that didn't get any longevity and had a December 1 anniversary date, they would not see anything until December 1 or 1998 - that was their big argument.

Commissioner McCown but I think by the same token, from what I'm hearing here, most of the people that have been hired in the last two years are closer to market.

Mark - I know we've tired to do that.

Commissioner McCown I don't know, I see it as a boondoggle on that double raises that one year.

Chuck - there is a potential

Commissioner McCown - there's going to be a lot of expectancy there that is going to get real hard if the next year they go back to a 3 or 4 % on accrued evaluation situation. No longevity.

Chairman Smith - yeah, Larry the only thing that I suggest, is if we do what you suggest, that we do a percentage on longevity and when it first came out, they were using the 2 - 2.5 3 no they didn't outlawed longevity to 4 - and they didn't have it and I was thinking that maybe for 1 - 2 years you could give a small like 1.5% if we went to the 5 for longevity. It's 2 - 5, 5 - 9 and 9 and above.

Commissioner McCown - so if you just did a 1% - for 1 -2 years? That's very insignificant.

Commissioner Martin - that wouldn't help them that much.

Mildred - no because the government's going to get all that.

Commissioner Martin - less than 1.5% would be

Chairman Smith - Well I thought they first came in, the very first one, was using a 1.5% - I thought that was the way it went and then they came back and said well we changed those and moved them up to 4.

Discussion. Overtalk

Mildred - 1 -2; 2 - 5...

Commissioner McCown - for a pay for performance, I don't think a person can be evaluated unless they have one year can they.

Chairman Smith - that's why you do the 1 - 2.

Commissioner McCown so they wouldn't expect longevity benefits.

Commissioner Martin - no longevity and they don't get an evaluation.

Chairman Smith - no, so if you did 1 - 2 and then 2 - 5 and 5 - 9 and add that one more category

Mark - and then with the understanding that at.

Chairman Smith - at the anniversary date that pay for performance will kick in.

Commissioner Martin - to me that is easier to understand and it would be easier to explain to employees.

Mark, Larry to be honest, I understood the theory what they were trying to do overtalk

Commissioner McCown - yeah, even if you were hired in 1990 you get pro-rated raise in pay and then it May you get hit with another one, so you're drawing that from May to December. So you got a good raise.

Mark - the only questions you've got, it sounds like the necessity of doing all of our performance evaluations immediate asovertalk in terms of timing it puts us in a real bind.

Commissioner McCown - I think we need to do evaluations on the anniversary date.

Mildred - whatever we can sell to the employees

Commissioner McCown stated that Mildred has one not hired a year; Steve has the most new hires.

Commissioner Martin and Steve's done some adjustments on his compaction, hasn't' he?

Chuck - I think he's planning on addressing it next year.

Chairman Smith - 1 - 2 1.5%;

Commissioner McCown stated, I guess I would make a motion.....

Salary Motion

A motion was made by Commissioner McCown to adopt the longevity 1 - 2 years at 1.5%; 2 - 5 years = 2%; 5 - 9 years at 3%; and 9 plus years at 4% to become effective immediately January 1, 1998 and that the pay for performance scale ranging from 2% through 5.5% as per score be done on the employee's anniversary date starting 1998. The motion was seconded by Commissioner Martin.

Discussion - the longevity will help by doing this but each employee needs to be told they will be evaluated on their anniversary date.

The Board stated they will be doing evaluations of department heads right away. The new system will not begin until after they have evaluations.

Chuck indicated there was a lot of money distributed this past year during mid-year adjustments.

Motion carried.

Thompson Creek - Pitkin County - IGA

Chuck mentioned the Commissioners had previously discussed the agreement with Pitkin County for snow removal services.

Commissioner Martin stated this was actually a continuation as it has been done in the past.

Communication is needed between the two governing bodies in case there is a liability problem.

Chairman Smith brought this to their attention and commented that anytime the County does this outside the County jurisdiction a Memorandum of Understanding or an agreement is needed to be in place.

Commissioner Martin stated this should be raised from department level to department legal in order that staff knows what is going on.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the snow removal project on Thompson Creek 4/10's of a mile and Prince Creek Road to the end of the pavement - it's an Intergovernmental Agreement between Garfield County and Pitkin County with the stipulation that we are the party of second party that the party of the first part signs it first.

Commissioner Martin seconded; carried.

Copy Machine for Sheriff's Office

Chuck asked for approval from the Board to plug in the cost of a new copier for the Sheriff to fixed assets and do a regular procurement which would give it to them in mid-January with carry over from this year.

Commissioner McCown reminded Chuck this copy machine was only two years old.

Chuck stated he was going to discuss this with Mike. It was his understanding that Ricoh was coming in to check and see if the machine was a lemon and secondly was it sized right for the volume going through.

The Board approved for Chuck to proceed.

Extension

Carol McNeel stated she had discussed with Collbran Job Center the structures needed and stated it would not be a problem for the structures at the Fairgrounds. A letter is needed requesting their services and include two things in the letter - first off we were not depriving other people of a job by having them do the project; and that the project wouldn't get done without their participating.

Recess

A motion was made to recess until 8:00 A.M. on Friday, December 19, 1997 by Commissioner Martin and seconded by Commissioner McCown; carried.

DECEMBER 19, 1997

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 8:00 P.M. on Friday, December 19, 1997 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

CALL TO ORDER

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

Don DeFord discussed the fact that the publication on the notice was in the Citizen Telegram and the Valley Journal December 10, 11, 17 and 18, 1997.

Resolution - Budget - 1998

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution summarizing expenditures and revenues for each fund and adopting a budget for the county of Garfield, Colorado, for the calendar year beginning on the 1st day of January, 1998 and ending on the last day of December, 1998; carried.

Resolution - Appropriations

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution appropriating sums of money to the various funds and spending agencies, in the amounts and for the purpose as set forth within the resolution, for the County of Garfield, Colorado, for the 1998 budget year; carried.

Resolution - Levying Property Taxes

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with levying property taxes for the year 1997 to defray the costs of government for the County, various towns, cities, school districts with the County for the 1998 budget year; carried.

Resolution - Amending the Garfield County Budget - 1996

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with amending the approved Garfield County budget and appropriations resolution for the 1996 budget year; carried.

Resolution - Establishing Office Hours, Work Weeks, Schedule of Commissioners and Holidays

A motion was made by Commissioner Martin and seconded by Commissioners McCown to authorize the Chair to sign a resolution concerned with establishing office hours, work weeks, and holidays for the County offices and specifying the schedule of regular meeting days of the Board of County Commissioners and related matters; carried.

Amend - Emergency Medical Services Agreement - Jail

A motion was made by Commissioner McCown and seconded by Commissioner Martin to ratify the agreement and authorize the Chair to sign the amendment to the Emergency Medical Services Agreement for the Jail which amends the current contract which allows the Sheriff to opt to extend for three - one year

time periods, with some modifications - physical and off-site medical services going from \$16,000 to \$22,000 basically a deductible the County pays for inmates being treated off site i.e. hospital for 1998; also the monthly charge which goes from \$8,800 per month to \$11,720 per month; this extends the Agreement until December 31, 1998; carried.

Communications Authority - Amended IGA

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the amended agreement for the existing Intergovernmental Agreement for the Communications Authority; carried.

Executive Session - Litigation - Jail

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the jail litigation; carried.

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

Resolution - Citizens Review Panel

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution providing for the establishment of a welfare reform citizen review panel in accordance with Section 19-3-211, C.R. S. as amended; carried.

Adjourn

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn until January 5, 1998; carried.

Attest:

Chairman of the Board
